

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 5th DAY OF APRIL 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
Sheri Dearden County Treasurer
Connie Hansen County Recorder
Pat Manis County Assessor
Lindsay Mitchell County Sheriff's Office
Casey Fowles County Golf Pro
Scott Barney MEDA Coordinator
Deric Despain USU Extension
Wayne Jackson Military Liaison
Dana Jordan Chronicle Progress
Eric Jenson Fillmore City
Wade Ingram NRCS EWP
Matthew Kesler Citizen

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

APPROVAL OF MARCH 15, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 15, 2016, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of March 15, 2016, as presented.

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

FOLLOW UP ACTION ITEMS FROM MARCH 15, 2016

Attorney Finlinson expressed his appreciation to everyone who assisted in getting the loan and grant closed for the Public Health Building.

DISCLOSURE STATEMENTS

Disclosure Statements were submitted for the following employees:

Debra Arnold

DISCUSSION AND POSSIBLE RE-APPOINTMENT OF BOARD MEMBER TONY ANDERSON FOR THE MOSQUITO ABATEMENT BOARD

Commissioner Withers made a motion to re-appoint board member Tony Anderson for the Mosquito Abatement Board.

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

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

Attorney Finlinson presented and briefly explained the final public defender contract to the Commission. He explained that this contract will provide Mr. Bennet with a base contract, and a separate line item for a local office and staff. It also sets aside money for extraordinary expenditures.

Attorney Finlinson said that the concept has been approved by motion in a previous commission meeting, therefore, today it just needs to be signed.

Commissioner Roper requested a report as referenced in Section 3.11 of the contract.

Attorney Finlinson said that he will make Mr. Bennett aware of that request.

DISCUSSION AND POSSIBLE APPROVAL OF A SUBLEASE OF THE NEW DELTA FIRE STATION BY THE FIRE DISTRICT

Attorney Finlinson said that Delta City is currently in the process of trying to close a loan and bonds with the Community Impact Board (CIB). He said that the Fire District will be the funding

entity for the Delta City Fire Station and because of the unique structure of the Fire District, the County Commission will be the signing party on the sublease agreement.

Attorney Finlinson said this agenda item will come back at a future commission meeting.

DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE BUREAU OF LAND MANAGEMENT (BLM) REGARDING CLASS I INVENTORY FOR THE FILLMORE FIELD OFFICE

Commissioner Draper said that he and Commissioner Roper attended a meeting in Richfield last week. The Fillmore Field Office will be going through every known archaeological resource in the County and making an inventory of it.

Commissioner Draper said that the BLM is required to have the County as a consulting agency and he briefly explained what that entails. He said that the items in the inventory will not be open to the public, and only those that sign the MOU will have access.

Commissioner Roper made a motion to approve an MOU with the BLM regarding Class I Inventory for the Fillmore Field Office.

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

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DISCUSSION AND POSSIBLE APPROVAL OF THE ANNUAL COOPERATIVE AGREEMENT BETWEEN MILLARD COUNTY AND UTAH STATE UNIVERSITY (USU) EXTENSION - DERIC DESPAIN

Mr. Despain explained that this is the annual cooperative agreement, which includes facilities, maintenance, provisions and the budget that was approved for the fiscal year.

Commissioner Withers made a motion to approve the annual cooperative agreement between Millard County and USU Extension.

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

Mr. Despain briefly explained that the Fillmore 4-H Office is in need of new office space. He updated the Commission on a few preliminary locations that he has looked at, all of which would need to be renovated.

Mr. Despain said that he can request grant money for renovations from the Extension and would like to get the grant process started. The deadline for the renovation grant is May 2, 2016.

Commissioner Roper said that he feels it would be advantageous to have the office space close to the arena.

Commissioner Draper asked Mr. Despain to come back to the next commission meeting with more details and information.

Mr. Despain asked the Commission if he needed to attend the Six County Association meeting in Richfield next week.

Commissioner Draper said that there is not anything on the agenda for that meeting next week that would require his attendance. He said that he will watch for agenda items that would be beneficial to Mr. Despain at future meetings.

Commissioner Draper expressed his appreciation to Mr. Despain for taking the time to attend those meetings that are beneficial to him and his job as the USU Extension Agent.

Mr. Despain reminded the Commission of the luncheon that they are invited to attend April 11, 2016, at 11:00 a.m., at the Delta Extension Office.

DISCUSSION AND POSSIBLE APPROVAL REGARDING MILLARD COUNTY BEING A SPONSORING AGENT FOR THE EMERGENCY WATER PLAN (EWP) PROJECT, EAST OF FILLMORE - NATURAL RESOURCES CONSERVATION SERVICE (NRCS), LARS RASMUSSEN

Wade Ingram, acting for Lars Rasmussen, NRCS EWP, explained that the Fillmore EWP project is on the list, but has not yet been funded. He said that the NRCS engineer for this project is John Hunimer and the planner is Lars Rasmussen.

