

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th DAY OF FEBRUARY 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: Brandy Grace County Auditor
Pat Manis County Assessor
Bart Whatcott East Millard County Recreation
Forrest Roper County Sheriff's Office
Scott Barney MEDA Coordinator
Shellie Dutson Chronicle Progress
Josh Case Energy Capital Group, LLC (EGC)
Amity Balbutin-Burnham EDF Renewable Energy
Adrienne Bell Holland & Hart
Lewis Dutson, Joan Dutson, Kathy Walker, Roger Killpack and Bobbie Killpack
. Sherwood Shores Residents

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 FEBRUARY 2, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 2, 2016, were

presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of February 2, 2016, as corrected.

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

FOLLOW UP ACTION ITEMS FROM FEBRUARY 2, 2016

Attorney Finlinson stated that the formalized public defender contract will be presented at the next commission meeting. It is currently being reviewed by the Sixth Amendment Center and the committee set up by the County Attorney's Organization.

Commissioner Roper asked whether John Higgins, Landfill Supervisor, was informed of the Scipio Landfill situation.

Commissioner Withers said that he has not met with Mr. Higgins yet because Andy Nickle, Delta Garbage, was going to approach Eagle Landing in Scipio with a proposal; he wanted to wait to see what came of that first before meeting with Mr. Higgins.

Commissioner Draper announced that there has been a recent decision made by the United States Supreme Court that put the Clean Air Act on hold, so the Utah plan will also be on hold until that is sorted out.

DISCLOSURE STATEMENTS

Disclosure statements were submitted for the following employees:

Alan Roper

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

Commissioner Draper announced that Kathy Walker has expressed an interested in serving on the MEDA Board.

Commissioner Roper said that there was not a response from the advertisement in the newspaper. He reminded the commission that three other individuals are also willing to serve on the MEDA Board; Craig Sorensen, Roger Killpack and John Finlinson.

Commissioner Roper and Scott Barney, MEDA Coordinator, both stated that all four individuals are qualified for the position.

Commissioner Roper recommended that Roger Killpack be appointed to this position.

Commissioner Withers made a motion to appoint Roger Killpack to serve as a member on the MEDA Board, to replace Gordon Porter.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR THE PAUL H. CHRISTENSEN FARM, OWNERS - PAUL H. & PEGGY B. CHRISTENSEN

A business license application was presented for the Paul H. Christensen Farm, Owner - Paul H. & Peggy B. Christensen, a farming business. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for the Paul H. Christensen Farm, Owner - Paul H. & Peggy B. Christensen.

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

DISCUSSION AND POSSIBLE APPROVAL OF A PUBLIC DEFENDER CONTRACT WITH TATE BENNETT

Commissioner Withers made a motion to table this agenda item.

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

Commissioner Draper announced that the March commission meetings will be held on March 1 and March 15.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-02-16, A RESOLUTION OF THE MILLARD COUNTY COMMISSION ADOPTING AN INTERLOCAL AGREEMENT BETWEEN MILLARD COUNTY AND SPECIAL SERVICES DISTRICT NUMBER 8, FOR THE PURPOSE OF ADDRESSING TRANSPORTATION NEEDS

Attorney Finlinson said that the County has been running on an expired agreement for several years. This is the same agreement that has been adopted in the previous years and he has reviewed and approved its content.

Commissioner Roper made a motion to approve Resolution 16-02-16, a resolution of the Millard County Commission Adopting an Interlocal Agreement between Millard County and Special Services District Number 8, for the purpose of addressing transportation needs.

Commissioner Withers 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.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-02-16A, A RESOLUTION ADOPTING THE EQUESTRIAN PARK POLICY

Bart Whatcott, East Millard Recreation, presented the commission with the amended Equestrian Park Policy.

Commissioner Withers asked if the fee schedule reflected the fees for both East Millard and West Millard.

Mr. Whatcott said that as far as he knows it does reflect both sides of the County. Except the rolling fees are only done in East Millard.

Commissioner Roper asked several questions on the policy and asked for a few changes to be made to it.

