

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 6th DAY OF OCTOBER 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: Kathryn Steffey Smith Hartvigsen
Tiffany James Magnum Gas
Wayne Jackson Military Liaison
Sheryl Dekker County Planner
Brandy Grace County Auditor
Pat Manis County Assessor
Sheri Dearden County Treasurer

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 SEPTEMBER 15, 2015, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 15, 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 15, 2015, as corrected.

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

carried.

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 15, 2015

Commissioner Draper said that a Request for Proposal (RFP) was issued on the County Resource Management Plan (RMP), however, there were errors in the published RFP. The RFP has been retracted and will be reissued with the corrections. He said that he hopes to discuss this item at the next commission meeting.

Commissioner Roper said that the County has received written bids for the bleachers at the soccer field and asked if it could be awarded today.

Clerk Rowley said that Auditor Grace asked that it not be awarded until it could be advertised for sealed bids to comply with policy. Policy states that any project over \$25,000.00 must be advertised for sealed bids.

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

Commissioner Withers said that two sealed bids were opened at a previous commission meeting for construction of the Weed Department building. He said that there was some confusion with the two bids, so he contacted both bidders to have them explain their bids. He said that it was found that one bidder did not follow the specifications on the RFP. This bidder based his bid off of a conversation with someone on the Weed Board instead of following the RFP; therefore, his bid was considerably higher.

Commissioner Withers said that when an RFP is issued, bidders should base their bid off of the RFP, not off of a conversation.

Attorney Finlinson said that the Commission can either award the bid or start the bidding process over. He said that there are possible issues with either decision.

Commissioner Roper reminded the Commission that he had recused himself from the conversation at the last commission meeting due to a possible conflict of interest.

Commissioner Draper made a motion to accept the bid from Pahvant Builders, who submitted the lowest bid and prepared its bid according to the RFP issued.

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

REVIEW OF JANITORIAL CONTRACTS

Clerk Rowley said that there are currently ten janitorial contracts in the County, all of which expire December 31, 2015. She said that these contracts are re-bid every two years.

Commissioner Withers asked Clerk Rowley to advertise for the janitorial contracts so they can be renewed and in place by January 1, 2016.

The bids for the janitorial contracts were tentatively scheduled to be opened at the December

1, 2015, commission meeting.

REVIEW AND POSSIBLE APPROVAL OF A WEBSITE MAINTENANCE AGREEMENT WITH UTAH ASSOCIATION OF COUNTIES (UAC)

Auditor Grace said that UAC funded the development of the new County website. They spent about \$13,762.00 to get it up and running, which was about double what they had anticipated spending. She explained that there is a need for ongoing attention with the website, including fire walls, backups, and other items that come up and are outside of the County's expertise.

Auditor Grace said the website maintenance agreement with UAC is in the amount of \$350.00 per month. This agreement will include keeping the website up to date, taking care of licensing requirements, backups, fire walls and up to 9 hours of support each month. She said that she feels this is a good bargain and recommends entering into this agreement.

Commissioner Roper and Auditor Grace discussed if there was available funding for this contract for the remaining months of 2015 and that they will have to budget for next year's contract.

Commissioner Roper made a motion to approve a website maintenance agreement with UAC in the amount of \$350.00 per month.

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

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PUBLIC INPUT

Wayne Jackson, Military Liaison, said that a few Fillmore residents have been called up for deployment with the Army National Guard 116th Engineer Company. He said that Fillmore City recently passed Resolution 1507, which states Fillmore City will pay up to \$200.00 of a deployed citizen's Fillmore City utility bills, while on active duty orders.

Mr. Jackson expressed his appreciation to the commission for the letter they sent on his behalf for the White House and the Presidential Award through Six County Association of Government (AOG).

Mr. Jackson said that there is a rumor that the National Guard Building in Fillmore could possibly be shut down by 2020-2021. He said that he has no other information; he just wanted the commissioners to be aware of that rumor.

Mr. Jackson will call General Burton to confirm that rumor and will report his findings to the Commission.

Commissioner Roper said that the Commission is happy to petition for that building to stay open, as it is of great value to the County. He asked Mr. Jackson to keep the Commission apprised of this situation.

OTHER BUSINESS

Commissioner Withers said that he received a call from Dee Hollingshead, Millard County TV Technician, regarding a maintenance agreement with Newsmax Television. He said the commissioners and Attorney Finlinson will review the agreement and discuss it at the next commission meeting.

Commissioner Draper said that the Rural Public Land County Council (RPLCC) contract for Robert K. Weidner's services as a lobbyist for the County is due for renewal.

Commissioner Withers said that the County budgeted \$16,000.00 for this contract in 2015 and will discuss budgeting it again in 2016. This will be brought back at the next commission meeting for discussion and renewal.

Clerk Rowley said that the County is redoing the parking lot of the County's Election Polling Place at Kanosh Town Hall, to bring it ADA compliant. This will be done through a State grant the County will be applying for. She said that she received two bids that were both over \$25,000.00; therefore, to comply with County policy, she has run an advertisement in the paper requesting sealed bids. These bids will be opened during the October 20, 2015, commission meeting.

Clerk Rowley reminded the Commission that the County will have to pay for this project up front, but will be reimbursed 100% by the grant, as discussed in previous meetings.

