

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th 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
Paulette Staples County Sheriff's Office
Wayne Jackson Military Liaison
Scott Barney MEDA Coordinator
Sheri Dearden County Treasurer
Brandy Grace County Auditor
Craig Bartholomew 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 Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MAY 3, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 3, 2016, were presented for consideration and approval. Commissioner Withers made a motion to approve the minutes of May 3, 2016, as presented.

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

FOLLOW UP ACTION ITEMS FROM MAY 3, 2016

Commissioner Roper said that he approached Tony Fuller regarding selling his 20 acres of gravel to the County. Mr. Fuller has submitted two proposals, which will be on the next agenda for discussion and possible approval.

RATIFY THE APPROVAL FOR BART WHATCOTT, EAST MILLARD RECREATION, TO PURCHASE ONE-THIRD OF THE NEEDED TABLES & CHAIRS FOR THE INDOOR ARENA

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

Commissioner Withers made a motion to ratify the approval for Bart Whatcott, East Millard Recreation, to purchase one-third of the needed tables & chairs for the Indoor Arena.

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

RATIFY THE APPROVAL OF A CELL PHONE ALLOWANCE IN THE AMOUNT OF \$80.00 FOR NATHAN PORTER, WEST MILLARD RECREATION DIRECTOR/POOL SUPERVISOR

Commissioner Roper made a motion to ratify the approval of a cell phone allowance in the amount of \$80.00 for Nathan Porter, West Millard Recreation Director/Pool Supervisor.

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

DISCUSSION AND POSSIBLE APPROVAL OF A MEMBER TO SERVE ON THE MEDA BOARD TO REPLACE JIM DYER

Commissioner Roper made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN APPOINTMENT OF A MILLARD COUNTY COMMISSIONER TO THE UTAH COUNTY CHILDREN'S JUSTICE CENTER BOARD

Commissioner Draper said that he received an email from Utah County inviting Millard County to appoint a commissioner to serve on the Utah County Children's Justice Center Board.

Attorney Finlinson said that Millard County uses the Children's Justice Center frequently for interviews, counseling and exams and it is an excellent service. He stated that this would be a great

opportunity to have a commissioner appointed to the board.

Commissioner Roper expressed that he is willing to be appointed to this board for the rest of his term.

Commissioner Withers made a motion to approve the appointment of Commissioner Roper to the Utah County Children's Justice Center Board.

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

Commissioner Draper will update Utah County regarding this appointment.

DISCUSSION AND POSSIBLE APPROVAL REGARDING A PAYMENT OF \$500.00 TO THE AMERICAN STEWARDS OF LIBERTY TO PARTICIPATE IN THE BLM PLANNING 2.0 FUNDING

Commissioner Roper said that the other five counties in Six County are involved with the American Stewards of Liberty and they have asked if Millard County would like to be as well. He said that the other counties have all paid \$500.00 to participate.

Commissioner Draper asked what the American Stewards of Liberty would be providing to the County. He said that the comments on BLM Planning 2.0 are due next week and does not see any indication that the County would benefit from being involved with the American Stewards of Liberty.

Commissioner Roper said that he will get more information.

Commissioner Roper made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL REGARDING A PAYMENT OF \$250.00 TO SIX COUNTY ASSOCIATION OF GOVERNMENTS (AOG) FOR EXPENSES INCURRED WITH THE RESOURCE MANAGEMENT PLAN (RMP)

Commissioner Roper said that the amount is actually \$340.95, which is Millard County's share for expenses incurred with the RMP. He said this is money that the County will pay out of the Special Funds budget, which would then be submitted for reimbursement.

Commissioner Roper said that Auditor Grace recommended setting up a line item for expenses incurred with the RMP so that it can be tracked easily.

Commissioner Roper made a motion to pay \$340.95 to reimburse Six County AOG for expenses incurred with the RMP.

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

DISCUSSION AND POSSIBLE APPROVAL REGARDING A PAYMENT OF \$500.00 FOR A LICENSING FEE TO THE ASSOCIATION OF COUNCIL FROM THE NEVADA STATE BAR FOR MARK WARD

Commissioner Withers said that the County is currently unsure as to which counties in the State will be participating in the Snake Valley water hearings, which is why Millard County will be paying the licensing fee. He said that if other counties commit, they will reimburse Millard County for partial fees.

