

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 3rd DAY OF MAY 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
Klint Penney East Millard Maintenance
Bart Whatcott East Millard Recreation
Brandy Grace County Auditor
Sheri Dearden County Treasurer
Matt Kesler Citizen

Note: Not all agenda items were followed in order.

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 quoted a graffiti message on the wall of a cell block from a Prisoner-of-War camp from World War II at Beale Air Force Base in California, “America is so great, I wish I had never seen it”. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF APRIL 19, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 19, 2016, were

presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of April 19, 2016, as corrected.

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

FOLLOW UP ACTION ITEMS FROM APRIL 19, 2016

Attorney Finlinson said that the letter he sent regarding the locked gate on a County Road was returned to his office as undelivered; however, the locks have since been taken off the gate.

DISCLOSURE STATEMENTS

There were none.

AWARD OF CONTRACT FOR THE SLIDING GLASS DOORS AT THE PAHVANT SENIOR CENTER

Commissioner Draper reminded the Commission that Commissioner Roper had recused himself from this discussion due to a possible conflict of interest.

Commissioner Withers made a motion to award the contract for the sliding glass doors at the Pahvant Senior Center to Pahvant Builders in the amount of \$9,800.00.

Commissioner Draper stepped from the chair and SECONDED the motion. The voting was passed by a majority vote.

DISCUSSION AND POSSIBLE APPROVAL OF MATT LOE AS THE MEDA BOARD CHAIR AND ROGER KILLPACK AS THE MEDA BOARD ASSISTANT CHAIR

Commissioner Roper made a motion to approve Matt Loe as the MEDA Board Chair and Roger Killpack as the MEDA Board Vice Chair.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-05-03, A RESOLUTION OF THE MILLARD COUNTY COMMISSION ADOPTING THE FEDERAL POVERTY GUIDELINES FOR AMBULANCE ABATEMENTS

Commissioner Roper made a motion to approve Resolution 16-05-03, a resolution of the Millard County Commission adopting the U.S. Department of Health and Human Services poverty guidelines as a basis for evaluating requests to abate fees for emergency services.

Commissioner Withers SECONDED the motion. Deputy Clerk Shields 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.

AWARD OF CONTRACT FOR THE ARCHITECTURE ON THE SUNSET VIEW GOLF COURSE CLUBHOUSE

The commissioners briefly discussed the bids for the architecture on the Sunset View Golf Course that were accepted at a previous Commission meeting.

Commissioner Withers spoke to Casey Fowles, County Golf Pro, via telephone, to receive his input on the bids. Mr. Fowles said that Western Architecture Design Group was the only bidder who had previous experience with architecture for golf course clubhouses.

The Commission expressed concerns with the Western Architecture Design Group bid because of all the exclusions.

Commissioner Roper made a motion to award the contract for the architecture on the Sunset View Golf Course Clubhouse to WPA Architectural Services for \$27,550.00, predicated on the architect meeting with the Commission and all questions answered favorably.

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

Commissioner Withers will ask Mr. Fowles to set up a meeting with the architect.

DISCUSSION AND POSSIBLE APPROVAL OF CONSOLIDATING ECG/EDF CONDITIONAL USE PERMITS (CUP) AND CHANGE TO YEARLY REVIEW INSTEAD OF YEARLY RENEWAL

This was struck from the agenda.

PUBLIC INPUT

Bart Whatcott, East Millard Recreation, discussed his concerns with several patrons who owe excessive amounts for the use of the Equestrian Park in Fillmore. He said that there is \$6,000.00 to \$7,000.00 in outstanding debt owed to the County.

Attorney Finlinson said that lawsuits can be filed in small claims for these debts.

Mr. Whatcott will update the bills and provide them to Attorney Finlinson.

Mr. Whatcott discussed several upgrades that have been made to the indoor arena in the last few months. He also briefly discussed the need to make the arena fully ADA compliant.

Mr. Whatcott said that there are a number of people who use the conference area for luncheons and discussed the need for tables and chairs for use at events held there.

Mr. Whatcott said that he would like to have enough seating for 250 people and would like approval to purchase half this year and half next year. He said that there should be money in the Recreation Capital Budget to fund this expense.

Commissioner Roper expressed concerns with enough money being in the Recreation Capital Budget due to expenses for the Regional Soccer Field.

Mr. Whatcott said that he received three phone bids, the lowest of which being \$6,174.00 for

seating for 250 people. He explained that there is storage space at the indoor arena sufficient to store the tables and chairs.

Commissioner Roper recused himself from this discussion due to a possible conflict of interest.

Commissioner Withers made a motion to approve the purchase of one third of the needed tables and chairs, based on the fact that there is funding available.

Commissioner Draper stepped from the chair and SECONDED the motion. The voting was passed by a majority vote.

Mr. Whatcott updated the Commission on the status of the Regional Soccer Field.

