

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 15th 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: Brandy Grace County Auditor
Sheri Dearden County Treasurer
Pat Manis County Assessor
Wayne Jackson Military Liaison
Scott Barney MEDA Coordinator
Lauri & Pyper Mathews Miss Millard Outstanding Teen

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 SEPTEMBER 1, 2015, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 1, 2015, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of September 1, 2015, as corrected.

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

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 1, 2015

There were none.

RATIFY THE APPROVAL OF A BUSINESS LICENSE FOR FITCH LEADERSHIP TRAINING & COACHING, OWNER - MIKE FITCH

Commissioner Roper made a motion to ratify the approval of a business license for Fitch Leadership Training & Coaching, Owner - Mike Fitch.

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

REPORT ON THE STATUS OF THE CONTRACT FOR CONSTRUCTION OF THE WEED DEPARTMENT BUILDING

Commissioner Withers said that he met with the Weed Board September 9, 2015, to go over the two bids opened at the last commission meeting for the construction of the Weed Department Building. He said that Pahvant Builders submitted the lowest bid at \$73,600.00, which is \$3,600.00 over the amount budgeted. He said the commissioners will discuss if the \$3,600.00 can be taken out of another line item within the Capital Projects Fund.

Commissioner Withers explained that the project bid was for the building, doors and for the stubbing in the electrical and plumbing. There was not enough money budgeted to complete the inside of the building, however, the Weed Department will apply for funding next year to complete the project.

Commissioner Roper recused himself from the discussion due to a possible conflict of interest, but reminded the commissioners that at the last commission meeting, Brandon Bartholomew, Natural Impressions, asked if he could explain his bid, since the two bids opened were so different.

Commissioner Withers said that he will contact both bidders to get input on each of their bids.

Attorney Finlinson recommended not writing the bid specifications on the white board during commission meetings anymore, because the bids are protected documents until awarded, under GRAMA. He suggested to only announce the bidders name and the total bid amount and to compare the bid specifications privately. He said he will do further research before the next bid opening.

Attorney Finlinson also suggested the County be more specific in its future Request for Proposals (RFP).

The commissioners discussed the bidding process and what can and cannot be done in accordance with GRAMA.

Commissioner Draper made a motion to table this agenda item.

Commissioner Withers stepped from the chair and **SECONDED** the motion. The voting was passed by a majority vote.

DISCUSSION AND POSSIBLE APPROVAL OF THE COUNTY ESTABLISHING COOPERATING AGENCY STATUS

Commissioner Draper said he received a letter from the Bureau of Land Management (BLM) inviting the commission to participate as a Cooperating Agency on the Crystal Peaks Minerals Sevier Playa Potash Project.

Commissioner Draper explained the difference between a Cooperating Agency and a Coordinating Agency. He also discussed some of the things he learned while researching this.

Commissioner Draper said the County will need to respond as a Cooperating Agency for Crystal Peak Minerals and would like to be established as a Coordinating Agency for all Federal entities. He said that Six County Association of Government (AOG) and the Utah Association of Counties (UAC) have recommended all Counties be established as Coordinating Agencies.

Attorney Finlinson stated that a Coordinating Agency is a broad spectrum and a Cooperating Agency is more specific. He said there is no harm with the County declaring itself both a Coordinating Agency and a Cooperating Agency.

Commissioner Roper suggested to bring this issue up next week at the Utah Counties Indemnity Pool (UCIP) meeting.

Commissioner Draper will look into the process of declaring the County both a Coordinating Agency and a Cooperating Agency; he will report his findings at a future meeting.

DISCUSSION REGARDING POSSIBLY SELLING TWO PARCELS OF COUNTY PROPERTY; ONE IN GARRISON AND ONE IN FILLMORE

Commissioner Withers said that he was approached by a few people who are interested in purchasing County property in Fillmore and Garrison. He said the commissioners need to decide whether or not to sell these parcels.

The Commission discussed that a previous employee lived in a trailer placed on the property in Garrison, while he worked for the County. Now a newly hired county employee wants to purchase the property to build a house.

Assessor Manis said that this property is 0.99 acres and has water, power and a septic system and is the only County owned property in that section. He said the County does own a parcel across the street, which has all utilities, where the current Millard County West Desert Deputy lives.

Commissioner Roper suggested that if the County decides to sell this property, they should get it appraised.

Both Commissioners Roper and Draper agreed that the County may not want to relinquish ownership of this piece of property, since it could prove to be very valuable for the County.

The Commission then discussed the property in Fillmore, which is located by the Indoor Arena. The homeowner adjacent to the property asked if the County would be interested in selling it.

Commissioner Roper said that he believes that property was donated to the County and it may not be a good idea to sell donated property.

