

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 19th 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: Dana Jordan Chronicle Progress
Henry LeBaron, Matt Kesler, Tony Fuller, Jack & Mary Peterson Citizens
Wayne Jackson Military Liaison
Joelle McCarthy & Eric Reid BLM
Kevin Morris West Millard County Recreation
Deric Despain USU Extension
Jason Despain Paul Terry Trucking
Zane Pentz & Brandon Stephenson Sunrise Engineering
Eric Jenson Fillmore City
Lars Rasmussen NRCS
Michelle George GCrete
Ronda Williams Hinckley Lions Club
Klint Penney East Millard County Maintenance
Brandy Grace County Auditor
Sheri Dearden County Treasurer
Doug Robison U.S. Forest Service

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

APPROVAL OF APRIL 5, 2016, COMMISSION MINUTES

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

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

FOLLOW UP ACTION ITEMS FROM APRIL 5, 2016

Attorney Finlinson said that he did some research regarding the updated federal poverty guidelines for ambulance abatements and advised the Commission to approve a policy passed by resolution. He will prepare a resolution for the next commission meeting.

Attorney Finlinson said that Tate Bennett, County Public Defender, is preparing the baseline report that Commissioner Roper requested at the last commission meeting.

Commissioner Draper said that the Memorandum of Understanding (MOU) with the Bureau of Land Management (BLM) regarding Class I Inventory for the Fillmore Field Office was signed at the last commission meeting, however, the Clerk's Office was not given a copy. He said that he will get the signatures from the BLM and provide a copy of the fully signed MOU to the Clerk's Office.

Commissioner Draper asked for an update regarding the privilege taxes on Utah State School and Institutional Trust Lands Administration (SITLA), owned property that was discussed at the previous commission meeting.

Attorney Finlinson said that this will be docketed as a judgement against the property owners, as was discussed at the previous commission meeting.

Commissioner Roper reported that he and Commissioner Withers attended a luncheon April 11, 2016, with 4-H/USU Extension. He expressed his appreciation to the 4-H/USU Extension for the invitation and the presentation given there.

DISCLOSURE STATEMENTS

There was none.

REPORT FROM THE U.S. FOREST SERVICE REGARDING UPCOMING EVENTS, PRESCRIBED BURNS, ETC. - DOUG ROBISON

Mr. Robison presented the Commission with a handout regarding upcoming events and gave

a brief summary:

- Youth Conservation Corps (YCC) is offering 15 to 18 year old youth the opportunity to work for eight weeks with the Forest Service on a variety of projects. Selections will be made May 2, 2016, and the crew will work from June 6, 2016, to July 29, 2016.
- Adelaide, Oak Creek and Maple Grove Campgrounds are open. Water will not be available until the end of May. Chalk Creek picnic areas and Maple Hollow will be open when snow melt permits access.
- The Corn Creek Road is open from Kanosh to the old highway in Clear Creek; Upper Oak Creek, Willow Creek, Chalk Creek, Joseph, Elsinore, Maple Hollow and the CCC road gates are still closed due to snow.
- The Fuels crew has completed burning piles near Black Cedar Hill to reduce fuel loads and improve vegetation for range and wildlife uses. Fuels reduction activities were also completed in Ebbs and Wild Goose areas this winter.
- The District is also working on a Fuels Reduction Environmental Assessment to treat approximately 7,000 acres in the Wild Goose, Pioneer and Horse Hollow areas.

Commissioner Roper expressed his appreciation to Mr. Robison for the updates regarding controlled burns.

Mr. Robison said that he will share this information with the County Sheriff and anyone else who would benefit from it.

UPDATE ON BLM PROJECTS - JOELLE MCCARTHY

Ms. McCarthy and Eric Reid gave a brief update on BLM projects:

- The Sevier Playa project is continuing to move forward despite a few delays. There will be a tribal meeting the first part of June regarding tribal concerns.
- The BLM has granted the Orion Wind Exploration in Millard County. There will be test towers constructed to measure the amount of wind. This will be a phase project that will continue through a five year period with ten to fifteen towers total, with only a few towers up per phase.
- There is a Wild Horse Gather Proposal Research Study that is out for draft now for the public to look at. This study will move forward in July if no issues arise. This research study will study the social structure of a controlled population of gelding horses.
- There is a geothermal lease offering by Clear Lake.
- There has been a shift in recreation use; a company based out of Park City has requested a Special Recreation Permit (SRP) to fly people in to southern Tule Valley to camp, hike, rock climb, boulder, meditate, etc..
- There has been an opportunity to work with student interns at the State office to better manage recreation use. They are looking at the lava tubes, Tule Valley, Devil's Kitchen and the Heritage Trail. There is also a possibility of receiving a grant from the Great Basin Heritage for the Heritage Trail.

- The Utah Rock Art Research Association is having their symposium in Delta in September.

