

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF MARCH 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: Casey Fowles Sunset View Golf Course
Bart Whatcott East Millard County Recreation
Brandy Grace County Auditor
Sheri Dearden County Treasurer
Sam Jacobson & Dana Jordan Chronicle Progress
Wayne Jackson County Military Liaison
Sheryl Dekker County Planner
Kevin Morris West Millard County Maintenance
Dee Hollingshead County TV Technician
Brian Pugh Magnum Energy
Josh Case & Bryan Case Energy Capital Group, LLC (EGC)
Amity Balbutin-Burnham & Christa Hudson EDF Renewable Energy
Adrienne Bell Holland & Hart
Lou Brown School Institutional & Trust Lands Administration (SITLA)
Robert Worley Sunrise Engineering

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 Roper congratulated the Delta High School Girls Basketball Team for winning the State

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

APPROVAL OF FEBRUARY 16, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 16, 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 16, 2016, as corrected.

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

FOLLOW UP ACTION ITEMS FROM FEBRUARY 16, 2016

Commissioner Roper said that the flashing light has been added to the stop sign on the East Frontage Road near Meadow. He expressed his appreciation to the County Road Department for taking care of this issue.

Clerk Rowley updated the Commission on the requirements for adding the transportation tax to the ballot for the general election.

Commissioner Roper said that the majority of the municipalities in Millard County are in favor of putting the transportation tax on the ballot.

DISCLOSURE STATEMENTS

There were none.

OPENING OF SEALED BIDS FOR THE ARCHITECTURE ON THE SUNSET VIEW GOLF COURSE CLUBHOUSE - CASEY FOWLES, GOLF PRO

Mr. Fowles opened the following bids:

- Western Architecture Design Group: \$8,400.00
- WPA Architectural: \$18,500.00
- Design West Architects: \$8,250.00

Commissioner Withers clarified that these are phone bids rather than sealed bids, because the projected costs were thought to be under \$25,000.00.

Commissioner Withers made a motion to accept the bids, as presented, and review the specifications of the bids, before making a decision.

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

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

Auditor Grace opened the following bids:

- Overson's Farm Center: \$37,000.00
- Overson's Farm Center: \$27,500.00
- Overson's Farm Center: \$32,500.00
- Stotz Equipment: \$53,700.00
- Stotz Equipment: \$58,800.00
- Hermansen's Equipment: \$47,500.00
- Hermansen's Equipment: \$53,500.00

Mr. Whatcott said that Black Widow recommends a tractor have 100 horsepower (hp) to pull it; he said that 80 hp will work, but 50 hp will definitely not work pulling the Black Widow. He said that he has been able to use the County Road Department's backhoe when available, but it would be convenient to have a tractor with a loader and bucket at the Equestrian Park.

Commissioner Withers made a motion to accept the bids, as presented, and review the specifications of the bids, before making a decision.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-03-01, A RESOLUTION ADOPTING THE EQUESTRIAN PARK POLICY

Commissioner Roper made a motion to approve Resolution 16-03-01, a resolution adopting the Equestrian Park Policy.

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 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.

DISCUSSION AND POSSIBLE APPROVAL REGARDING THE COUNTY COURTHOUSE SCHOLARSHIP FOR MILLARD HIGH SCHOOL, DELTA HIGH SCHOOL AND ESKDALE HIGH SCHOOL

Commissioner Withers said that last year the Commission approved the County Courthouse

Scholarship for all three high schools in Millard County. He said that he received a call from Delta High School asking if it would be offered again this year.

Commissioner Withers reminded the Commission that this scholarship was started when former Commissioner Daron Smith was named Commissioner of the Year by the National Association of Counties (NACo). The funds originally provided by NACo are no longer available.

Commissioner Roper stated that he does not think the County should continue providing this scholarship.

Commissioner Draper agreed with Commissioner Roper.

Commissioner Roper made a motion to discontinue the County Courthouse Scholarship.

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

DISCUSSION POSSIBLE APPROVAL REGARDING PARTICIPATION BETWEEN MILLARD COUNTY AND THE WESTERN RURAL DEVELOPMENT CENTER - ASAP PROGRAM - SCOTT BARNEY, MEDA COORDINATOR

Commissioner Draper clarified that the name of the program is Western Rural Development Center - Area Sector Analysis Process (ASAP) Program.

Commissioner Roper submitted a letter from Scott Barney, MEDA Coordinator, which explained the ASAP program. The projected cost of the program is \$3,500.00-\$4,000.00 and would be completely covered by the Business Expansion & Retention (BEAR) program funds. Mr. Barney stated in the letter that he supports this initiative and asked the Commission to support it as well.

Commissioner Roper made a motion to support the ASAP program.

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

DISCUSSION REGARDING PURCHASING PORTABLE SHOWERS AND A CONCESSIONS TRAILER - KEVIN MORRIS, WEST MILLARD MAINTENANCE

Mr. Morris said that there are no manufacturers or dealers in Utah who make portable shower trailers, so he had to go online to find a manufacturer. He said that he found four different trailers with prices between \$37,000.00-\$45,000.00. The manufacturer told him that they do not do sealed bids, the price on the website is the price with no negotiation.

