

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 4th DAY AUGUST OF 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: Brandy Grace . . . . . County Auditor  
Sheri Dearden . . . . . County Treasurer  
Wayne Jackson . . . . . Military Liaison  
Lauri & Pyper Mathews . . . . . Miss Millard  
Hannah Jones & Amanda Allen . . . . . Chronicle Progress  
Bill Vineis . . . . . Citizen

Note: Not all agenda items were followed in order

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 Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JULY 20, 2015, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 20, 2015, were presented for consideration and approval. Commissioner Draper made a motion to approve the minutes of July 20, 2015, as presented.

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

carried.

#### FOLLOW UP ACTION ITEMS FROM JULY 20, 2015

There were none.

#### APPOINTMENT OF INTERIM SUCCESSORS

The following offices submitted interim successors:

- Recorder's Office
- East Maintenance
- West Maintenance

Commissioner Roper made a motion to accept the interim successors as presented.

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

Clerk Rowley will submit copies of all interim successors to the Sheriff's Office and to the State.

#### DISCUSSION OF MSDS CUSTODY LOCATIONS IN MILLARD COUNTY

Attorney Finlinson explained that the Material Safety Data Set (MSDS) is a document that provides critical data for all chemicals used by a company or governmental entity. This document needs to be filed for 30 years for the protection of employees and annual training is required.

Attorney Finlinson said he received a call from the State Occupational Safety & Health Administration (OSHA) asking where the County was at with the MSDS.

Attorney Finlinson said the format and requirements will be changing and the County will have to be compliant with the new requirements by July 1, 2016.

Attorney Finlinson has been talking to a vendor in Chicago, Illinois, who will help the County compile the documents needed to become compliant, for a cost of under \$5,000.00.

The commission discussed which offices would have a MSDS and need annual training.

The commissioners approved Attorney Finlinson to continue talking to the vendor in Chicago and to bring the County compliant.

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR TERRY'S TINKER SHOP, OWNER - TED B. TERRY

A business license application was presented for Terry's Tinker Shop, Owner - Ted B. Terry; a mechanical shop. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Terry's Tinker Shop, Owner - Ted B. Terry.

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

## DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 15-08-04, A RESOLUTION AMENDING THE REQUIREMENT FOR COUNTY COMMISSIONERS TO APPROVE STEP AND GRADE SCALE RAISES AND PROMOTIONS

Commissioner Withers said there has been a discussion regarding a section of Resolution 13-01-22 that requires the commissioners to approve step and grade increases. The resolution will be amended so that elected officials can approve step and grade increases, with a review by the Auditor's Office.

Commissioner Withers said those departments without an elected official will continue to get approval from the commissioners for step and grade increases. Promotions for all departments/offices will continue to be approved by the commissioners.

Attorney Finlinson stated that Resolution 15-08-04 will be amending Resolution 13-01-22, Section 9, Compensation, Paragraph 5. The rest of Resolution 13-01-22 will remain the same.

Commissioner Roper made a motion to approve Resolution 15-08-04, a resolution amending the requirement for County Commissioners to approve step and grade raises.

Commissioner Draper SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Roper voted YES. Commissioner Draper voted YES. Commissioner Withers voted YES. The voting was unanimous and the motion carried.

## DISCUSSION AND POSSIBLE APPROVAL OF EMERGENCY FUNDING FOR OAK CITY IRRIGATION

Commissioner Withers said he has not received the itemized billing showing repairs and general maintenance from Oak City Irrigation Company that was requested. Therefore, this agenda item was stricken from the agenda.

## DISCUSSION AND POSSIBLE APPROVAL OF SPONSORSHIP FOR THE MISS UTAH OUTSTANDING TEEN GOLF TOURNAMENT - PYPHER MATHEWS

Pyper Mathews, Miss Millard Outstanding Teen, extended an invitation to the commissioners to participate in the Miss Utah Outstanding Teen Golf Tournament and asked if the commissioners would fund the \$500.00 participation fee. She explained that the tournament will help fund the scholarships given at the Miss Utah Outstanding Teen Pageant, which will be held September 25 through 26, 2015.

Ms. Mathews explained that the team will represent Millard County and will be made up of 4 members, at \$125.00 per person. She said the tournament will be held August 29, 2015, at River Oaks Golf Course in Sandy, Utah, and the registration deadline is August 22, 2015.

