

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 1st DAY OF SEPTEMBER 2015  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers . . . . . Chairperson  
Alan M. Roper . . . . . Commissioner  
Dean Draper . . . . . Commissioner  
  
Pat Finlinson . . . . . County Attorney  
Marki Rowley . . . . . County Clerk  
Lesli Shields . . . . . Deputy County Clerk

ALSO PRESENT: Pat Manis . . . . . County Assessor  
Brandy Grace . . . . . County Auditor  
Sheri Dearden . . . . . County Treasurer  
Trent Wilde . . . . . USU Extension  
Terry Scottorn . . . . . Weed Department Supervisor  
Sheryl Dekker . . . . . Planning and Zoning  
Brandon Bartholomew . . . . . Natural Impressions  
Amanda Allen . . . . . Chronicle Progress

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF AUGUST 18, 2015, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held August 18, 2015, were presented for consideration and approval. Commissioner Draper made a motion to approve the minutes of August 18, 2015, as presented.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion

carried.

#### FOLLOW UP ACTION ITEMS FROM AUGUST 18, 2015

Commissioner Roper said that the Miss Utah Outstanding Teen Golf Tournament was held August 29, 2015, at River Oaks Golf Course in Sandy, Utah. He said that the team who represented Millard County took second place.

Commissioner Roper said that Pyper Mathews, Miss Millard Outstanding Teen, will report on the tournament at the next commission meeting.

Commissioner Withers said that Six County is holding a volunteer appreciation dinner Thursday, September 10, 2015, in Richfield, Utah. He said that the commissioners need to decide which County volunteers they will be sending to the dinner and then RSVP for those volunteers.

#### RATIFY THE APPROVAL TO ACCEPT THE GRANTS FOR THE ROAD DEPARTMENT, THE SHERIFF'S OFFICE AND THE WEED DEPARTMENT AND ALLOW THOSE OFFICES TO MOVE FORWARD ON THEIR PROJECTS

Commissioner Roper made a motion to ratify the approval to accept the grants for the Road Department, the Sheriff's Office and the Weed Department and allow those offices to move forward on their projects.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

#### REVIEW AND POSSIBLE APPROVAL OF A CONTRACT BETWEEN MILLARD COUNTY AND UTAH STATE UNIVERSITY (USU) EXTENSION FOR THE EXTENSION STAFF ASSISTANT AND EXTENSION EDUCATOR POSITIONS

Trent Wilde, USU Extension, gave an update regarding the hiring of his replacement as the USU Extension 4-H County Coordinator. He said that they will be interviewing three of the ten applicants who applied. He said that the interviews will take place the first week of October and will most likely be held in Millard County. He said, depending on who is hired, it could take a few weeks to a few months before they get started.

Mr. Wilde said that the commissioners' involvement in the interview process is encouraged and suggested they contact Dr. Ken White, Vice President of USU Extension/4-H to inform him that they would like to be involved.

Mr. Wilde presented the commissioners with a contract between Millard County and USU Extension for the Extension Staff Assistant and Extension Educator Positions. This contract was approved and budgeted last year when it was decided to change the 4-H position to a full-time position with benefits. He said that this contract reflects the revisions that were approved last year.

Mr. Wilde said that since the USU Extension Staff Assistant position was not filled until July

1, 2015, some of the money that was budgeted has been used for the 4-H program.

Commissioner Roper made a motion to approve a contract between Millard County and USU Extension for the Extension Staff Assistant and Extension Educator Positions.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Roper expressed his appreciation to Mr. Wilde for his help with the Millard County Fair and asked him to share his thoughts on the fair.

Mr. Wilde said that he thought the fair went well and that Karen Banks, USU Extension Staff Assistant, did an exceptional job. He said that he is very happy with Ms. Banks; she is very ambitious and organized and the County is in good hands with her.

Commissioner Roper asked Mr. Wilde to share any thoughts on how the Millard County Fair could be improved.

Mr. Wilde said that the Millard County Fair was quite successful considering that it is not associated with any other large events, such as a rodeo, livestock show, or a demolition derby. He suggested that the County look into holding these events in conjunction with the Fair, for a higher turnout in the future.