Mr. Morris said that the six stall trailer that he likes the best is \$37,315.00; with a 10 year warranty on the trailer and a 15 year warranty on the roof.

Mr. Morris explained briefly why the decision was made to have portable showers instead of constructing a permanent facility.

Auditor Grace stated that \$40,000.00 has been budgeted for the portable shower trailer.

Commissioner Withers made a motion to authorize Mr. Morris to move forward with getting more information concerning the portable shower trailer he selected and if Mr. Morris deems it to be the best one for the County, to authorize him to move forward with purchasing that trailer.

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

Mr. Morris said that he is \$9,000.00 under budget on the flooring of the Exhibit Building; he is wanting authorization to purchase a small concessions trailer with those additional funds.

Mr. Morris said that they could rent out the concessions trailer for different events and it can be moved as needed.

Commissioner Draper asked Mr. Morris to get bids and bring them back to the next commission meeting.

Mr. Morris said that there are only two companies in the State that manufacture these trailers and the price is the same for both companies; \$8,491.00. He will bring those bids back to the next commission meeting.

DISCUSSION REGARDING THE BROADBAND FREQUENCY CONFLICT WITH FIRST RESPONDER NETWORK

Attorney Finlinson said that he has been talking with a gentleman in Virginia, who has declared that the County will either need to voluntarily vacate the bandwidth, or a federal lawsuit will be filed to force the County to vacate it.

Dee Hollingshead, County TV Technician, briefly explained this issue. He said that he has been talking with a woman at the FCC about this issue; she is confident that it can be taken care of soon.

Attorney Finlinson said that he will wait for more information from Mr. Hollingshead and try to buy a little time with the gentleman in Virginia.

PUBLIC INPUT

Commissioner Draper said that Mr. Barney provided a letter regarding the EDCUtah's community match grant program. He said that the program offers match grants in three areas:

- Marketing, maximum reimbursement \$5,000.00
- Sponsorship, maximum reimbursement \$2,000.00
- Professional Development, maximum reimbursement \$800.00

Commissioner Draper said that the \$7,800.00 will come out of the Economic Development budget.

Commissioner Roper said that this program provides great economic opportunity.

Commissioner Withers made a motion to support application for the EDCUtah's community match grant program.

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

Wayne Jackson, Military Liasison, said that he received a letter from the Utah National Guard, requesting a meeting with Adjutant General Jeff Burton on a day in March 2016, regarding saving the Fillmore National Guard building. He requested a letter of introduction from the

Commission to attach to a proposal to General Burton from the Committee to Save the National Guard in Fillmore. He said that Fillmore City will also be sending a letter of introduction.

Commissioner Draper will draft a letter and get it to Mr. Jackson today.

Mr. Jackson reported that by the end of March, the names will be up on the Veterans Walls in both Delta and Fillmore. The kiosk should be available at the same time.

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 - PROJECT COMPANY, EDF RENEWABLE ENERGY - APPLICANT. UTAH STATE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA) - LAND OWNER. APPLICATION #Z-2015-022

Commissioner Roper made a motion to enter into a 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 - Project Company, EDF Renewable Energy - Applicant. SITLA - Land Owner. Application #Z-2015-022

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:09 a.m..

Present were: Sheryl Dekker, Bart Whatcott, Wayne Jackson, Brandy Grace, Sheri Dearden, Dana Jordan, Sam Jacobson, Brian Pugh, Robert Worley, Lou Brown, Josh Case, Bryan Case, Amity Balbutin-Burnham, Christa Hudson and Adrienne Bell.

Brian Pugh, Magnum Energy, read a letter from Tiffany James, Magnum Vice President Project Development, along with a copy of the SITLA easement. The letter states that per the issued SITLA easement, they are asking to restrict the utility corridor to:

- 200' wide, only.
- The physical location of the easement.
- The corridor be deemed exclusive use rather than open access.

Mr. Pugh stated that Magnum will also read the easement conditions into the March 3, 2016, public hearing for the C-2 Conditional Use Permit (CUP) Application #Z-2015-021.

Mr. Pugh presented the letter to the Clerk's Office for filing.

Lou Brown, SITLA, stated that SITLA fully supports the proposed amendment to further this project.

Josh Case, Energy Capital Group (ECG), and Amity Balbutin-Burnham, EDF Renewable Energy, said they are seeking a 150' wide corridor through Section 19.

Mr. Case expressed his appreciation to Magnum Energy for working with SITLA on this issue.

Ms. Balbutin-Burnham stated that SITLA has asked for the easement to be non-exclusive.

Mr. Pugh clarified that the easement is exclusive to a high voltage power line with access roads.

Commissioner Roper presented a letter from Mr. Barney, stating that MEDA supports the approval of this proposed amendment.

Robert Worley, Sunset Engineering, expressed his appreciation to the Commission. He said that he also appreciates this project and others like it, that help to promote economic development in Millard County. He stated that he is in favor of this project.

There were no other comments made.

Commissioner Withers 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 16-03-01, 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 - PROJECT COMPANY, EDF RENEWABLE ENERGY - APPLICANT, SITLA - LAND OWNER. APPLICATION #Z-2015-022.