Commissioner Draper asked the commission what budget the \$500.00 would come out of, if this were approved. Auditor Grace said it could come out of Special Projects.

Lauri Mathews said that Kelly Swallow, Miss Millard Board Director, told her that if any money was left in the Miss Millard budget, it could be used towards the golf tournament.

Auditor Grace said money can be moved over to the Miss Millard budget, if needed.

Later, Ms. Mathews said each Outstanding Teen is required to bring a raffle prize to the golf tournament. She is working on putting a package together for a weekend in Millard County; including a two-night hotel stay, tickets to the museums in the County and some other items that will promote Millard County. Auditor Grace suggested adding a round of golf to the prize.

Attorney Finlinson advised Ms. Mathews that it would be considered a donation since raffles are illegal.

The commissioners will work on getting a team together and will contact Ms. Mathews with those names.

Ms. Mathews expressed her appreciation to the commission for its support of the Miss Millard Program.

Commissioner Roper made a motion to approve funding \$500.00 to sponsor a team at the Miss Utah Outstanding Teen Golf Tournament. The funds will come out of the Miss Millard budget.

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

## PUBLIC INPUT

Wayne Jackson, Military Liaison, said he gave the commissioners a paper to fill out for recognizing volunteers in Millard County at a previous commission meeting. He said that Six County is holding a volunteer appreciation dinner Thursday, September 10, 2015, in Richfield, Utah, and the volunteers will need to RSVP if they want to go.

Commissioner Roper asked how many volunteers could attend the appreciation dinner.

Mr. Jackson said he will find out and let the commissioners know.

Mr. Jackson apologized for not being able to get a fly over at the Millard County Fair this year, but assured the commissioners that there will be one next year.

## OTHER BUSINESS

Commissioner Draper said he received an invoice from Sunrise Engineering in the amount of \$776.65; for doing a building inspection while the County Building Inspector was on vacation. The rate on the invoice was at the new rate, but the services were performed before the new contract was approved.

The commissioners discussed the contract that was approved during the July 7, 2015, commission meeting, which has not yet been signed.

Commissioner Draper will contact Sunrise Engineering to get the invoice corrected.

Commissioner Draper said he sent a message to Sheriff Dekker to see if he could meet Friday, August 14, 2015 at 9:00 a.m., for the EMT/Ambulance discussion. They will let the Sheriff decide which side of the County they will meet. He will let the other commissioners know what is decided when he hears back from Sheriff Dekker.

Treasurer Dearden informed the commissioners that the Intermountain Power Plant (IPP)

meeting set for August 17, 2015, does not work for Mr. Peters. She said she will meet with the commissioners later to find an available day to reschedule.

Commissioner Draper said that Darrick Trump, Manager of Millard Care & Rehabilitation (MC&R), submitted his resignation. He will work through the end of August. Mr. Trump has recommended two people for consideration as his replacement. Traditions will take care of the hiring, but it will be subject to the approval of the MC&R Board.

Commissioner Withers said the commissioners will be meeting with Governor Gary Herbert, Thursday, August 6, 2015; first in Parowan, Utah, at 11:00 a.m. and then in Delta at 3:30 p.m.. Governor Herbert also plans to go with the commissioners to the Topaz Museum and Millard County Fair later that afternoon.

Commissioner Draper said the Republican Party Convention will be held at the School District Building, in Delta, Thursday, August 6, 2015, at 7:00 p.m.. They will be electing the County Officers so one of the commissioners will need to be present. Governor Herbert will also be present at the convention.

Commissioner Roper said the commissioners have been invited to a meeting with the Bureau of Land Management (BLM), Wednesday, August 5, 2015, at 9:00 a.m. The BLM will be giving an update on the Environmental Impact Statement (EIS) with Peak Minerals and some other issues.

Commissioner Roper said he will be attending a meeting with the Utah Governor's Office of Economic Development (GOED), in Cedar City, Utah, Wednesday, August 5, 2015, at 11:30 a.m..

Commissioner Roper said there is a Planning & Zoning meeting Wednesday, August 5, 2015, at 7:00 p.m..