Mr. Whatcott answered all the questions and will make the changes requested on the policy.

Commissioner Roper made a motion to table this agenda item until the corrected policy has been presented.

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

OPENING OF SEALED BIDS FOR A TRACTOR - EAST MILLARD RECREATION, BART WHATCOTT

Mr. Whatcott said that Auditor Grace has one sealed bid.

Later, Mr. Whatcott said that there are two more sealed bids on the way. This agenda item will be brought back at the next commission meeting.

Commissioner Withers made a motion to table this agenda item.

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

DISCUSSION REGARDING THE ROAD CONDITIONS AT SHERWOOD SHORES - SHERWOOD SHORES HOME OWNER'S ASSOCIATION (HOA)

Lewis Dutson, Sherwood Shores HOA, requested for the roads at Sherwood Shores to be asphalted. He said that he has been told that the roads will have to be completely torn up and re-done to be asphalted. He stated that the roads are the worst he has ever seen them in the 16 years that he has lived there. He estimated that the subdivision has about two miles of roads and asked for all the main roads and cross roads to be re-done.

Mr. Dutson stated that services of all kinds, including weed control and snow removal, do not get done at Sherwood Shores until someone calls and requests it.

Mr. Dutson reported that the Snow Goose Festival is February 26 through 27, 2016, and where the festival is held has the worst road damage.

Commissioner Withers said that he will call Mr. Winget to make sure the road where the festival takes place is addressed immediately.

Commissioner Withers explained that the roads at Sherwood Shores were not built for the amount of traffic that happens there. He said that large rock would have to be hauled in to bring the road up to where it would need to be.

Commissioner Withers suggested that the commissioners meet with Brandon Winget, County Road Supervisor, and come up with a plan to begin this project.

Mr. Dutson said that if the County is only able to do the outer loop this year and the rest of the subdivision the next year, he feels that the HOA would be happy with that as long as there is a plan in place.

Mr. Dutson said that the HOA meeting will be held in May and hopes that something would be happening by then.

Commissioner Withers said that he and Mr. Winget could come to the HOA meeting to explain the process and answer any questions the residents may have.

Commissioner Draper said that a ditch will likely need to be dug to drain water; controlling where the water drains is very important.

Ms. Walker stated that the roads at Sherwood Shores are worse than any other road in the County and reflects negatively on the County.

REVIEW AND POSSIBLE APPROVAL FOR EXTENSION OF ECG SOLAR I, C-2 CONDITIONAL USE PERMIT (CUP) #Z-2013-026 FOR A PROPOSED 300 MW SOLAR ENERGY SYSTEM (MAJOR) LOCATED EAST OF IPSC AND MORE PARTICULARLY DESCRIBED AS SECTIONS 20-24, T15S, R6W, ON 1,758 ACRES. ECG UTAH SOLAR 1,LLC (ENERGY CAPITAL GROUP) - APPLICANTS. SITLA - OWNER. (NEW APPLICANT AS OF FEBRUARY 4, 2016, IS EDF RENEWABLE ENERGY, SITLA - OWNER.)

Josh Case, CEO of Energy Capital Group (ECG), LLC, explained that they have been aggressively developing this project since May 2013. He stated that ECG has recently been acquired by EDF Renewable Energy, the largest energy producer in the world and a highly respected company in the solar industry.

Mr. Case said that this CUP was approved in February 2015 for one year and they are asking for an extension, to continue the development of this project.

Commissioner Roper commented that this project will be one of the largest solar projects in North America once it is complete.

Mr. Case expressed his appreciation to the County for its support. He said that SITLA has been an excellent partner and ECG is excited to be partnered with EDF.

Commissioner Roper made a motion to approve an extension of ECG Solar I, C-2 Conditional Use Permit #Z-2013-026 for a proposed 300 MW solar energy system (Major) located east of IPSC and more particularly described as Sections 20-24, T15S, R6W, on 1,758 acres. ECG Utah Solar 1 ,LLC (Energy Capital Group) - Applicants. SITLA - Owner. (New applicant as of February 4, 2016, is EDF Renewable Energy, SITLA - Owner.)

