

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 19th DAY OF JANUARY 2016
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper Chairperson
Alan M. Roper Commissioner
James I. Withers Commissioner

Pat Finlinson County Attorney
Marki Rowley County Clerk
Lesli Shields Deputy County Clerk

ALSO PRESENT: Forrest Roper & Richard Jacobson County Sheriff's Office
Sheri Dearden County Treasurer
Brandy Grace County Auditor
Wayne Jackson Military Liaison
Bart Whatcott East Millard County Recreation
Amanda Allen Chronicle Progress
Marion Anderson, Howard Dutson & Monte Nielson Oak Creek Irrigation

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 Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper 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 JANUARY 5, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 5, 2016, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of January 5, 2016, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 5, 2016

Commissioner Roper asked if there was an update regarding the broken down scraper at the County Landfill.

Commissioner Withers said that the engine has been sent in to Wheeler to be repaired. The Landfill may decide to purchase a new scraper in the future and is using the Road Department's scraper for the time being.

Clerk Rowley reported that the deadline for putting the transportation tax on the ballot is 65 days before the election, which is September 6, 2016. However, there are other steps that need to take place prior to that, including public hearings and resolutions.

RATIFY THE APPROVAL OF A BUSINESS LICENSE FOR BLAUCH CO. LLC, DBA - ASPECT ADVENTURE, OWNER - JASON BLAUCH

Commissioner Roper made a motion to ratify the approval of a business license for Blauch Co. LLC, DBA - Aspect Adventure, Owner - Jason Blauch.

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

DISCLOSURE STATEMENTS

Disclosure statements were submitted for the following employees:

Sheri Dearden

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR DERIC DESPAIN, USU EXTENSION AGENT

Auditor Grace said that the previous USU Extension Agent, Trent Wilde, had a \$1,500.00 credit card limit and she proposed to keep it at the same amount for Mr. Despain.

Commissioner Roper made a motion to approve a credit card in the amount of \$1,500.00 for Mr. Despain, USU Extension Agent.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE ALLOWANCE FOR DERIC DESPAIN, USU EXTENSION AGENT

Auditor Grace said that Mr. Wilde, had an \$80.00 cell phone allowance and she proposed to keep it at the same amount for Mr. Despain.

Commissioner Roper made a motion to approve a cell phone allowance in the amount of \$80.00 for Mr. Despain, USU Extension Agent.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF A TRUSTEE FOR THE TRANSAMERICA 401K PLAN

Auditor Grace said that the Auditor's Office has former Commissioner Daron Smith on file as the Trustee for the TransAmerica 401K Plan.

Later, Clerk Rowley found that Commissioner Draper had been appointed as the trustee on February 17, 2015.

Auditor Grace said that she will get the correct form to TransAmerica with Commissioner Draper as the trustee.

DISCUSSION AND POSSIBLE APPROVAL OF A MEMBER TO SERVE ON THE MEDA BOARD TO REPLACE GORDON PORTER

Commissioner Roper asked what the process is for appointing members to serve on the MEDA Board. He said that he has two names that he would like to submit for consideration to replace Gordon Porter; John Finlinson and Roger Kilpack.

Attorney Finlinson stated that this would be a formal appointment and the discussion takes place in an open meeting.

Commissioner Draper said that he thinks this should be opened up to see if there is public interest. He will put an advertisement in the local newspaper.

Commissioner Roper said that Mr. Porter lives on the West side of the County and feels that the position should be filled by someone on the West side.

DISCUSSION AND POSSIBLE APPROVAL OF THE EQUESTRIAN PARK POLICY - BART WHATCOTT

Mr. Whatcott presented the commission with a draft copy of the Equestrian Park Policy and discussed a few changes and additions to the policy.

The commissioners gave their input on a few items.

Attorney Finlinson expressed his appreciation to Mr. Whatcott for putting the policy together. He recommended it be adopted as a resolution at the next commission meeting.

Commissioner Withers asked Mr. Whatcott to get a draft of the policy to Max Wood, West Millard Recreation, and Kevin Morris, West Millard Maintenance, for their input, since it will be adopted as a County Resolution.

DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE MILLARD COUNTY SCHOOL DISTRICT AND MILLARD COUNTY

Mr. Whatcott said that a meeting needs to be scheduled with West Millard Recreation, West Millard Maintenance, East Millard Recreation and Millard County School District to discuss the possible MOU.