Commissioner Roper expressed his appreciation to Mr. Reid for the time he spent with the grazers recently and to Ms. McCarthy for the updates.

Commissioner Roper reminded the Commission that there is a meeting scheduled April 20, 2016, from 10:00 a.m. to 12:00 p.m., at the Fillmore BLM office.

UPDATE ON RECREATION/TOURISM TRAILER - KEVIN MORRIS

Mr. Morris briefly updated the Commission regarding the concessions trailer that has been discussed at previous commission meetings. He said that the White Brothers have a 16' trailer for sale for \$9,500.00, which is only \$1,000.00 more than the 12' trailer he was looking to buy from Wells Cargo.

Mr. Morris said that he talked to Deb Haveron, Tourism, to see if the Tourism Board would be interested in footing the additional \$1,000.00 for the trailer, which can be used as an informational trailer for Tourism activities, as well as a concessions trailer around the County.

Mr. Morris said that Ms. Haveron agreed and the Tourism Board approved to pay the additional \$1,000.00 out of the Tourism budget; the additional \$8,500.00 from the Recreation budget was approved at a previous commission meeting. He said that this trailer retails online for \$12,000.00.

The Commission agreed for Mr. Morris to purchase the 16' trailer from White Brothers.

DISCUSSION REGARDING A POSSIBLE NEW LOCATION FOR THE USU EXTENSION OFFICE IN FILLMORE - DERIC DESPAIN

Mr. Despain presented the commission with a handout regarding the possible USU 4H/Extension building relocation, and briefly discussed the information in it. He explained that 1,800 square feet would be ideal for this office space.

Mr. Despain briefly discussed the grant and funding opportunities available to him.

Commissioner Withers said that this item would need to be discussed during the 2017 budget cycle as there is nothing set aside in the 2016 budget cycle. He asked for more information regarding the utilities costs that would be associated with a new office space.

Mr. Despain explained that he plans to prepare a detailed proposal in November for the 2017 budget cycle.

Commissioner Roper expressed his appreciation to Mr. Despain for what he is doing for the County.

Commissioner Draper said that he believes that the County is already overbuilt regarding new construction.

DISCUSSION REGARDING POSSIBLE WORK ON A ROAD ISSUE WITH PAUL TERRY TRUCKING - JASON DESPAIN & PAUL TERRY

Mr. Despain, Paul Terry Trucking, briefly discussed the issues with Sewage Pond Road, from

Frontage Road to Airway Drive, a 0.8 mile unpaved County road. He said that it would be beneficial to Paul Terry Trucking, GCrete and Stevens Truck Power to have a road that is paved. The weights of the trucks traveling this road are at the maximum 86,000 pounds and they need a road that will support that weight.

Mr. Despain said that truck drivers have told him that they avoid this road at all costs because it is so awful. He said that Paul Terry Trucking would like to put in a semi-trailer truck wash, but hesitates to do that with the road in the condition it is currently in.

Michelle George, GCrete, said that the trucks that carry landscaping rock that travel the road actually weigh up to 129,000 pounds. She said that Travis Stevens, Stevens Truck Power, told her that he has lost a lot of business because of the condition of this road.

Mr. Despain said that Fillmore City drafted a letter of support to the Commission.

Commissioner Withers suggested this item be added to the CIB list as a top priority. He said that he will send Brandon Winget, Road Supervisor, to measure the road and put a cost proposal together.

DISCUSSION REGARDING A CLIENT POSSIBLY BUILDING ON A NON-MAINTAINED COUNTY ROAD - MOLLY STEVENS, SIGNATURE REAL ESTATE, FOR CHRIS ROBERTSON

This item was stricken from the agenda.

DISCUSSION AND POSSIBLE APPROVAL REGARDING THE HINCKLEY LION'S CLUB DEMOLITION DERBY - RONDA WILLIAMS

Ms. Williams presented the Commission with a letter requesting help and cooperation from the County for the 2016 demolition derby. She said that the help from the County last year with the equipment and time donated was beneficial and asked for that to continue this year. She stated that the Hinckley Lion's Club did receive some funding from the Tourism Board this year.

Commissioner Withers said that the County would waive 50% of the fee for use of the arena, but there is an additional fee for the use and set up of the bleachers.

Ms. Williams presented a few insurance quotes to Attorney Finlinson to review.

Attorney Finlinson advised that the insurance coverage to have a special events policy. He will review the quotes from Ms. Williams.

Commissioner Withers made a motion for the County to participate with the 2016 Hinckley Lion's Club Demolition Derby, as in previous years, after review of insurance documents by Attorney Finlinson.

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

BID OPENING OF SLIDING GLASS DOORS AT THE PAHVANT SENIOR CENTER

Auditor Grace opened the following bids:

- Pahvant Builders: \$9,800.00

- Natural Impressions: \$12,550.00

Commissioner Roper recused himself from the decision making process as he has been involved in the project.