#### REVIEW OF SURPLUS REAL PROPERTY AND POSSIBLE APPROVAL OF AN ADVERTISEMENT TO SELL SAID PROPERTY

Commissioner Withers said that he was asked by a County Road Department employee, if the County would be willing to sell a piece of property in Garrison, Utah. This issue will be discussed at the next commission meeting.

Treasurer Dearden presented the commissioners with a revised list of surplus real property that was presented at the last meeting.

Auditor Grace said that the parcels will be advertised for 1-2 weeks. The parcel number and acreage with the legal descriptions will be included in the advertisement, as well as on the County website.

Commissioner Draper asked if there will be a minimum bid in place.

Auditor Grace recommended not requiring a minimum bid, since these parcels have already gone to tax sale and were returned to the County for lack of a bid.

The Commission discussed the preparation of the deeds and recording fees.

Commissioner Roper made a motion to advertise the designated surplus property for sale and impose a \$25.00 fee, per parcel, in addition to the successful bid amount; to cover the deed preparation and recording fees.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

## BID OPENING FOR THE WEED DEPARTMENT BUILDING

The commissioners discussed the bonding for the contractor selected to build the Weed Department Building.

Commissioner Withers said that the budget for the Weed Department Building is \$70,000.00 and the commissioners agreed that the bond should be 50% of the amount bid.

Auditor Grace opened the following bids:

- Pahvant Builders \$84,750.00:
  - Building and garage; \$56,400.00
  - Footing and foundations; \$16,000.000
  - Services; \$850.00
  - Concrete Slab; \$11,500.00
- Natural Impressions \$101,955.00:
  - Rocky Mountain Power transformer; \$11,005.00
  - Concrete Slab; \$9,300.00
  - Garage doors (4); \$6,000.00

Commissioner Withers said that it was his understanding that the Weed Department Building would share the Road Department's transformer.

Terry Scottorn, Weed Department Supervisor, said that the plans specifically called for a 200 amp entry so they would be able to run a welder.

Commissioner Roper made a motion to accept the bids, as presented and to review the specifications of the bids before making a decision.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

Brandon Bartholomew, Natural Impressions, asked if the contractors will be asked for clarification on their bids, since it seems they are so different.

Commissioner Withers said that the commissioners will review the bids to make sure they are comparable.

## CONSIDERATION AND POSSIBLE APPROVAL OF A RIGHT-OF-WAY FOR PATRICK PIPKIN

Attorney Finlinson said that Mr. Pipkin, Freedom Energy Farms, LLC, is wanting to revise a plan for his irrigation pivot in Eskdale, Utah and Mt. Wheeler Power will not extend a power line to Mr. Pipkin without an easement from the County.

Attorney Finlinson presented and explained the proposed right-of way document to the commissioners.

Commissioner Draper made a motion to approve the right-of-way for Mr. Pipkin, Freedom Energy Farms, LLC.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried.

#### APPOINTMENT OF CYNDEE PROBERT AS A PRO-TEM JUDGE FOR MILLARD COUNTY

Attorney Finlinson said that Cyndee Probert has been sworn in as the Fillmore City Justice Court Judge. The County would like cross designation for Judge Probert to cover County cases for Judge Deb Haveron when needed. He said that Justice Court Judges can serve in other jurisdictions, as necessary.

Commissioner Roper made a motion to accept the appointment of Judge Probert as a Pro-Tem Judge for Millard County.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

A business license application was presented for Fitch Leadership Training and Coaching, Owner - Mike Fitch; a company that provides leadership training, coaching and speaking to individuals and companies who want to focus on next level achievement. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for Fitch Leadership Training and Coaching, Owner - Mike Fitch.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

#### DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Commissioner Draper said that at the last commission meeting he mentioned that the Millard Care and Rehabilitation (MC&R) Board was considering changing four board positions to four-year terms, so they will expire on a staggered basis. He said that it was found that the board positions were already staggered, some ending in 2016 and some in 2018; therefore, no action will be needed.