Commissioner Draper said that Juab County has committed to participate, but he has not heard back from any other counties at this point. He said that he anticipates using both Deputy County Attorney Richard Waddingham, as well as Attorney Mark Ward as legal counsel for Millard County in Nevada.

Commissioner Withers made a motion to approve a payment of \$500.00 for a licensing fee to the Association of Council from the Nevada State Bar for Mark Ward.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-05-17, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, REGARDING MODIFYING THE JOB DESCRIPTION FOR THE WEST DESERT RESIDENT SHERIFF'S DEPUTY

Attorney Finlinson said that Deputy Jim White has served as the West Desert Resident Sheriff's Deputy for several years and is preparing to retire. He said that the Sheriff's Office and Kaela Jackson, Human Resources, reviewed the job description and saw that it needed to be updated. He briefly described the modifications.

Commissioner Roper made a motion to approve Resolution 16-05-17, a resolution of the Board of County Commissioners of Millard County, Utah, regarding modifying the job description for the West Desert Resident Sheriff's Deputy.

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 REGARDING DRY CABINS

Attorney Finlinson said that he has researched the feasibility and legality of allowing dry cabins in Millard County. He said that he talked to Iron County, Beaver County and Juab County, who have all allowed recreational subdivisions for dry structures in the past, but are mostly doing away with it due to a number of issues:

- If there are any kind of plumbing facilities it must have a permanent water source as per the State Health Department.
- Second generation owners threatening equal protection lawsuits since the County was

not maintaining roads or providing water.

- Fire suppression; however, there is a Uniform Code that can be adopted to insulate the County from liability.

Attorney Finlinson stated that the Planning and Zoning Board is against dry cabins; however, if the Commission wants to pursue this, he could create a proposed ordinance to be submitted to the Planning and Zoning Board for consideration. It would then go to the Commission to be approved as an ordinance.

Commissioner Withers stated that several Millard County residents have expressed an interest in dry cabins.

Commissioner Roper said that Planning and Zoning Board recently approved a subdivision with six lots for dry cabins, just south of Fillmore.

Attorney Finlinson said that the current County Land Use Ordinance does not allow for a recreational subdivision.

Commissioner Draper said that the primary issue that he sees, is that property owners should be able use their own property as they see fit. Commissioner Withers and Commissioner Roper agreed.

DISCUSSION AND POSSIBLE APPROVAL OF THE COURTHOUSE SECURITY CONTRACT - COUNTY SHERIFF'S OFFICE

Paulette Staples, Sheriff's Office Executive Secretary, presented the 2016/2017 Courthouse Security Contract.

Attorney Finlinson said that this contract has the same provisions as last year.

Commissioner Withers made a motion to approve the 2016/2017 Courthouse Security Contract.

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

OTHERS BUSINESS

Commissioner Withers expressed his appreciation to the Sheriff's Office for getting the jail crew to the Delta High School Rodeo on such short notice Saturday. He said that several citizens called expressing their appreciation as well.

Commissioner Roper said that the State has put together a Rural Committee with commissioners and business owners, which he is a part of. He said that Morgan County, Box Elder County, Sanpete County and Carbon County are participating in a pilot program identifying strengths and weaknesses in those counties. He said that the Utah Governor's Office of Economic Development (GOED), is involved in this program.

Commissioner Draper said that the meeting with Mark Ward on May 23 and May 24, 2016 has been cancelled.

Commissioner Roper said that he will present the Courthouse Scholarship tonight at Millard High School.

Commissioner Draper said that he will present the Courthouse Scholarship tonight at Delta High School.

Commissioner Withers will contact Eskdale High School to let them know that there is money available to them as well.

Commissioner Roper reminded the Commission that there is a meeting at 1:30 p.m. today with Lincoln Shurtz, Utah Association of Counties (UAC), regarding Community Development Agency (CDA).

Commissioner Withers said that the commissioners met with the architect for the Sunset View Golf Course Clubhouse. He said that everything in the contract was agreeable and the architect will proceed with drawing the plans, which should be available for review in four to six weeks.

Commissioner Withers said that he received two proposals from Rocky Mountain Power for electrical services for the Weed Department Building in Delta. He said that this has been budgeted as a part of the project, it just needs to be decided which proposal to accept. He said that the proposal in the amount of \$6,612.00 is refundable; the proposal in the amount of \$6,362.00 is non-refundable. He asked Attorney Finlinson to review the proposals and report back.