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

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

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

Mr. Rasmussen said that Fillmore City made an application to NRCS following a storm event in 2014. He said that the funding has been approved nationwide, however, it has not yet been approved as to the EWP in Fillmore.

Mr. Rasmussen said the County has been requested to be the sponsoring agent simply because it has experience. He said it is fairly common for counties to be the sponsoring agent with NRCS. He said the sponsoring agent would be responsible for in-kind work, which is typically the source for rock, equipment, etc..

Commissioner Withers asked if this project would affect water rights in the County.

Mr. Rasmussen said that late last week, he was informed from the national office that there were additional changes to be made to the application. In an effort to keep the funding, the Damage Survey Report (DSR) was revised over the weekend.

Mr. Rasmussen presented the Commission with the updated DSR and briefly discussed the differences. He said that there are two alternatives; one at \$225,000.00, and the other at \$325,000.00. The sponsoring agent is responsible for 25% of the total amount, plus any overage costs associated with the project.

Mr. Jenson, Fillmore City, said that the City will be responsible for the engineering costs incurred with Sunrise Engineering. The City received several citizen complaints, so they stepped forward to get the process moving forward quickly and used Sunrise Engineering instead of waiting for NRCS to do the engineering.

Mr. Rasmussen said that he is hopeful to have the final approval from headquarters this week.

Commissioner Withers said that the County will need a firm commitment on costs before approval. He suggested that the Commission meet with Fillmore City to discuss the project and the costs associated with it.

DISCUSSION AND POSSIBLE APPROVAL OF THE 2016/2017 STATE COURT CONTRACT

Clerk Rowley said that the State Court Contract improved in the County's favor by \$4,223.88. It is a standard contract which is renewed each year.

Commissioner Withers made a motion to approve the 2016/2017 State Court Contract.

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

DISCUSSION AND POSSIBLE APPROVAL REGARDING HIRING A PART TIME LANDFILL TRUCK DRIVER

Commissioner Withers said that this position is for a temporary part-time landfill driver, to fill in while an employee is unable to work for 12 weeks to recover from surgery. He said that this position has been advertised in the paper, so far there have been no applications submitted. He said that John Higgins, Landfill Supervisor, talked to Mike Holt, Holt Waste, and Mr. Holt agreed to fill this position.

Attorney Finlinson recommended that this be treated as an emergency hire, and allow Mr. Holt to be hired as a temporary part-time employee. He stated that the County's Personnel Policy is weak regarding temporary employees and advised the Commission to pursue an updated HR policy regarding how temporary employee situations are handled. He said that he and Kaela Jackson, Human Resources, can look into this further and prepare an updated policy.

Commissioner Withers made a motion to hire Mr. Holt temporarily as a part-time emergency hired employee.

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

PUBLIC INPUT

Wayne Jackson, Military Liaison, said that Adjutant General Burton and his staff will be coming to Fillmore for a meeting May 16, 2016, at 11:30 a.m., at the Fillmore City Airport. He said that Fillmore City will be sponsoring this meeting and will serve a light lunch.

Mr. Jackson invited the commissioners to attend this meeting.

Mr. Jackson said that the Hinckley-Deseret Cemetery has asked him for seven new flags and asked for advisement from the Commission.

Attorney Finlinson said that the cemetery is a Special Service District and the Commission does not advise or supervise them in anyway, as they are their own taxing entity.

Mr. Jackson updated the Commission regarding the plaques for the veterans wall at the Delta Community Center. He said that the kiosk is back up in Fillmore.

OTHER BUSINESS

There was none.

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

Attorney Finlinson said that an issue has come to his attention regarding gates on a certain County Road. He said that he has sent letters to the property owners letting them know that it is not legal to gate county roads. He asked the Commission for clarification regarding installing cattle guards; in the past, the County has offered to provide the labor installing the cattle guard if the property owner provides the materials.

Commissioner Withers said that the compromise should be either to keep the gates unlocked or install cattle guards. The County will install the cattle guards if the property owner provides the materials.

Attorney Finlinson said that the contract for the renovations for the Main Street Courthouse Phase II is ready to be signed.

Commissioner Roper said that there were a few issues that needed to be addressed before it is signed.

The Commission will discuss those issues after the meeting today.

Attorney Finlinson said that there is an appeal coming up and he needs to get some proposals for appellate work. He said that Nathan Phelps does appellate work for the smaller counties in the State for half the cost, but he would like to get a couple of proposals in from a few other attorneys. He said that this would come out of the extraordinary expense budget in the public defender contract.

Commissioner Roper reminded the Commission that the Governor's Office of Economic Development (GOED) Familiarization Tour will be June 13 through 14, 2016. There will be a Workforce Services meeting that corresponds with the tour.