Commissioner Roper said the Millard County Fair will be held August 5 through August 8, 2015, at the Millard County Fairgrounds in Delta.

Commissioner Roper said he received a text from Landon Rowley, County Fire Warden, concerning a Facebook post from county commissioners saying that the Forest Service needs to put the Solitude Fire out. The Millard County Commissioners were given credit for that Facebook post.

Auditor Grace said it was the Paiute County Commissioners who are responsible for the Facebook post.

Commissioner Draper said he discussed the Facebook post with Dell Barnhurst, USDA Forest Service Ranger, and Mr. Rowley and they are both aware that the Paiute County Commissioners are responsible for the post.

Commissioner Draper then gave a brief overview of the Solitude Fire that is burning East of Fillmore. He said that this weekend's storms helped mitigate the fire tremendously and the Forest Service is confident that it is under control. The Forest Service turned the fire into a controlled burn to get rid of some hazardous debris.

Commissioner Roper expressed his appreciation for Mr. Rowley on handling this situation

the way he did.

Commissioner Withers said the County is in the process of hiring a new Golf Pro which will take four to six weeks to complete the process. An advertisement for the position will be run in the Chronicle Progress for one more week and will also be on the PGA website. He said that Todd Mullen's last day was August 3, 2015.

Commissioner Withers said Scott Barney, Economic Development Director, is available to help occasionally in the office, as needed.

Commissioner Draper said there is a Scoping Meeting August 5, 2015, from 4:00 p.m. to 7:00 p.m., at the School District Office. He said all stake holders will present the impacts and benefits of developing the Potash Mine on the south end of Sevier Lake.

Commissioner Roper said he took a field trip to the Potash Mine yesterday which was well attended.

#### DISCUSSION REGARDING AN ISSUE AT THE SCIPIO LANDFILL - JED MEMMOTT

Commissioner Roper said that Scipio Town Mayor, Jed Memmott, has expressed concerns with Yuba State Park dumping at the Scipio Landfill. Mayor Memmott also mentioned that the Flying J is in the process of renting containers from the County to haul its garbage out.

Later, Commissioner Withers said he will talk to Sheryl Dekker, Millard County Landfill Operations Manager, about the issue at the Scipio Landfill. He said there is a contract with the State Parks to provide some dumping, but he is not sure what that contract entails. He will look into this issue further.

Commissioner Roper said Mayor Memmott also asked if there was any chance of getting any re-used road base to put around the community building.

Commissioner Withers said he received a call from Mayor Memmott regarding the re-used road base and he gave him the phone number for Brandon Winget, County Road Department.

Commissioner Roper said he talked to Mr. Winget, who said that there is road base available, but it is very coarse. Mayor Memmott said they would still like to use it and they will do a chip seal over it.

Later, Commissioner Draper questioned the cash value of the re-used road base.

Commissioner Withers explained that when the County Road Department is putting a new road down, they will usually allow the towns in the County to have the re-used road base if needed.

Commissioner Draper said there may be a conflict since the right-of-way in front of the community building in Scipio is State owned.

Commissioner Roper said they are only paving behind the building, not in front of it. The State will be paving in front on the State owned right-of-way.

Commissioner Draper said he does not want any future conflicts with other towns in the County who may want the same favors.

Commissioner Withers said if it becomes a problem, the County can just stop doing it.

Commissioner Roper said that the County Road Department was involved with putting Mag

Chloride on the road to the Pavant Solar Project, which should help with the dust issues and preserving the road.

Commissioner Roper asked if there was any follow up regarding the caved in fence at the landfill, which was discussed at the last commission meeting. The fence caved in when a County road was being pushed a few years ago. Now there is so much debris over by where the fence was that they are unable to pound posts. The fence was there to help keep animals out of the landfill.

Commissioner Withers said he will talk to Phil Lovell, Landfill, about this issue.

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

Commissioner Withers received a letter from SITLA regarding the transferring of SITLA land on the West Desert, giving notification that there is no other action.

Commissioner Draper said that there is still the possibility of the paper water issue attached to the land, so that may become a concern.

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.

WHERE UPON THE MEETING ADJOURNED

Commissioner Roper made a motion to adjourn the meeting.

Commissioner Draper SECONDED the motion. The voting was unanimous and the meeting adjourned at 10:47 a.m..

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

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