Commissioner Draper stated that for future reference, as per statute, the County General Plan can only be opened three times per year.

Commissioner Withers made a motion to adopt Ordinance 16-03-01, 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 - Project Company, EDF Renewable Energy - Applicant, SITLA - Land Owner. Application #Z-2015-022.

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.

PUBLIC INPUT (continued)

There was none.

OTHER BUSINESS

Auditor Grace presented a sponsorship agreement for the County Seat Program, for signature. The total invoiced amount is \$13,000.00, with a deposit of \$4,000.00 due immediately.

Commissioner Roper stated that the County is committed to this program for the year, but

thinks it needs to be discussed further before approved at the next budget cycle, to explore different options.

Treasurer Dearden said that the Open Portal Training yesterday brought up compliancy issues with Government Records Access and Management Act (GRAMA).

Attorney Finlinson said that the annual GRAMA training needs to be scheduled.

Treasurer Dearden said that there are decisions that need to be made prior to the annual GRAMA training.

This issue will be brought back at the next commission meeting.

Auditor Grace said that the tax sale is scheduled for May 26, 2016.

Treasurer Dearden said that she has sent out the initial letters and will turn the official list over to Auditor Grace on March 15, 2016.

Treasurer Dearden said that she recommends the Commission keep the tax agreements in place for two parcels that are still on the list; Resort Properties and Letha Mae Altwine.

Commissioner Withers asked Auditor Grace if a surplus sale will take place in the spring.

Auditor Grace said that items are being advertised for surplus sale consistently and to just let her know what needs to be put on the list.

Auditor Grace mentioned that her office is working on converting the purchasing credit cards from US Bank to Zions Bank.

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

Clerk Rowley said that she received an email from Brian Muir, James Madison Group, regarding a leadership retreat for elected officials and asked the commissioners if they were interested in attending.

Commissioner Roper said that there is a Department of Transportation (DOT) meeting on April 13, 2016, from 2:00 p.m. to 4:00 p.m., at the Main Street Courthouse.

Commissioner Roper said that he, Commissioner Draper and Auditor Grace attended several meetings in Washington D.C., during the NACo Conference. He said that most of the meetings he attended involved economic development. He said that there are several grants out there. He will forward that information to Mr. Barney.

Commissioner Roper said that Six County is looking for a replacement for Claudia Jarrett on the Community Impact Board (CIB), and any elected official can apply. He said that he feels that someone from Millard County should apply for this position.

Commissioner Draper stated that he is interested in applying.

Commissioner Roper will submit Commissioner Draper's name at the Board Meeting tomorrow.

Commissioner Withers said that Andy Nickle, Delta Garbage Service, would like to visit with the commission regarding the garbage situation at the Flying J in Scipio.

Commissioner Roper asked for an update regarding the situation between the Scipio Landfill and Yuba State Park.

Commissioner Withers said that he will contact Scipio Town Mayor Jed Memmott to follow up on that situation.

Commissioner Draper said that John Higgins, Landfill Supervisor, approached him about the possible changes at the Scipio Landfill that were discussed at a previous commission meeting. He said that they discussed the possibility of adding an additional dumpster to the landfill, but there was no discussion regarding the possibility of adding additional pick-up days or what the financial cost of that would be.

Commissioner Withers said that the Road Department interviewed three individuals for a truck driver position. That decision will be made this week.

Commissioner Withers said that he will be meeting with Kaela Jackson, Human Resources, to set up a date for interviews for the West Millard Recreation Director/Pool Supervisor position. He will inform the Commission of those dates when they are set.

Commissioner Draper said that there is a meeting with the BLM on March 30, 2016, from 8 a.m. to 2 p.m., in Fillmore.

Commissioner Draper said that he received two letters from the BLM. He said the first is simply asking for a response regarding if the County wants to be a participant in ongoing projects.

Commissioner Draper said that the second letter is in regards to grazing permits in an area northwest of Abraham and between Fillmore and Scipio on the I-15 corridor. The BLM is wanting to change the grazing season in those two areas from January through April or May to December through January. The BLM is asking for comment by March 17-18, 2016.

Commissioner Draper stated that this is very concerning and would like to have a meeting with the local BLM office and possibly the State office. He said that the grass in December through January would be a lot harder for the animals to get to and would not be very nutritious for them.

Commissioner Withers stated that cows need the green grass in March and April to provide milk for their calves.

Commissioner Draper said that he will visit with all of the citizens concerned in this matter.

Commissioner Draper briefly explained several of the meetings that he attended at the NACo Conference in Washington D.C..

Commissioner Draper said that House Bill 341 is currently in the Legislature. He said that this bill would change how large entities, like Intermountain Power Agency (IPA), and Intermountain Power Project (IPP), would operate. He briefly explained what those changes would entail.

Commissioner Roper said that several months ago there was a discussion regarding a CIB

grant for a feasibility study for a road connecting I-15 to Highway 257. He asked for this to be discussed again at the next commission meeting.

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 11:59 a.m..

Attest: _____

Approved: _____