The Commission briefly discussed some ideas for what to do during the tour, including dinner, entertainment, a Counsel of Government's Meeting, touring certain businesses in Millard County, etc..

Commissioner Roper said that Jim Dyer needs to be replaced on the MEDA Board. He said that he will run an advertisement in the paper for this replacement.

Commissioner Roper said that the annual National Association of Counties (NACo), Conference will be July 22 through 25, 2016. He said that he feels that someone should be there to represent Millard County.

Commissioner Roper said the Records Building bid information is ready to go to the paper for advertisement, but it needs to be decided whether to bid all of it or just do a partial bid. He said that \$170,000.00 has been budgeted for this building this year, but he does not think that will be enough to finish the building and will need to be re-budgeted next year.

Commissioner Roper said that Sunrise Engineering has already done some work for this project and have been paid approximately \$30,000.00.

Commissioner Roper said that he is hopeful to have the framework, roof, windows, doors and brick completed this year, and the finish work can be completed with the new budget cycle. This will be a 3,500 square foot building.

Commissioner Roper will prepare the bid and send it to the paper for advertisement.

Commissioner Roper reported on the Leadership Summit that he and Commissioner Draper attended in Richfield last week.

Commissioner Roper reported that he and Commissioner Draper also attended a Department of Transportation (DOT), meeting. He said that he told the DOT that he did not think they were spending enough time or money in Millard County.

Commissioner Roper said that the commissioners attended the Utah Association of Counties (UAC), conference in Layton last week and he had the chance to look at voting/polling opportunities with Clerk Rowley, which will be discussed at a future meeting.

Clerk Rowley said that the State anticipates that by May of 2017 they will have an idea of what they will be doing as far as new voting equipment.

Commissioner Roper said that he and Commissioner Draper attended a meeting on CDA's and briefly discussed what that entailed.

Commissioner Withers said that he has several questions regarding the new CDA law and would like to have a meeting with UAC regarding this.

The commissioners agreed and Commissioner Roper will schedule a meeting.

Later, Commissioner Withers said that he attended several meetings at UAC regarding CDA's and insurance.

Commissioner Withers presented Auditor Grace with a bill for the Public Health Building.

Commissioner Withers said that the Architecture for the Sunset View Golf Course bids were accepted at the last commission meeting and need to be reviewed.

The commissioners will meet after commission meeting today to review the bids and it will be awarded at the next commission meeting.

Commissioner Draper said that Yuba State Park has started dumping garbage at the Scipio Landfill again. It was determined that a discussion happened last year regarding this situation, but a letter was never sent to Yuba State Park.

Commissioner Draper reported that there will be a power outage from Holden to Kanosh on Wednesday, April 20, 2016, from 7:00 p.m. to 10:00 p.m..

Commissioner Draper said that he attended a meeting in Richfield regarding the Resource Management Plan (RMP). A rough draft will need to be presented to the Planning Commission in May 2017, and the final draft will be presented September 15, 2017.

Commissioner Draper said that he learned while at UAC that a 30 day extension was given regarding comments for the BLM Planning 2.0. He said that this will have to be ready by May 24, 2016, so he will have it to the other commissioners by May 17, 2016, for their review.

Commissioner Draper said that Attorney Mark Ward will be touring Millard County May 5 through 6, 2016, to address what the County wants in its RMP.

Commissioner Draper said that the Tax Sale is May 26, 2016.

Commissioner Draper said that the final draft of the Class 1 Inventory from the BLM will be available May 31, 2016.

Commissioner Draper said that the Delta High School graduation will be May 24, 2016, and the Millard High School graduation will be May 25, 2016.

Commissioner Draper said that the commissioners will be meeting with Magnum June 6, 2016.

Commissioner Draper said that the rodeo will be held June 9 through 11, 2016, at the County Fairgrounds in Delta.

Commissioner Draper reminded the Commission that SITLA will be in Millard County June 16 through 17, 2016, for the West Desert Tour.

Commissioner Withers said that the commissioners have been invited to the Public Lands Support Symposium in Las Vegas May 13, 2016, from 10:00 a.m. to 3:00 p.m..

Commissioner Draper said that he will be in attendance.

Commissioner Withers reminded the Commission that there is a Farm Bureau meeting at the School District Office April 20, 2016, at 7:00 p.m.. He said that Representative Nielson and Senator Okerlund will be in attendance.

Commissioner Draper said that the groundbreaking ceremony for the new power line will be April 21, 2016, at 11:00 a.m..

Commissioner Roper said that he will attend the ceremony.

Commissioner Draper reported that he received a letter from the Forest Service Fillmore Ranger District that they have received a proposal from NRCS to install a snow tell weather station at the top of Chalk Creek. He said that if the County had any input, the deadline is May 6, 2016.

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 12:55 p.m..

Attest: _____

Approved: _____