Commissioner Draper also said that the County may want to use that property for road access in the future.

The Commission decided not to sell either property. Commissioner Withers will inform both parties of the decision.

DISCUSSION AND POSSIBLE APPROVAL OF EMERGENCY FUNDING FOR OAK CITY IRRIGATION

This agenda item was tabled.

PUBLIC INPUT

Wayne Jackson, Military Liaison, said that he just returned from a very informative trip to Washington D.C.. While there, he presented thirty resolutions that were all passed.

Commissioner Roper expressed his appreciation to Mr. Jackson for all that he does for the County.

Mr. Jackson said that the Military handed out pins at all of the Bar D Wrangler events during the Old Capitol Arts Festival, .

Mr. Jackson thanked the commissioners for the information they provided on opening up the landfill six days a week.

Mr. Jackson said that he was nominated as a member of the Army, Navy and Air Force Veterans in Canada and the United States (ANAVICUS). He said that it is an honor to help the veterans of Millard County and he appreciates the opportunity to represent the County.

Mr. Jackson said that there will not be anymore Honor Flights to Washington D.C. this year. He said that Honor Flights is a great thing and he hopes to keep it going.

Commissioner Roper said that he thinks the public appreciates and supports the Honor Flights Program.

OTHER BUSINESS

Commissioner Draper said that the published RFP regarding the County Resource Management Plan (RMP), states that the commissioners could meet with any applicant to provide information needed to create a proposal. A meeting was scheduled for September 16, 2015, but due to scheduling conflicts it will need to be rescheduled.

The commissioners tentatively rescheduled this meeting to Thursday, September 17, 2015, at 9:00 a.m., in Delta.

Later, it was discussed to possibly meet Monday, September 21, 2015, instead of Thursday, September 17, 2015. Commissioner Draper will schedule the meeting and confirm with the other commissioners.

Commissioner Draper said that there have only been two responses to the RFP. The deadline for applying is September 16, 2015; the deadline for written proposals is October 2, 2015. The commission will discuss this at the October 6, 2015, Commission Meeting.

Later, Commissioner Roper asked Commissioner Draper if he responded to the RFP from Sunrise Engineering for the RMP.

Commissioner Draper confirmed that Sunrise Engineering is one of the two who responded to the RFP asking for information to create the proposal. The commissioners will be meeting with Sunrise Engineering to answer questions.

Commissioner Roper said that he will be attending the Community Development Agency (CDA) meeting with Iron County tomorrow along with Auditor Grace, Treasurer Dearden and Assessor Manis. He will then travel to Richfield for a Mental Health Meeting and then back to Fillmore for another meeting later that day.

Commissioner Roper said that Economic Development Corporation of Utah (EDCU) has their annual review at the Grand America Hotel, September 22, 2015, from 11:00 a.m. to 2:00 p.m.. He said the MEDA Board and Six County have bought tables; there are a few seats available at those tables. He said that the annual review gives an overview of what has taken place economically in Utah.

Commissioner Roper reminded the commissioners that they need to meet with Sheryl Dekker, County Planner, and Darrell Owens, County Building Inspector, about an Agricultural Building Permit.

The commissioners tentatively scheduled this meeting for Thursday, September 17, 2015, at 10:00 a.m., in Delta.

Commissioner Roper said that he has a ride scheduled with Paiute County on Thursday, September 17, 2015.

Commissioner Roper reminded the commissioners that they were all invited to a Potash Road field trip with the BLM. He responded that his availability dates for that field trip are October 22, 23 or 27, 2015. He suggested that the other commissioners respond their availability dates as well.

Commissioner Withers presented and signed an overlooked document from the last commission meeting for an Agriculture Protection Area approved for Murphy Brown, LLC.

Commissioner Withers will return the original document to Ms. Dekker for filing.

Commissioner Withers said that he received a phone call from Karen Banks, 4-H Director, asking for approval to use some of the 4-H budget to fund 50% of the cost of sending six kids on a 4-H excursion to Washington D.C.. He said he thinks it would be great for the kids, but is not sure it is the County's responsibility to provide financial aid for field trips.

Commissioner Withers said the kids need to be signed up for this year's trip by October 1, 2015. Ms. Banks told him that six students who have participated in 4-H for several years will be attending this trip. The cost for 50% of the trip would be about \$800.00 per student.

Auditor Grace explained that the extra money in the 4-H budget is from a full year's budget of salaries and wages that were not used this year, because the position was not filled until July 1, 2015.

Commissioner Draper said that he does not think that the field trip is county business related and does not support using county money to fund it.

Commissioner Roper said that it is the USU Extension's 4-H budget and can be used at their discretion. However, he said he would rather they use that money to help a hundred students instead of only six.