Attorney Finlinson asked Mr. Whatcott to involve Deputy County Attorney Richard Waddingham in this meeting. Attorney Waddingham disclosed to Attorney Finlinson that his office does represent the school district on some issues, but not this one.

The meeting is scheduled for January 27, 2016, at 10:00 a.m., at the West Millard Swimming Pool. A meeting will be scheduled with the School District once the County has discussed this issue.

DISCUSSION AND POSSIBLE APPROVAL OF AN MOU BETWEEN MILLARD COUNTY AND THE DIVISION OF EMERGENCY MANAGEMENT (DEM), OFFICE OF OUTDOOR RECREATION, AS REGARDING SEARCH AND RESCUE

Captain Forrest Roper briefly explained the MOU to the commission; it will establish a public insurance agency mutual for the purpose of administering the Search and Rescue Card Program of the Search and Rescue Act.

Captain Roper stated that he feels this is a good program, but will most likely affect other counties in the State more than Millard County. He thinks that the Tourism Industry will possibly administrate this.

Commissioner Roper made a motion to approve an MOU between Millard County and the DEM, Office of Outdoor Recreation, as regarding Search and Rescue.

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

DISCUSSION AND POSSIBLE APPROVAL OF A COOPERATIVE LAW ENFORCEMENT PLAN WITH THE U.S. FOREST SERVICE

Captain Richard Jacobson briefly explained the annual cooperative law enforcement plan with the Forest Service. He said that this is the annual operating and financial plan, which is in the amount of \$4,000.00.

Commissioner Withers made a motion to approve a cooperative law enforcement plan with the U.S. Forest Service in the amount of \$4,000.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-01-19, A RESOLUTION ADOPTING COUNTY POLICY REGARDING CLASSIFICATION OF CERTAIN EMPLOYEES AND APPOINTMENTS

Attorney Finlinson explained that this resolution adopts new County policy regarding classification of certain unelected department supervisors and hiring procedures for said supervisors.

Commissioner Withers made a motion to approve Resolution 16-01-19, a resolution adopting County Policy regarding classification of certain employees and appointments.

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

DISCUSSION REGARDING THE OAK CITY IRRIGATION PROJECT

Marion Anderson, Monte Nielson and Howard Dutson, Oak Creek Irrigation, presented the commission with receipts from the flood damage from the fire in 2013.

Mr. Anderson briefly explained why Oak Creek Irrigation was asking for emergency funding from Millard County. He said that most of the damage that happened to the concrete pipes was from the equipment used to fight the fire. He said that the damages to date are approximately \$67,000.00. All invoices are paid, but the Oak Creek Irrigation funds are drained.

Commissioner Roper asked if the invoices presented are from maintenance or from flood damage.

Mr. Anderson explained that the invoices presented are from the flood damage. Basic maintenance varies between \$2,000.00 to \$3,000.00 yearly. He said that he will provide proof of basic maintenance for the last few years.

Attorney Finlinson stated that if the commission provides emergency funding, it would be considered a gift and there must be a finding of fact to support providing that gift.

Commissioner Roper made a motion to approve paying 75% of the invoices presented today, to be taken out of an emergency fund.

The motion died for lack of a second.

Commissioner Draper said that he would like to go through the invoices thoroughly before making a proposal.

This agenda item will be put on the next commission agenda for discussion and possible approval.

Mr. Anderson, Mr. Nielson and Mr. Dutson thanked the commission for its consideration and time today.

DISCUSSION REGARDING APPLYING FOR A GRANT FROM THE JOINT HIGHWAY COMMITTEE

Commissioner Withers explained that the County Road Department plans to re-do the Jones Road, West of Delta, in the next 3-4 years. Brandon Winget, Road Department Supervisor, told him that this is a \$3,000,000.00 project; he is currently applying for a grant from the Joint Highway Committee, which is a 3-4 year process.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-01-19A, A RESOLUTION OF THE BOARD COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING TRUSTEES TO THE BOARDS OF MILLARD COUNTY DRAINAGE DISTRICT 1 THROUGH

DRAINAGE DISTRICT 4

Commissioner Withers made a motion to approve Resolution 16-01-19A, a resolution of the Board of County Commissioners of Millard County, Utah, appointing trustees to the boards of Millard County Drainage District 1, Klint Atkinson; Drainage District 2, Robert Anderson; Drainage District 3, Theo Berry; and Drainage District 4, Garth Lake.