Commissioner Draper said that Traditions Health Care interviewed three candidates for the Director position at MC&R. He said that Bryon Kroeger has accepted the offer for that position. Mr. Kroeger has since moved to Delta and started work today.

Commissioner Draper gave a brief synopsis of the trip he, Commissioner Withers and Scott Barney, MEDA Coordinator, took to McIntosh, Alabama and to Mont Belview, Texas, August 24 through August 27, 2015. While there, they toured the salt domes which are similar to the ones

Magnum is developing near the Intermountain Power Plant (IPP) in Delta, Utah.

Commissioner Roper said that he attended a Rural Committee meeting last week. There are ten leaders throughout the State that serve on the board; four of those leaders are from Millard County.

Commissioner Roper said that he and Mr. Barney met with Dr. Laura Nelson, Director at Utah Governor's Office of Energy Development. Mr. Barney gave Dr. Nelson an update on the trip taken to Alabama and Texas and asked if she would provide him information regarding her office's recruitment process.

Commissioner Roper said that the State is very interested in what Millard County is doing.

The commissioners expressed their condolences to Ronald Hare on the passing of his wife, Georgia Hare. Mr. Hare was Millard County's Justice Court Judge for many years.

Commissioner Withers said that the commissioners interviewed all five applicants for the Golf Pro Manager at the Sunset View Golf Course in Delta. He said that Casey Fowles has accepted the offer for that position. Mr. Fowles is currently employed at Palisades Golf Course near Manti, Utah, but Commissioner Withers is hopeful that he will be in Delta full-time within the next 30 days.

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

#### POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

There was none.

#### PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED AGRICULTURE PROTECTION AREA. MURPHY-BROWN, LLC, APPLICANT. APPLICATION #Z-2015-0216

Commissioner Roper made a motion to enter into a public hearing for the purpose of receiving public comment on a proposed Agriculture Protection Area. Murphy-Brown, LLC, Applicant. Application #Z-2015-0216.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public meeting began at 11:00 a.m..

Present were: Sheryl Dekker, Assessor Manis and Amanda Allen.

Sheryl Dekker, County Planner, said that Attorney Steve Styler has been working as the agent for Murphy-Brown, LLC, under the umbrella of Circle Four Farms, in Milford, UT. She said that she sees no problems with this application.

Ms. Dekker said that the purpose of an Agriculture Protection Area is for protection of farming operations so they can continue to move forward with operational growth without nuisance complaints.

Ms. Dekker said that in 1996, there were fifty or more farmers who applied for Agriculture Protection in Millard County; all of which have since expired. She said that she is hopeful those farmers will become aware of their expiration and if they want to keep their operations in an Agriculture Protection Area they will reapply. She said that there are only two active Agriculture Protection Areas in the area, which includes this application.

Ms. Dekker said that Murphy-Brown, LLC, has an isolation facility in Kanosh and the rest of its property is grazing land. She said that most of the property for this company is in the Antelope Springs Area by Cove Fort, Utah; with some parcels in Hatton, Utah.

Commissioner Draper made a motion to go out of the public hearing.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:03 a.m..

The regular meeting reconvened.

#### REVIEW AND POSSIBLE APPROVAL OF PROPOSED AGRICULTURE PROTECTION AREA. MURPHY-BROWN, LLC, APPLICANT. APPLICATION #Z-2015-0216

Commissioner Draper said that in the Planning & Zoning Commission public hearing it was mentioned that the only effect the Agriculture Protection has is protecting the agricultural business in place.

Attorney Finlinson said that one of the stated purposes of the Agriculture Protection Area is to put the public on notice that they are in, or near an Agriculture Protection Area and the rights for nuisance settlements are limited.

Commissioner Roper made a motion to approve the proposed Agriculture Protection Area, for Murphy-Brown, LLC, Applicant. Application #Z-2015-0216.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Draper said that he received communication that the owning entity for Murphy-Brown, LLC, and Circle Four Farms has changed its name to Smithfield.

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Draper made a motion to adjourn the meeting.

Commissioner Roper SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:06 a.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_