Commissioner Roper said that the County has been approached to be the sponsoring agent for this project. He said that every three years or so, substantial rains in July/August flood a few homes East of Center Street in Fillmore. Because of this, NRCS put it on their list of priorities to be addressed. He said that he was under the impression that it had been approved and funded.

Eric Jenson, NRCS, said that the engineering was completed by Sunrise Engineering. He said that as a sponsoring agent, the County would be responsible for in-kind work; gravel, rock work, use of equipment and/or employees, etc. He said that he thinks the County would be responsible for approximately \$70,000.00 of in-kind work.

Mr. Jenson briefly explained the project and its boundaries. He said that the County would also be responsible for getting the required easements from the one to three private owners that may be affected by this project.

Commissioner Draper asked for a list of in-kind work that will be requested. He asked several other questions that Mr. Ingram said he would talk to Mr. Rasmussen about and get back to the Commission at a future meeting.

Eric Jenson, Fillmore City Councilman, said that he was asked to approach the County regarding this project. He said that the City will be paying for the engineering work and is hopeful that will be part of its in-kind contribution.

Mr. Ingram said that the Damage Survey Report (DSR) is being finalized. He said that once funding is allocated, there will be a timeline and a final date attached to it.

Mr. Jenson said that as a sponsoring agent, the County would also be the physical agency and the money would go through the County.

Mr. Ingram said that NRCS will come to the next commission meeting with more information, details and expectations.

DISCUSSION AND POSSIBLE APPROVAL FOR COMMUNITY IMPACT BOARD (CIB) ITEMS; JONES ROAD PROJECT AND FEASIBILITY STUDY FOR A ROAD CONNECTING I-15 TO HIGHWAY 257 - SCOTT BARNEY, MEDA COORDINATOR

Mr. Barney said that these items were pre-submitted and the County has until June 1, 2016, to make any changes. He said that they can also be pulled back to October 1, 2016, or cancelled completely.

The Commission briefly discussed the Jones Road project. It was discussed whether to break up the project or the whole road and the possible cost of such.

Commissioner Withers said that Brandon Winget, County Road Supervisor, would like to re-do the whole road, including the shoulders. He said that if the County were to approach CIB for grant money, it needs to be decided where the matching money will come from, as it is usually split 50/50. He said that he thinks it would be \$4,000,000.00 to complete the project.

Commissioner Withers said that there needs to be a discussion and a decision as to where the matching \$2,000,000.00 will be coming from before applying for a grant with CIB. He said that the Commission should meet with Mr. Winget to go over the options.

The Commission discussed several entities that could be approached for a matching grant and also where the material would come from for the road.

Mr. Barney said that the engineered estimate is \$12,000,000.00 for the whole project.

It was decided to push this project to the October 1, 2016, deadline, so a decision can be made with the matching grant.

Commissioner Withers said that Mr. Winget may have other options to look into as a backup plan.

The Commission briefly discussed the feasibility study for a road connecting I-15 to Highway 257. It was decided to put this on the CIB list for the June 1, 2016, deadline.

DISCUSSION AND POSSIBLE APPROVAL FOR FUNDING OF UP TO \$1,000.00 FOR A SPEAKER AT THE SIX COUNTY LEADERSHIP SUMMIT - SCOTT BARNEY, MEDA COORDINATOR

Mr. Barney said that the Six County Leadership Summit is Wednesday, April 13, 2016, from 8:00 a.m. to 2:00 p.m., with a Resource Management Plan (RMP) consultants briefing at 2:30 p.m.. He said that William Freuth has been asked to speak at the summit for a cost of \$4,500.00; Sevier County has pledged \$2,500.00, Sanpete County has pledged \$1,000.00, and asked the Commission for its consideration to pledge \$1,000.00.

Commissioner Withers made a motion to approve funding of \$1,000.00 for a speaker at the Six County Leadership Summit, to come out of the MEDA budget.

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

Mr. Barney said that Utah State School and Institutional Trust Lands Administration (SITLA)

will be in Millard County June 16 through 17, 2016, for the West Desert Tour. He will have more information when he receives the agenda.

The Commission discussed hosting a dinner for SITLA during the tour.

Mr. Barney said that Jake Hardman, Governor's Office of Economic Development (GOED) Rural Outreach Coordinator, asked if Millard County was interested in hosting the Familiarization Tour June 13 through 14, 2016. He said that the Lieutenant Governor is committed and several other State and Federal officials are invited to this tour, including Jon Pierpont, Workforce Services Executive Director. He said that he feels this would be a great opportunity for the County.

DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENT(S) - LINDSAY MITCHELL

Ms. Mitchell presented the updated federal poverty guidelines for 2016 to the Commission. She said that the previous poverty guidelines were from 2013.

