

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF JUNE 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: Connie Hansen County Recorder
Sheri Dearden County Treasurer
Klint Penney East Millard Maintenance
Bart Whatcott East Millard Recreation
Bonnie Gehre Chief Deputy County Auditor
Dana Jordan Chronicle Progress
Jeremy Crapo Natural Impressions
Wayne Jackson Military Liaison
Lynn Zubeck, Spencer DuShane and Kevin Bunnell DWR
Randle Brunson, Matt Kesler, Paco Alcala and Leo Stott Citizens

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

APPROVAL OF MAY 17, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 17, 2016, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of May 17, 2016, as presented.

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

FOLLOW UP ACTION ITEMS FROM MAY 17, 2016

Commissioner Roper reported that he presented the County Courthouse Scholarship to Millard High School Graduate Emily Rhinehart.

Commissioner Draper reported that he presented the County Courthouse Scholarship to Delta High School Graduate Whitney Dutson.

Commissioner Draper said that he emailed the Utah County Children's Justice Center Board and informed them that Commissioner Roper has agreed to serve on its board.

RATIFY THE APPROVAL OF A CELL PHONE ALLOWANCE IN THE AMOUNT OF \$80.00 FOR JOHN HIGGINS, COUNTY LANDFILL SUPERVISOR

Commissioner Withers made a motion to ratify the approval of a cell phone allowance in the amount of \$80.00 for John Higgins, County Landfill Supervisor.

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

BID OPENING FOR THE RECORDS BUILDING

Chief Deputy Auditor Gehre opened the following bids:

- Natural Impressions: \$126,500.00
- Randle Brunson: \$135,406.00

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

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

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

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

Commissioner Roper said that Robert Reidhead, manager at Zions Bank, and Mark

Huntsman, Sunrise Engineering, have both agreed to serve on the MEDA Board.

Commissioner Roper made a motion to appoint Mark Huntsman to serve on the MEDA Board to replace Jim Dyer.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRIBUTION OF \$500.00 TO AMICUS BRIEF FOR COMMISSIONER PHIL LYMAN

Commissioner Draper said that Millard County was solicited to help fund an amicus brief for San Juan County Commissioner Phil Lyman.

Attorney Finlinson briefly explained the amicus brief. He stated that it is not controversial; it is more technical in the issues that it raises.

Commissioner Roper stated that he feels the amicus brief supports the County's efforts with RS2477.

Commissioner Draper agreed with Commissioner Roper. He said that he received an invoice in the amount of \$416.67.

Commissioner Roper made a motion to approve payment in the amount of \$416.67, in support of the amicus brief for Commissioner Phil Lyman.

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

DISCUSSION AND POSSIBLE APPROVAL REGARDING THE LEASE OUT EXTENSION AGREEMENT FOR 400 W CENTER STREET, FILLMORE, UTAH, BETWEEN MILLARD COUNTY AND THE LDS CHURCH REAL ESTATE SERVICES DIVISION

The Commission briefly discussed the agreement.

Commissioner Roper stated that he wants to talk with the LDS Church regarding any water associated with this agreement before signing it.

Commissioner Roper will contact the LDS Church and report back.

Commissioner Roper made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT BETWEEN MILLARD COUNTY AND TONY FULLER FOR THE PURCHASE OF 18.9 ACRES OF GRAVEL PIT PROPERTY, IN THE AMOUNT OF \$37,800.00; AND 4.15 ACRE FEET OF WATER RIGHTS, IN THE AMOUNT OF \$20,750.00

Commissioner Roper stated that there are two separate contracts. He said that he does not

think the water rights contract needs to be considered at this time. He said that the gravel pits for sale are located right next to the County owned gravel pits.

Commissioner Withers said that a well was purchased with the original gravel pits and stated that the water rights may need to be considered. He said that he will talk to Brandon Winget, County Road Supervisor, to see if more water is needed for the additional gravel pits.

Attorney Finlinson recommended that a title search be completed to verify that the mineral rights are secure, before purchasing the gravel pits.

Commissioner Withers made a motion to table this agenda item, to investigate mineral rights and water needs.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH UTAH STATE LIBRARY FOR BOOKMOBILE SERVICES

Chief Deputy Auditor Gehre said that the agreement is in the amount of \$106,000.00, which is down \$709.00 from last year.

Commissioner Roper requested for the Utah State Library to provide a report regarding Bookmobile usage to the Commission before approving the agreement.

Commissioner Withers made a motion to table this agenda item.

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

DISCUSSION REGARDING THE HORSE TRACK AND FENCE AT THE INDOOR ARENA - PACO ALCALA

Paco Alcala briefly discussed the need for a privacy fence at the horse track. He said that he is planning on bringing big events to the arena this year and would like to get this issue taken care of as soon as possible.