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

Attorney Finlinson said that the County will probably be spending a lot more money on indigent defense in the future and discussed some of the things that have been happening at the State and National level regarding public defenders. He said one option discussed was having the State hold all the public defender contracts, which will cost the County a lot more money.

Commissioner Withers asked Attorney Finlinson how they should anticipate budgeting for the public defender in the 2016 Budget.

Attorney Finlinson advised the Commission to budget double what is currently budgeted for the public defender.

Commissioner Roper said that he and Commissioner Draper attended the Utah Counties Indemnity Pool (UCIP) meeting in Midway, Utah. He said that there was a discussion regarding RS2477 Roads and identifying those roads in the County. He said that the County needs to find people over age 70 who are willing to film a deposition identifying certain roads in the County.

Later, Commissioner Draper added that there is a possibility the age for identifying those roads will be lowered to 60-65. He said that the witnesses must declare that certain roads were established before 1976 and must agree to be cross-examined. He said that some witnesses have been reluctant to participate.

Commissioner Roper said that he, Auditor Grace, Treasurer Dearden and Assessor Manis all attended a Community Development Agency (CDA) meeting in Parowan, Utah.

Commissioner Roper reported on the Economic Development Corporation of Utah (EDCU) banquet that he attended at the Grand America Hotel, September 22, 2015. He said it was well attended by Millard County and was a great update on what is taking place economically in Utah.

Commissioner Roper gave an update on the Main Street Courthouse remodel. He said that the Auditor's Office, Treasurer's Office and the lobby are all complete.

Commissioner Draper discussed a meeting that he and Commissioner Roper attended with the Utah State Lands Forestry and Fire.

Commissioner Withers reported that the commissioners, Treasurer Dearden, Auditor Grace, Assessor Manis and Attorney Finlinson all met with Attorney Tom Peters, regarding State Assessed Appeals. He said that this will be an ongoing negotiation.

Commissioner Roper stated that Pyper Mathews, Miss Millard Outstanding Teen, finished in the top ten at the Miss Utah Outstanding Teen Pageant and received the Fitness Award. He said that the County is very proud of her and her representation of Millard County.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

Commissioner Roper made a motion to go into a closed executive session to discuss litigation.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. Present in the closed session were: Commissioner Withers, Commissioner Draper, Commissioner Roper, Treasurer Dearden, Auditor Grace and Assessor Manis.

After the closed executive session the regular meeting reconvened at 11:09 a.m..

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED AMENDMENT TO THE MILLARD COUNTY GENERAL PLAN, UTILITIES ELEMENT, TO ALLOW FOR A CHANGE TO THE MAJOR UTILITY CORRIDOR MAP. ECG UTAH SOLAR 1, LLC - APPLICANT. UTAH STATE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA) - OWNER. APPLICATION #Z-2015-022

Commissioner Withers said that the applicant asked for this agenda item to be tabled.

Commissioner Roper made a motion to table this agenda item.

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

Tiffany James, Magnum Gas, stated that Magnum Gas has filed a protest on the General Plan Amendment and the Conditional Use Permit (CUP) applications. She requested that the County take this into consideration as they move forward on the application process in the future.

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 15-10-06, AN ORDINANCE OF MILLARD COUNTY, UTAH, AMENDING THE MILLARD COUNTY GENERAL PLAN PREFERRED MAJOR UTILITIES CORRIDOR MAP, AN OFFICIAL MAP OF MILLARD COUNTY. ECG UTAH SOLAR 1, LLC - APPLICANT. UTAH (SITLA) - OWNER. APPLICATION #Z-2015-022

Commissioner Roper made a motion to table this agenda item.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A ZONING ORDINANCE MAP AMENDMENT APPLICATION TO CHANGE THE ZONING OF THE PROPERTY FROM AGRICULTURE (AG) TO RANGE & FOREST (RF). MCCORNWOOD ENTERPRISES, LLC (GREG KESLER) - APPLICANT. APPLICATION #Z-2015-025.

Commissioner Roper made a motion to enter into a public hearing for the purpose of receiving public comment on a Zoning Ordinance Map Amendment Application to change the zoning of the property from AG to RF. McCornwood Enterprises, LLC (Greg Kesler) - Applicant. Application #Z-2015-025.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public meeting began at 11:15 a.m..

Present were: Assessor Manis, Tiffany James, Kathryn Steffey and Sheryl Dekker.

Ms. Dekker, County Planner, said McCornwood Enterprises is the owner of the property, but Pahvant Solar is the entity requesting the zone change in order to start Phase II of the project. She said the ground is scrub brush and is not being used for grazing.

There were no other comments made.

Commissioner Draper made a motion to close the public hearing.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:17 a.m..

The regular meeting reconvened.

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 15-10-06A, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING A ZONE AND ZONING MAP OF

MILLARD COUNTY TO RECLASSIFY CERTAIN PROPERTY FROM AG TO RF.
MCCORNWOOD ENTERPRISES, LLC (GREG KESLER) - APPLICANT. APPLICATION
#Z-2015-025.

Commissioner Roper made a motion to adopt Ordinance 15-10-06A, an ordinance of the Millard County Commission amending a zone and zoning map of Millard County to reclassify certain property from AG to RF. McCornwood Enterprises, LLC (Greg Kesler) - Applicant. Application #Z-2015-025.

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.

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 11:19 a.m..

Attest: _____

Approved: _____