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

REVIEW OF FINANCIAL REPORTS - TREASURER DEARDEN

The Commissioners reviewed the financial reports for the month of January.

DISCUSSION REGARDING THE CRYSTAL PEAK ROAD IMPROVEMENT

Commissioner Draper said that Steve Styler could not make it today and read a letter presented in his place, regarding the possibility of a permanent improvement to the Crystal Peak Road.

In the letter, Mr. Styler asked the commission for a letter of recommendation on behalf of

Crystal Peak Minerals (CPM), for the permitting process with the BLM.

Commissioner Roper said that the County may be able to approach CIB about this project once it gets to that point. He said that he feels this is a good project.

Commissioner Draper said that for an unpaved road, the County did an exceptional job constructing it years ago.

Commissioner Withers recommended that the commission start the process by giving the requested letter of recommendation.

Commissioner Draper will set up a meeting with Mr. Styler on March 1, 2016, at 9:00 a.m., in commission chambers.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Draper said that a letter was received from Utah Retirement Systems (URS) regarding the benefit protection contracts covering Tier 2 employees, which needs to be renewed. He briefly explained what this entails.

Commissioner Withers made a motion to approve, renew and continue coverage as it is currently.

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

Clerk Rowley said that she received an email from the State Archives requesting information for multiple special service districts in the County.

Auditor Grace said that in 2014 there was a legislative initiative to create a central online portal, so the public can submit a GRAMA request for any entity in the State.

Clerk Rowley and Auditor Grace asked for advisement regarding the multiple special service districts, if they are their own entity, or if Clerk Rowley is considered the Records Management Officer for them, since she is the County Records Management Officer.

Attorney Finlinson said that the Fire District is the only entity that is not set up as a special service district. All the other special service districts are their own entities and the County can not respond to GRAMA requests on their behalf. He said that each special service district should have their own legal counsel that they can go to for assistance, if needed.

Attorney Finlinson said the County is due for its annual GRAMA training and the County can invite the special service districts to attend that training.

Clerk Rowley said that there is a training on February 29, 2016, regarding the new central online portal, at the Main Street Courthouse in Fillmore.

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

Commissioner Roper said that the commissioners will be attending the National Association of Counties (NACo) conference in Washington, D.C., February 19-21, 2016.

Commissioner Roper said that he met with Brandon Bartholomew, Natural Impressions, regarding finishing the remodel of the Main Street Courthouse. He said that there are four things to make decisions on, but other than that, Mr. Bartholomew is ready to get started.

Attorney Finlinson said the contract is ready, but he needs the new specifications.

Commissioner Roper said that a few months ago, he was approached about adding flashing lights to the stop sign on the East Frontage Road near Meadow and asked what the status was on that.

Commissioner Withers said that he will check on the status and report back.

Commissioner Roper said that at a previous commission meeting, there was a discussion with Jane Beckwith regarding the acquisition of Block 42 (6.2 acres) for the Topaz Museum. He was finally able to contact the owner of Block 42, who seems interested in making a trade. There has not been a value set at this time.

Commissioner Draper reported that on February 10, the commissioners had a Counsel of Governments (COG) meeting with all of the Mayors in Millard County. He said that it was discussed whether to put the transportation/gas tax on the ballot this year; the consensus of the mayors was to put it on the ballot and let the citizens vote on it. He briefly explained the transportation/gas tax.

Commissioner Draper said that there was also a presentation made by Stephen Lisonbee, Department of Workforce Services (DWS), regarding families at or below the poverty level and the Headstart program. He said that Mr. Lisonbee will contact the commission in about a month to meet and go into further detail, as this presentation was just an introduction.

Clerk Rowley will research and work with Attorney Finlinson on what is needed to move forward with putting the transportation/gas tax on the ballot, and report back.

Commissioner Draper said that he was contacted by Delta City Mayor Bunker regarding the Topaz Museum. The museum has asked for a letter from the commission expressing its support for the grants they are applying for. He said that he will follow up on this.

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 Draper adjourned the meeting at 11:40 a.m..

Attest: _____

Approved: _____