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

REVIEW OF FINANCIAL REPORTS - TREASURER DEARDEN

Treasurer Dearden presented the financial reports for the month of December. She stated that the Treasurer's Office is currently holding funds for Drainage District 2, Drainage District 4 and Kanosh Town. She said that the Pool Cash Report shows that the County Treasurer and County Auditor are in balance.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-01-19B, A RESOLUTION ALTERING THE JOB DESCRIPTION FOR THE WEST MILLARD RECREATION SUPERVISOR

Commissioner Withers made a motion to approve Resolution 16-01-19B, a resolution correcting the job description for the West Millard Recreation Director/Pool Supervisor.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-01-19C, A RESOLUTION APPROVING THE REGIONAL PRE-DISASTER MITIGATION PLAN

Commissioner Roper made a motion to approve Resolution 16-01-19C, a resolution approving the Regional Pre-Disaster Mitigation Plan.

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

PUBLIC INPUT

Wayne Jackson, Military Liaison, said that Colonel Fairborn, Utah National Guard, will be meeting with him, Bart Whatcott and Tracy Whatcott, in the next week or two. There are a few issues that have come up with the BLM not allowing the National Guard to train on its property because of lead contamination concerns. Also, the National Guard may want to use the Fillmore City Municipal Airport for training purposes.

Mr. Jackson said that the rumor now is that the Fillmore National Guard building will not

be shut down.

Mr. Jackson said that he will keep the commission informed of all these issues.

Mr. Jackson said that in June 2016, there will be a World War II Veteran Honor Flight and in September 2016 there will be a Vietnam Veteran Honor Flight. He would like names from any Millard County veterans interested in going, and he will get those names to Mike Turner. BYU is sponsoring the June honor flights and they will also be the guardians; there is no cost to the County.

Mr. Jackson said that BYU donated a TV to the Legion Hall, along with recording capabilities and installation. He, Bart Whatcott and Dave Allen presented BYU with a thank you gift for that generous donation.

Mr. Jackson reported that they are still trying to find the right engraver for the wall at the Delta Community Center.

OTHER BUSINESS

Attorney Finlinson briefly updated the commission on the recent public defender concerns going on in the Legislature.

Commissioner Roper said that Jesse Shiner, All American Rodeo, will be hosting a fund-raising rodeo at the Millard County Fairgrounds on March 8, 2016. He reminded the commission that All American Rodeo is a group based out of Delta that helps veterans who need therapy and/or employment.

Attorney Finlinson said that he advises the County to require they have a general liability insurance policy in place, with a special events endorsement.

Commissioner Draper expressed safety concerns with having a rodeo so early in the year.

Attorney Finlinson will talk to the County insurance representatives.

Commissioner Roper said that there is a Public Lands meeting, January 21, 2016, from 1:00 p.m. to 4:30 p.m.

Commissioner Roper said that he would like Brandon Bartholomew, Natural Impressions, to complete the remodeling of the Main Street Courthouse building.

Auditor Grace said that a decision still needs to be made regarding if it needs to be re-bid.

Attorney Finlinson said that there is a possibility of doing a Phase II contract based off the original bid. He said that he would need the specifications for the upstairs portion of the Main Street Courthouse for the contract.

The commission decided to schedule a Counsel of Governments (COG), with all of the town mayors in the County, on February 10, 2016, at 7:00p.m., in Commission Chambers. They will discuss the transportation tax that may be on the ballot this year and a representative from each town must be in attendance.

Clerk Rowley will send an invitation to each town mayor.

Commissioner Withers reported that he and Commissioner Roper attended a BLM strategy meeting concerning the Potash Plant EIS. He said that Steve Styler is representing the investors of Potash. The investors would like to have a meeting with the County regarding the possibility of helping to pave the road from 257. He will set up a time with them for a meeting.

Commissioner Draper reported that he and Commissioner Withers attended a Catastrophic Fire meeting with the State Forest and Fire. He said that each County in Six County proposed their projects. Millard County's proposal is for three different sections starting South of the Fillmore Cemetery, then heading South towards Meadow. This proposal is to reduce fire risk in populated areas.

Commissioner Draper said that he attended a Utah Taxpayer's meeting in Salt Lake City on January 11, 2016. He said that different legislators presented their ideas of tax reform at that meeting.

Commissioner Draper said that he and Sheryl Dekker, County Planner, attended a two day seminar on the mandated County Resource Management Plan (RMP). He said that a lot of information was presented on how to collect that data and put it together.

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

There was none.

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 Withers made a motion to adjourn the meeting.

Commissioner Roper SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:09 p.m..

Attest: _____

Approved: _____