Commissioner Withers presented a cell phone allowance request from John Higgins, Landfill Supervisor.

Commissioner Withers made a motion to approve a cell phone allowance in the amount of \$80.00 for Mr. Higgins.

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

Commissioner Draper briefly discussed a meeting with the Juab County Commissioners regarding the ongoing water litigation in Snake Valley.

Commissioner Draper reported that Kevin Morris, West Millard Maintenance, ran an advertisement for a part time summer employee. He said that there were three applicants and the one that is most qualified is only 16 years old. He said that Mr. Morris talked with Ms. Jackson regarding this and she reported that there is not a problem with his age, except that he would be unable to operate County equipment.

Attorney Finlinson will look into this item further.

Commissioner Draper said that he visited Yuba State Park regarding the ongoing Scipio Landfill issue. He said that Yuba State Park has been able to contract with another company for garbage removal, and the issue has been resolved. He said there will also no longer be a need to add an additional dumpster to the Scipio Landfill, as has been discussed in previous meetings.

Commissioner Draper reported that he was at the Delta Chamber of Commerce meeting May 11, 2016. He said that the Business of the Year was awarded to Courtesy Ace Hardware; the Employee of the Year was awarded to Sarah Kimball, First American Title; the Area Giant was awarded to Max Wood, former West Millard Recreation Supervisor.

Commissioner Draper said that the BLM Planning 2.0 comments are to be submitted May 24, 2016. He said that there are twelve states that are affected by the BLM, and it is almost unanimous that all counties in all twelve states are opposed to this planning rule change. He said that the Millard County opposition will be stated clearly.

Wayne Jackson reported briefly on the meeting with Major General Adjutant Jeffrey Burton and staff on May 16, 2016. He said that General Burton was pleased that all three commissioners and the Fillmore City Council were in attendance. He said that the general and his staff were receptive and seemed impressed with what Fillmore offered.

PUBLIC HEARING FOR THE PURPOSE OF OPENING THE BUDGET FOR THE CLASS B ROAD FUND FOR THE 2016 YEAR

Commissioner Withers made a motion to enter into a public hearing for the purpose of opening the budget for the Class B Road Fund for the 2016 year.

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

The public hearing began at 11:04 a.m..

Present were: Auditor Grace, Treasurer Dearden, Craig Bartholomew, Wayne Jackson, Scott Barney and Dana Jordan

Auditor Grace briefly explained the purpose for opening the budget for the Class B Road Fund. She said that Legislation passed last year that allowed for additional allocations to come through. She said that the first allocation came through in the amount of \$750,000.00, but there is no way to anticipate future allocations.

Auditor Grace said that the Road Department requested the Buildings and Grounds line item be increased by \$40,000.00 and the Oil/Paving line item be increased by \$710,000.00.

Auditor Grace stated that if there is any unused money in the Class B Road Fund Budget, it will be carried over to the next year.

Auditor Grace said that this budget may have to be opened again throughout the year in order to use additional allocations.

There were no other comments made.

Commissioner Roper made a motion to close the public hearing.

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

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-05-17A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TO OPEN THE 2016 MILLARD COUNTY BUDGET AND AMEND THE CLASS B ROAD FUND

Commissioner Roper made a motion to approve Resolution 16-05-17A, a resolution of the Board of County Commissioners of Millard County, Utah, to open the 2016 Millard County Budget and amend the Class B Road Fund.

Commissioner Withers 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.

Commissioner Withers made a motion to allocate \$750,000.00 to the Class B Road Fund; \$40,000.00 to the Buildings and Grounds line item; \$710,000.00 to the Oil/Paving line item.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS CONTINUED

Auditor Grace reported that her office received a dividend of \$8,110.00 from PEHP, which was receipted to the General Fund Sundry.

Scott Barney, MEDA Coordinator, gave a brief update on the GOED Familiarization Tour coming up June 13 through 14, 2016.

Mr. Barney said that there will be a Workforce Services meeting at 11:00 a.m. at the Territorial Statehouse June 13, 2016.

Commissioner Roper said that the Counsel of Government's Meeting will be held the evening of June 13, 2016. He asked if the County is funding the meals or if there will be any funding from GOED.

Mr. Barney said he will look into this further and report back.

The Commission briefly discussed businesses in the County that they would like to visit with GOED as a part of the tour.

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

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 11:26 a.m..

Attest: _____

Approved: _____