

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 4th DAY OF OCTOBER 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: Ed Phillips . . . . . Citizen  
Mark Watson . . . . . Chronicle Progress  
Brandon Bartholomew . . . . . Natural Impressions  
Scott Barney . . . . . MEDA Coordinator  
Wayne Jackson . . . . . Military Liaison  
Sheri Dearden . . . . . County Treasurer  
Bonnie Gehre . . . . . County Auditor  
Deric Despain . . . . . USU Extension  
John Higgins . . . . . Landfill Supervisor

\*\*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. Attorney Finlinson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF SEPTEMBER 20, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 20, 2016,

were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of September 20, 2016, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM SEPTEMBER 20, 2016

Commissioner Roper asked if a letter of appreciation was sent to Walt Howard, who retired from the County Road Department.

Commissioner Withers said that he will make sure the letter is sent this week.

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR SMART SOLAR, OWNER - DANIEL LAKE

Commissioner Withers made a motion to table this agenda item for further information.

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

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING PARTICIPATION IN THE AMERICAN LANDS COUNCIL

The commissioners briefly discussed their thoughts regarding participation in the American Lands Council.

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 RESOLUTION 16-10-04, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING A REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE TO THE UTAH COUNTIES INDEMNITY POOL (UCIP) ANNUAL MEETING

Commissioner Withers made a motion to approve Resolution 16-10-04, a resolution of the Board of County Commissioners of Millard County, Utah, appointing Commissioner Draper as representative and Commissioner Withers as alternate representative to the UCIP annual meeting.

Commissioner Roper 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.

#### REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 16-10-04 "SUBDIVISION ORDINANCE" DATED MAY 4, 2016, INCLUDING CERTIFICATES OF APPROVAL AND

## OTHER DOCUMENTS

Attorney Finlinson said that Deputy County Attorney Richard Waddingham has been reviewing the Subdivision Ordinance and has asked for more time to reconcile some differences between it and the Land Use Ordinance in order to make them consistent.

Attorney Finlinson said that the commissioners should have received an email with an updated version of the Subdivision Ordinance, which has the corrections that were requested from the previous commission meeting.

Commissioner Roper made a motion to table this agenda item.

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

## REVIEW OF THE SEPTEMBER FINANCIAL REPORT - TREASURER DEARDEN

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

## OTHER BUSINESS

Treasurer Dearden presented a request for deferral of property tax from Fillmore City for Parcel #F-481-2, in the amount of \$32.16, and Parcel #F-481-3, in the amount of \$65.42.

Treasurer Dearden presented a request for deferral of property tax from Cole W. Riding for Parcel #HD-DES-HER-6, in the amount of \$190.18.

Commissioner Withers made a motion to approve abating the property tax from Fillmore City for Parcel #F-481-2, in the amount of \$32.16, and for Parcel #F-481-3, in the amount of \$65.42, and from Cole W. Riding for Parcel #HD-DES-HER-6, in the amount of \$190.18.

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

Treasurer Dearden said that the IPA hearing dates will be November 7 through November 10, 2016, at the Tax Commission building in Salt Lake City, Utah.

Treasurer Dearden said that she has received a request for reimbursement of a cash security bond from Natural Impressions and asked for further direction.

The commissioners will discuss this outside of the meeting today, as this is an administrative matter.

## PUBLIC INPUT

There was none.

## OTHER BUSINESS CONTINUED

Commissioner Draper said that the bids for a Resource Management Plan (RMP) provider were opened at the previous Commission meeting and action needs to be taken regarding this. He briefly explained the differences with the three bids.

Commissioner Draper said that it is his opinion that Beehive Enterprises, Inc./Brian Bremner, would be the best provider, as he has been a part of the RMP process from the beginning and the examples in his bid covered every aspect with great detail; the other two bids were more broad.

Commissioner Roper said that he has worked with Mr. Bremner at Six County and CDC and believes that he would do a great job; however, the lowest bidder was Todd Macfarlane.

Commissioner Withers said that after reviewing all of the bids, he agrees that Beehive Enterprises, Inc./Brian Bremner would be the best choice based on value and detail and would be the best opportunity for the County.

Commissioner Withers made a motion to award the contract for the RMP provider to Beehive Enterprises, Inc./Brian Bremner, in the amount of \$25,000.00.

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

Commissioner Draper said that there has been a substantial rate increase regarding the health insurance that is offered to County employees. He said that the original rate increase was 30.4%; however, PEHP has sent a counteroffer of a rate increase of 26.4%.

The commissioners briefly discussed going out to bid for other health insurance providers.

Commissioner Draper said that one County in the State had a 37.5% rate increase. He said that there is no way of knowing how competitive it is without going out to bid.

Commissioner Withers said that sending a counteroffer back to PEHP may be the best course of action before deciding to bid it out.