Commissioner Roper expressed his appreciation to the Weed Department for spraying the field.

OTHER BUSINESS

Auditor Grace presented a management letter from Larsen Certified Public Accountants, which states the purpose of the annual audit and what they will accomplish. She reminded the commissioners that they can request specific items be looked at during the audit this week.

Clerk Rowley said that she published a disclaimer in the paper stating that if any one precinct did not have at least three willing people to serve as election judges, those precincts would be considered vote by mail precincts for this year's elections. She said that there were four precincts that did not have enough willing people to serve, but after many phone calls, she was able to find enough election judges for all precincts for the Primary Election, which will be held Tuesday, June 28, 2016.

Commissioner Withers reported that Nathan Porter was hired as the West Millard Recreation Director/Pool Supervisor, to replace Max Wood. He said that Mr. Porter has asked for a cell phone allowance.

Commissioner Withers made a motion to approve a cell phone allowance in the amount of \$80.00 for Mr. Porter, West Millard Recreation Director/Pool Supervisor.

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

Commissioner Withers said that he met with Rocky Mountain Power to discuss the bid to bring power into the Weed Department building. He said that Rocky Mountain Power will send two bids to the Auditor's Office, the first bid will be for the Weed Department to have its own service and the second bid will be bringing the power from the Road Department building.

Commissioner Withers reported that the outside structure of the Weed Department building is almost finished. He said that he will meet with the board to discuss what electrical needs to be completed on the inside. He said that Kevin Morris, West Millard Maintenance, is looking into the percolation testing and the septic system so the plumbing can be bid out.

Commissioner Withers said the construction of the gas line will begin May 22, 2016.

Commissioner Withers said that there needs to be a discussion regarding step and grade for the morning supervisors at the West Millard Swimming Pool. He said that the supervisors have asked for an increase to be in line with what umpires and referees receive. The supervisors currently make between \$8.50 and \$9.00 per hour, and they are present at 5:00 a.m. to supervise.

Commissioner Draper said that he has also been approached regarding salary issues with the current step and grade in several different departments. He said the current step and grade system limits what the County can pay, which also limits the expertise it can obtain. He said that he thinks that either the entire step and grade scale needs to be revamped or a Special Skills category may need to be created for certain positions where the standard step and grade may not be applicable.

Auditor Grace said that this would be an easy fix; the section regarding maximum starting pay would need to be amended. She stated that if this is done, she thinks it should be for all departments. She briefly discussed the system prior to when the step and grade scale began in 2009.

Commissioner Withers stated that the Commission will need to be careful with any changes made to the step and grade scale, as there may be push back from other County employees and citizens. He said that he wants it to be fair for all employees.

Commissioner Roper said that while he feels this is needed, it will need to be researched and discussed extensively.

Commissioner Draper will discuss this further with Attorney Finlinson and Auditor Grace to get the process started.

Commissioner Roper said that Tony Fuller approached him regarding a zone change that both he and the County will have to comply with at the gravel pits. He said that last year Mr. Fuller had 20 acres of gravel up for sale and asked the Commission if they would be interested in purchasing those gravel pits.

Commissioner Withers said that concerns regarding receiving any more lime chips from the Lime Plant have arisen in the last few weeks. He said that it is good material at those gravel pits and it is adjacent to the County gravel pits, so he feels it would be beneficial.

Commissioner Draper agreed that it could be beneficial to secure these gravel pits from Mr. Fuller.

Commissioner Roper will approach Mr. Fuller to see if he is still interested in selling the gravel pits.

Commissioner Roper reminded the Commission that the Governor's Office of Economic Development (GOED) Familiarization Tour will be June 13 through 14, 2016. He said that agenda items are still being worked on, but there will be a Workforce Services meeting at 11:00 a.m. at the Territorial State on June 13, 2016.

Later, Commissioner Roper asked if the Counsel of Government's Meeting should be the evening of June 13, 2016, and the commissioners agreed. The Commission discussed inviting significant others and providing dinner and entertainment.

Commissioner Roper said that the request for bids for the Records Building will be in the paper for two weeks. He said that any contractor that bids on this project will be required to attend

a bid meeting at 8:00 a.m. on May 17, 2016.

Commissioner Roper said that the vacant MEDA Board position has been advertised in the paper and so far, there has been no response. He said that this position will be filled at the next Commission meeting.

Commissioner Roper asked Commissioner Withers or Commissioner Draper to visit with Delta City to see if the County Building Inspector would be allowed to inspect the Sunset View Golf Course Clubhouse and if the building permit fee could be waived for that building, to save money. He would ask the same for the Records Building.

Commissioner Roper said he attended the Constitution of Defense Council (CDC), last week and the Great Basin Water Network was on the agenda requesting \$50,000.00 for legal fees. He reminded the Commission that the County gave the Great Basin Water Network a letter of support for this. He said that the agenda item was tabled so that the CDC could look into the legality of it.