Bart Whatcott, East Millard Recreation, said that they are requesting approximately 600 feet of 6' to 8' fence, with 200 feet with privacy slats.

Commissioner Roper requested for Mr. Whatcott to get some bids and report back at the next Commission meeting.

REVIEW OF THE MAY FINANCIAL REPORT - TREASURER DEARDEN

The commissioners reviewed the financial reports for the month of May.

NOTIFICATION REGARDING THE ACQUISITION OF 80 ACRES FOR THE PAHVANT WILDLIFE MANAGEMENT AREA (WMA) - SPENCER DUSHANE, DIVISION OF WILDLIFE RESOURCES (DWR)

Kevin Bunnell, DWR Regional Supervisor, presented the Commission with a map showing the current WMA, along with the additional 80 acres.

Mr. Bunnell reported that the DWR is in the process of purchasing 80 acres from Leo Stott for the Pahvant WMA and asked the commissioners if they had any issues with that purchase. Mr. Bunnell said that it will make the Payment in Lieu of Taxes (PILT) payment a bit larger.

Lynn Zubeck, Waterfowl Biologist, briefly explained the DWR's plans for this parcel.

Commissioner Withers made a motion to support the DWR in the acquisition of 80 acres for the Pahvant WMA.

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

Mr. Bunnell reported that Riley Peck, Biologist, has accepted a promotion in Springville, Utah. He said that the new biologist is Dave Smedley, who will be introduced to the Commission at a future date.

APPROVAL OF THE 2016 FINAL TAX SALE

Chief Deputy Auditor Gehre presented the 2016 Final Tax Report, which identifies the properties that were sold and who purchased them. If they were not purchased they would become property of the County. These deeds will be recorded and sent to the purchaser.

Commissioner Withers made a motion to approve the 2016 Final Tax Sale.

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

OTHER BUSINESS

Chief Deputy Auditor Gehre said that she has received a few invoices from Beaver County for lobbying at the Legislative session.

Commissioner Draper said that he will call Beaver County for clarification, since the Commission is unaware that there was any lobbying taking place on Millard County's behalf.

Chief Deputy Auditor Gehre said that Larsen Accounting, who does the Independent Audit for Millard County, has sent a proposal for 2017, 2018 and 2019, with a \$500.00 increase per year.

The commissioners asked for this to be added to the agenda for the next commission meeting.

Chief Deputy Auditor Gehre said that the County is working on obtaining new purchasing cards with Zions Bank. In doing this, there have been several requests for purchasing cards: Klint Penney, East Millard Maintenance; Terry Cummings, East Millard Pool Supervisor; Bart Whatcott, East Millard Recreation and Nathan Porter, West Millard Recreation and Pool Supervisor.

Commissioner Withers asked for a list of who currently has a purchasing card and add an agenda item for the new requests to the next Commission meeting.

PUBLIC INPUT

There was none.

OTHER BUSINESS CONTINUED

A business license application was presented for Eliason Memorial, Owner - Brett Eliason, a custom granite headstone, memorial and address marker business. After review of the application and finding all signatures in order, Commissioner Withers made a motion to approve a business license for Eliason Memorial, Owner - Brett Eliason.

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

Commissioner Withers reported that Auditor Grace requested to be allowed to pay off the CIB loan for the Public Health Building, which is already in the budget.

Commissioner Withers made a motion to approve paying off the CIB loan, in the amount of \$180,000.00 plus \$540.00 interest that has accumulated at this point..

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

Attorney Finlinson gave a brief history of the CIB loan for the Public Health Building.

Commissioner Withers reported that Auditor Grace informed him that her last day will be Friday, June 10, 2016.

Commissioner Draper said that he was contacted by the Republican Party and the process has started to appoint an Interim Auditor. He said that the County Delegates and the Central Committee will meet Monday, June 20, 2016, at 7:00 p.m., at the RJ Law Center in Delta, where an Interim Auditor will be chosen to serve until January. The General Election will determine who will be the new elected Auditor. The Commission has five days after this meeting to approve the appointment of the Interim Auditor.

Commissioner Roper stated that it is very important to have an experienced auditor who understands Millard County.

Attorney Finlinson explained the process of the appointment of an Interim Auditor:

- The County is waiting for a name from the Republican Party
- Once the party nominates an Interim Auditor, the County Commissioners appoints that person.
- The County Clerk notifies all parties that there is a vacancy. Each party then provides the County Clerk with one name from each party for the general ballot.

Clerk Rowley said that the National Association of Counties (NACo), sent a document requesting the commissioners to select a person to vote at their meeting July 22 through 25, 2016, in Los Angeles, California. The commissioners will not be attending this meeting, therefore, none would need to be selected.