Commissioner Withers made a motion to approve the 2016 federal poverty guidelines for this abatement.

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

Attorney Finlinson will look into this issue further to see if a policy or a resolution needs to be approved regarding the poverty guidelines for future abatements.

Ms. Mitchell presented an ambulance abatement application from Jim Williams.

Commissioner Roper made a motion to abate 40% of the ambulance bill, and Mr. Williams to pay the balance.

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

AWARD OF CONTRACT FOR THE ARCHITECTURE ON THE SUNSET VIEW GOLF COURSE CLUBHOUSE - CASEY FOWLES, GOLF PRO

Mr. Fowles said that as per his last conversation with the Commission, he requested new bids for added services.

Mr. Fowles opened the following bids:

- Western Architecture Design Group: \$23,680.00, with an option to receive a 20% discount
- WPA Architectural: \$27,550.00
- Design West Architects: \$45,000.00

Commissioner Withers said that he and Mr. Fowles thought the bids would be well under

\$25,000.00, which is why they are not sealed.

Attorney Finlinson said that the procurement code says that procurements over \$25,000.00 must be sealed, but he said that should be based off of what was anticipated.

Mr. Fowles said that the lowest bid is very responsible and has previous experience in designing golf course clubhouses.

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.

Mr. Fowles said that he has had an issue collecting season pass and cart storage fees from an individual. He asked if there is a policy in place that he can use to collect those fees.

Attorney Finlinson said that he will talk to Mr. Fowles in private, as this can be treated as a collection issue rather than a policy issue.

DISCUSSION REGARDING THE PRIVILEGE TAXES ON UTAH STATE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA) OWNED PROPERTY - AUDITOR GRACE

Assessor Manis said that in 2012, he received notice from SITLA that Freedom Energy had a contract with them for sale of land in Eskdale. He gave a brief history of the property since Freedom Energy went into contract with SITLA. Assessor Manis said that Freedom Energy Farms are past due on both 2013 and 2015 assessments.

Auditor Grace read Statute 59-4-102 relative to this situation, which states that the County Auditor should issue a warrant in the name of the County for the Court Clerk to enter a judgement against the property owners.

Assessor Manis clarified that this property is not subject to property tax, it is a privilege tax and can not be handled through tax sale since the land is owned by SITLA. There is a contract in place, but the land stays in the name of SITLA until it is paid in full.

Auditor Grace said that the total tax owed is \$2,339.61.

Assessor Manis said that with SITLA becoming more aggressive selling land, this situation may come up more often.

Attorney Finlinson advised Auditor Grace to follow the statute and form a warrant. At that time, Clerk Rowley can enter it in as a court judgment against the property owner.

REVIEW AND POSSIBLE APPROVAL OF SERVICE LINE AGREEMENTS WITH QUESTAR GAS FOR THE MILLARD COUNTY ROAD BARN IN DELTA

Commissioner Withers said that these agreements will approve a main natural gas line to the Road Department Building, with three extensions to the North shop, Weed Department Building and the Mosquito Abatement Building, for a total of \$38,647.76.

Commissioner Withers made a motion to approve the service line agreements with Questar

Gas for the Millard County Road Barn in Delta.

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

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REVIEW OF THE MARCH FINANCIAL REPORT - TREASURER DEARDEN

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

PUBLIC INPUT

Wayne Jackson, Military Liaison, presented the Commission with a map of the Fillmore City Airport with an overlay of the proposal that has been made to the State. He briefly explained the proposal.

Commissioner Withers asked Mr. Jackson to let the Commission know if any assistance is needed.

OTHER BUSINESS

Clerk Rowley said that she received a letter from the Utah Board of Water Resources stating that they have received an application for assistance from Scipio Irrigation Company to replace four miles of water conveyance in Ivie Creek and High Line Canal with pipeline, with a preliminary cost estimate of \$2,951,000.00.

Clerk Rowley said that she received an email from UDOT stating that they are currently submitting an application for a FASTLANE grant for freight mobility along I-15 for the Baker Canyon and Dog Valley area, which would provide a third lane for both Northbound and Southbound traffic. She said that they are asking for a support letter from the County to enhance the application.

Commissioner Draper signed the support letter and Clerk Rowley will submit it to UDOT.

The Commission discussed upcoming meeting dates and times.

Commissioner Roper gave a brief update on the Records Building.

Commissioner Roper said that Brandon Bartholomew is ready to start the remodel of the Main Street Courthouse, as soon as the contract is signed.

Commissioner Draper said that Clayton Jeffery has asked to be replaced on the Millard County Drainage District #2 Board, and the process has begun to find his replacement.

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 Draper adjourned the meeting at 12:03 p.m..

Attest: _____

Approved: _____