Commissioner Roper said that at the meeting, Mark Ward announced that Millard County and Juab County may need help financially in the future to fight water battles. He said that the CDC seemed to recognize the importance of the water issues that Millard County faces.

Commissioner Roper asked for an update regarding the open IT position.

Commissioner Draper said that this is a position that will need to be looked at regarding the step and grade scale issues that was discussed earlier today. It was decided that this position will not be advertised until those issues are dealt with.

Commissioner Draper said that with the remand of all Snake Valley water applications since 1981 to the Nevada State Engineer, Southern Nevada Water has taken the initiative re-filing water applications. The resulting hearings will most likely be held in September or October.

The Commission briefly discussed a possible plan of action for when the hearings take place.

Attorney Finlinson said that Deputy Attorney Richard Waddingham is very knowledgeable regarding water issues and asked that he be involved.

Commissioner Roper said that he would like to meet with the Juab County Commissioners along with Attorney Waddingham to discuss this issue. He said other counties may also want to be involved as well and should be invited to that meeting.

Commissioner Draper said that he spoke with Redge Johnson at Utah Public Lands Policy Coordinating Office (PLPCO), regarding the letter on Planning 2.0 that is due on May 24, 2016.

Commissioner Draper said that he just received similar documents from the U.S. Forest Service with a due date of May 23, 2016.

Commissioner Draper said that he received a letter from the Air Quality Board regarding a meeting tomorrow in Salt Lake City at 1:30 p.m., and wondered if any of the commissioners needed to be to that meeting.

Commissioner Draper said that Mark Ward had been planning to tour Millard County May

5 and May 6, 2016, but he had a congressional hearing come up that he needed to prepare for; therefore, the tour date has been changed to May 23 and May 24, 2016.

Commissioner Withers reminded the commissioners 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.

Commissioner Withers reminded the commissioners that the Public Lands Support Symposium is in Las Vegas on May 13, 2016, at 10:00 a.m..

Commissioner Draper said that he thinks at least one commissioner should attend.

Commissioner Draper said that he and Commissioner Roper attended a consulting/cooperative agency meeting with the BLM regarding the Sevier Lake Playa.

Commissioner Draper reported that Peak Minerals is proceeding with complying with the EPA restrictions. He said this is a drawn out process, but they are on schedule to begin in 2019.

Commissioner Withers reported on the Farm Bureau meeting that he attended. He said that Representative Nielson and Senator Okerlund were in attendance. They discussed fencing livestock off of the highways and also reviewed agricultural legislation.

Commissioner Roper said that Lincoln Shurtz, Utah Associations of Counties (UAC), will meet with the commissioners at 1:30 p.m. May 17, 2016, regarding CDA's.

Commissioner Roper said that after the discussion at the last Commission meeting with Paul Terry Trucking, he sent a letter to Emery Polelonema, Six County Association of Governments (AOG), asking him to add the Sewage Pond Road to the Community Impact Board (CIB) list. This is a \$300,000.00 project, which would be half grant and half loan.

Commissioner Roper said that it is too late to add the jail to the CIB list for June, but it can still be added for October.

Commissioner Roper said that he submitted Commissioner Draper's name for consideration to be appointed as a new board member for the Six County AOG CIB, to replace Claudia Jarrett; however, Sevier County Commissioner Garth "Tooter" Ogden received the most votes for the position. That nomination has been approved through Legislature and is currently waiting for approval from the Governor.

REVIEW OF THE APRIL FINANCIAL REPORT - TREASURER DEARDEN

The Commissioners reviewed the financial reports for the month of April, as well as the overrides reports.

OTHER BUSINESS CONTINUED

Commissioner Withers said that the Road Department has received approximately \$1.1 million from the new gas tax. He asked Auditor Grace what the process is in order for the Road Department to be able to access that money.

Auditor Grace said that although that money is allocated to the Road Department, it is still bound by the current budget. She said that in order to allow that additional expenditure, the budget would have to be opened.

Auditor Grace said she will research what needs to be done in order to open the budget, as it is a different process for Class B Roads and it is a Special Revenue Fund.

Commissioner Withers asked Auditor Grace to start the process of opening the budget.

Treasurer Dearden presented Attorney Finlinson with a bankruptcy notification that she received.

Later, Auditor Grace said that the Courthouse Scholarship applications will be coming in soon and will need to be processed quickly in order for them to be received before graduation.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-05-03A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING A TRUSTEE TO THE BOARD OF THE MILLARD COUNTY DRAINAGE DISTRICT #2

Commissioner Withers made a motion to approve Resolution 16-05-03A, a resolution of the Board of County Commissioners of Millard County, Utah, appointing Jolene Petersen as Trustee to the Board of the Millard County Drainage District #2 as Secretary.

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.

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 12:05 p.m..

Attest: _____

Approved: _____