Clerk Rowley reported that it has been a struggle to get election judges and within one day five election judges cancelled for the Primary Election. She said that the precincts that have been affected by this are Delta 17 and Flowell; Flowell voters will have the option to vote at the Clerk's Office on Election Day, or they may request an absentee ballot. She said that she is still working on finding elections judges for Delta 17. She said that the law states that there must be three election judges per precinct.

Clerk Rowley stated that 20 out of the 29 counties in the State are vote by mail counties, and it looks like the whole State is headed that way. She said that if Millard County were to go to vote by mail, it would offer one vote center on both the East and West side of the County, whereas only one vote center is required by law.

Commissioner Roper reported that SITLA will be touring Millard County June 16, 2016, and Beaver County June 17, 2016.

Commissioner Roper briefly discussed the agenda for the Governor's Office of Economic Development (GOED) Familiarization Tour June 13 through 14, 2016.

Commissioner Roper reported that Emery Polelonema has retired, his last day is at the end of June. He asked the Clerk's Office to send a letter of appreciation to Mr. Polelonema.

Commissioner Roper said that a walk through for the Main Street Courthouse remodel was completed. He said that \$8,610,000 in change orders have been approved and are currently being worked on.

Commissioner Draper said that he and Commissioner Withers met with Dan Capless regarding the use of the ball fields on July 4, 2016, for a kick ball tournament fundraiser for the track team.

Commissioner Withers stated that the County normally charges \$40 per hour for use of that facility, but will waive 50% of that fee for non profit organizations.

Commissioner Roper stated that he thinks that if it benefits the youth in the County, the fee should be waived altogether.

Commissioner Withers made a motion to waive 100 % of the fee for the use of the ball fields for the track team.

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

Commissioner Draper reported that he and Mr. Polelonema are meeting with the Kanosh Band Sunday, June 12, 2016, at 9:00 a.m., with the intent to let them know about the Resource Management Plan (RMP) proceedings. He invited Commissioner Withers and Commissioner Roper to attend as well.

Commissioner Draper said that June 15, 2016, at 7:00 p.m., the findings of the hydrologic studies regarding water flows in the park will be presented at the Great Basin National Park. He said

that there is a link to the findings published on the Great Basin Water Network website.

Commissioner Draper said that June 16, 2016, at 7:00 p.m., Hugh Hurlow, DNR, will present their findings in Eskdale. He reported that Deputy County Attorney Richard Waddingham plans to attend this presentation.

Commissioner Draper said that he has been corresponding with Mark Ward; Mr. Ward has given a verbal proposal for Millard County and Juab County each to pay \$12,500.00, to share the cost of litigation for the water issues on the West Desert, with a written proposal will follow. Mr. Ward has agreed to attend both meetings and will submit travel expenses for reimbursement.

The commissioners agreed to give Mr. Ward a verbal agreement as given above.

Commissioner Draper said that he received an email from Attorney David Hilton regarding the disrepair of the Hinckley-Deseret Cemetery.

Attorney Finlinson reminded the Commission that the cemetery is established as a Special Service District; the Commission is not in a supervisory position, and only has the authority to appoint or remove a member for cause from the board.

Attorney Finlinson briefly discussed the process for removal of a member of the board.

Commissioner Draper said that the Commission discussed creating a special category within the step and grade for people with critical skills and expertise at a previous commission meeting, but no action was taken.

Commissioner Roper said that there is currently a need for this with the new job opening in the IT Department.

Commissioner Withers said that the IT Department should advertise for the job opening first before the County worries about changing the step and grade scale. He said that he is worried about the backlash of changing the step and grade for critical skills and expertise. Commissioner Roper agreed with Commissioner Withers.

Later, Commissioner Roper invited the Commission to honor twelve individuals who received citizenship this year, Saturday, June 11, 2016, at 6:00 p.m., at the Fillmore State Center. He said that several dignitaries have been invited.

Later, Commissioner Roper briefly discussed the Regional Soccer Field.

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

Commissioner Roper reported that Miss Millard had its opening social and there are 27 applicants for Miss Teen and Miss Millard. He said that there is a send off for Miss Millard Mariah Rasmussen Friday, June 10, 2016; Ms. Rasmussen is competing in Miss Utah next week.

Commissioner Draper reported that he went to visit the State Auditor on behalf of the Water Conservancy District; there was a hold on funds until some paperwork was filed, and that issue was resolved while he was there. He said that Drainage District 2 and two other entities seem to have the same issue.

Commissioner Withers said that the Drainage District 2 issue has also been resolved.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

DISCUSSION REGARDING RS2477 MILLARD COUNTY ROAD 3382

Attorney Finlinson asked the commissioners for more time to collect affidavits and asked to reserve this discussion for a future date.

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 12:27 p.m..

Attest: _____

Approved: _____