Commissioner Withers will let Ms. Banks know about what was discussed today.

Treasurer Dearden confirmed a meeting set with Attorney Tom Peters, regarding State Assessed Appeals October 5, 2015, at 10:00 a.m. at Holland & Hart LLP, in Salt Lake City. She said Attorney Peters asked to have a pre-meeting conference call September 29, 2015.

Treasurer Dearden said that the commissioners, Attorney Finlinson, Auditor Grace, Assessor Manis and herself will need to attend both meetings.

Treasurer Dearden presented the financial reports for the month of August.

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

Attorney Finlinson thanked the commissioners for the County Attorney's Office located at the satellite office in Delta.

Clerk Rowley informed the Commission that she applied for and received a federally funded ADA compliant grant from the State of Utah in the amount of \$801.57. The grant was approved for small projects and temporary upgrades to bring polling locations ADA compliant. She said that she is still waiting on bids for bigger projects from polling location owners. Once she receives those bids she will apply for an additional grant to cover those projects.

Commissioner Draper said that he and Attorney Finlinson are going to take a field trip Friday, September 18, 2015, to explore a land use situation in the County.

Commissioner Roper asked for a report on the Main Street Courthouse remodel project.

Auditor Grace said that her office has been completed and they are currently working on the Treasurer's office. She said that she has received several public comments on how beautiful it is and that it is about time the County remodeled it.

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.

REVIEW AND POSSIBLE APPROVAL OF THE BUSINESS EXPANSION & RETENTION (BEAR) GRANT APPLICATION FOR THE YEAR 2015-2016

Scott Barney, MEDA Coordinator, said that he applied for and received approval of the BEAR Grant in the amount of \$42,025.00.

Commissioner Roper asked Mr. Barney how many other counties participated in this program.

Mr. Barney said that only rural counties are eligible; Millard County and Wayne County are the only counties who applied in the Six County area.

Mr. Barney said that with this grant, MEDA can offer technical assistance to businesses, located both inside and outside of the State. He said that if the grant money is not used, the State retains it.

Mr. Barney said that the Economic Development Office will submit all the paperwork required for reimbursement.

Commissioner Roper said he thinks the BEAR Grant is a great program for the County.

The commissioners discussed and agreed that if Mr. Barney needs help in his office, the County will look into hiring someone.

Commissioner Roper made a motion to approve acceptance of the BEAR Grant application for the year 2015-2016.

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

OTHER BUSINESS CONTINUED

Commissioner Roper said that Bart Whatcott, East Millard Recreation, received three telephone bids for bleachers at the soccer field. He said some bids were under \$25,000.00 and some were over \$25,000.00.

Auditor Grace said that anything over \$25,000 requires sealed bids.

Attorney Finlinson recommended putting it out for bid since some bids were over \$25,000.00.

Commissioner Roper will inform Mr. Whatcott that he will have to advertise the project for bid.

Auditor Grace reminded the commissioners of a telephone status conference tomorrow at 1:15 p.m., with the Utah State Tax Commission; regarding Milford Wind's 2011 and 2013 tax appeal.

Commissioner Withers will initiate the call.

Auditor Grace informed the Commission that the status conference on International Automated Systems scheduled for today has been postponed until September 22, 2015, at 2:15 p.m..

REPORT ON MISS UTAH OUTSTANDING TEEN GOLF TOURNAMENT - MISS MILLARD

OUTSTANDING TEEN, PYPER MATHEWS

Pyper Mathews, Miss Millard Outstanding Teen, reported on the Miss Utah Outstanding Teen Golf Tournament that was held August 29, 2015. She said that the team from Millard County tied for 2nd place and ended up taking 3rd overall.

Ms. Mathews said she met all the other Miss Utah Outstanding Teen contestants and it was a fun day. She thanked the Commission for sponsoring a team for her.

Ms. Mathews said that the Miss Utah Outstanding Teen Pageant will be held September 25 and September 26, 2015.

Ms. Mathews said she will be holding a send off party at the Millard High School (MHS) Auditorium September 22, 2015, at 7:00 p.m.. She will have her pageant wardrobe on display. She will speak about her platform and some of her royalty and the MHS Drill Team will be performing. She invited the commissioners and the community to attend the party.

Commissioner Roper asked Ms. Pyper how sponsoring a team at the golf tournament benefitted Millard County.

Ms. Mathews said that the prizes she donated included hotel rooms and rounds of golf in Fillmore, which will bring people to the County.

The commissioners thanked Ms. Pyper for representing Millard County.

OTHER BUSINESS CONTINUED

Clerk Rowley invited the commissioners to attend an election seminar in Provo, Utah, September 16, 2015, with her and Deputy Shields.

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 11:18 a.m..

Attest: _____

Approved: _____