Auditor Gehre said that PEHP is willing to have a conference call with the commissioners at any time. She stated that PEHP is the only company willing to give the County a rebate.

Auditor Gehre said that an independent underwriter looked at the County's utilization and numbers and thought that the 26.4% rate increase was a great deal.

Commissioner Roper said that the rate increase would cost an additional \$517,000.00 for 2017. He stated that PEHP has been a good company to work with for the last few years.

Commissioner Roper made a motion to approve sending a counteroffer of 23.6% to PEHP, then reevaluate.

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

Scott Barney, MEDA Coordinator, presented the 2017 Business Expansion and Retention (BEAR) agreement, in the amount of \$12,448.00, for signature.

Clerk Rowley said that Fillmore City sent a notice of certification of annexation.

Commissioner Draper read the notice aloud.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-10-04B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TRANSFERRING UNENCUMBERED OR UNEXPECTED APPROPRIATION BALANCES FROM ONE DEPARTMENT IN A FUND TO ANOTHER DEPARTMENT WITHIN THE SAME FUND

Commissioner Roper made a motion to approve Resolution 16-10-04B, a resolution of the Board of County Commissioners of Millard County, Utah, transferring unencumbered or unexpected appropriation balances from one department in a fund to another department within the same fund, in the amount of \$67,575.00.

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.

PUBLIC HEARING FOR THE PURPOSE OF OPENING THE BUDGETS FOR THE 2016 YEAR. BUDGETS TO BE CONSIDERED FOR INCREASED APPROPRIATIONS ARE: LANDFILL BUDGET

Commissioner Withers made a motion to enter into a public hearing for the purpose of opening the budgets for the 2016 year. Budgets to be considered for increased appropriations are: Landfill Budget.

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

The public hearing began at 11:00 a.m..

Present were: Auditor Gehre, Treasurer Dearden, Brandon Bartholomew, Mark Watson, John Higgins, Scott Barney, Ed Phillips, Wayne Jackson, Deric Despain

Mr. Higgins stated that his department unexpectedly went over budget because of equipment failures.

Commissioner Withers said that it took approximately \$125,000.00 to fix the equipment, which was inexpensive compared to buying new equipment.

The commissioners expressed appreciation to Mr. Higgins for his great work in the Landfill Department.

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 11:03 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-10-04A, A RESOLUTION

OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TO OPEN THE 2016 MILLARD COUNTY BUDGET AND AMEND THE LANDFILL BUDGET

Commissioner Roper made a motion to approve Resolution 16-10-04A, a resolution of the Board of County Commissioners of Millard County, Utah, to open the 2016 Millard County Budget and amend the Landfill Budget.

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.

Auditor Gehre said that Landfill Fund 50 is its own enterprise fund. She said that \$174,000.00 had been set aside for depreciation, expecting equipment failures. She said that Mr. Higgins has indicated that he will need \$250,500.00 total to make it through the rest of the year; \$174,000.00 will be taken out of the depreciation line item and the difference will be transferred from Fund 50.

Commissioner Withers made a motion to authorize Auditor Gehre to transfer \$174,000.00 from the depreciation line item and \$76,500.00 from Fund 50, for a total of \$250,500.00, to amend the Landfill Budget.

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

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

Commissioner Roper said that Ryan Lang has been hired to fill the County IT Specialist position.

Commissioner Roper said that there is a meeting with Six County Association of Governments (AOG), October 5, 2016, starting at 9:00 a.m.. He briefly read the agenda and stated that local and State legislators will be attending.

Commissioner Roper reported on the two public meetings that were held regarding the ballot initiative.

Later, Commissioner Draper explained that the possible tax increase is on the ballot this year for the taxpayers to vote on. He clarified that if the tax increase is passed, the tax money collected would be used for roads, sidewalks and other improvements in towns, cities and the County.

Commissioner Roper reminded the Commission that Terri Cummings, East Millard Swimming Pool Manager, will be retiring in January and suggested that the job announcement be advertised soon. He said that he has heard that most of Ms. Cummings staff will be leaving around the same time, so it would be a good idea to find someone to replace her as soon as possible.

Commissioner Withers said that there had been previous discussions regarding possibly combining this position with another. He said it would be a good idea to have that discussion before

advertising for a new position.

Commissioner Roper briefly reported on the Utah Statewide Association of County Commissions and Councils, (USACCC), meetings in Vernal that he and Commissioner Draper attended.

Commissioner Draper said that discussions were regarding land issues, RMP's, wild horses and coal production.

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

#### POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

Commissioner Roper made a motion to go into a closed executive session for the purpose of discussing pending and/or threatened litigation.

Commissioner Withers **SECONDED** the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Commissioner Draper, Commissioner Withers, Commissioner Roper and Attorney Finlinson.

After the closed executive session the regular meeting reconvened at 11:30 a.m..

The commissioners expressed appreciation to 4-H for the treats that they provided today and for everything they do in the County

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 11:32 a.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_