

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 20th DAY OF DECEMBER 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: Richard Beckstrand . . . . . IT Supervisor  
Shellie Dutson & Mark Watson . . . . . Chronicle Progress  
Wayne Jackson . . . . . Commissioner-Elect  
Scott Barney . . . . . MEDA  
Sheri Dearden . . . . . County Treasurer  
Bonnie Gehre . . . . . County Auditor  
Angie McPhail . . . . . Deputy County Auditor  
Deric Despain . . . . . USU Extension  
Connie Hansen . . . . . County Recorder  
John Higgins . . . . . County Landfill  
Fred Johnson & Ron Torgerson . . . . . Utah Forestry, Fire & State Lands  
Landon Rowley . . . . . County Fire Warden  
Clancy Fowles . . . . . Citizen  
Derrell Owens . . . . . County Building Inspector

\*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 expressed appreciation to the residents of Millard County for allowing him to serve as commissioner for the last four years, he said that it has been a great privilege. Commission Draper and Commissioner Withers expressed their appreciation to Commissioner Roper for his service. Attorney Finlinson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### APPROVAL OF DECEMBER 6, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 20, 2016, were presented for consideration and approval. Following review, Commissioner Withers made a motion to approve the minutes of December 20, 2016, as presented.

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

#### APPROVAL OF DECEMBER 6, 2016, COMMISSION BUDGET HEARING MINUTES

The proposed minutes of a County Commission budget hearing held December 20, 2016, were presented for consideration and approval. Following review, Commissioner Roper made a motion to approve the budget hearing minutes of December 20, 2016, as presented.

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

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

There were none.

#### DISCLOSURE STATEMENTS

Disclosure statements were submitted for the following employees:

John Higgins

#### RATIFY THE APPROVAL OF A CELL PHONE ALLOWANCE FOR JACOB ROWLEY, SHERIFF'S OFFICE

Commissioner Roper made a motion to ratify the approval of a cell phone allowance for Jacob Rowley, Sheriff's Office, in the amount of \$40.00.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE ALLOWANCE AND A CREDIT CARD FOR RYAN LANG, IT DEPARTMENT

Commissioner Withers made a motion to approve a cell phone allowance in the amount of \$60.00, and a credit card with a \$2,500.00 limit, for Ryan Lang, IT Department.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR BLISS IT TECHNOLOGY CONSULTANTS, LLC, OWNER - NICK BRINKERHOFF & TYSON BLISS

A business license application was presented for Bliss IT Technology Consultants, LLC, Owner - Nick Brinkerhoff & Tyson Bliss, an information systems design, implementation and maintenance, information technology consulting, break-fix and service contracts business. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for Bliss IT Technology Consultants, LLC, Owner - Nick Brinkerhoff & Tyson Bliss.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR AMERICAN RIO RESOURCES, LLC, OWNER - ANDREW M LOVETT

A business license application was presented for American Rio Resources, LLC, Owner - Andrew M. Lovett, a mining and selling lava rock business. After review of the application and finding all signatures in order, Commissioner Withers made a motion to approve a business license for American Rio Resources, LLC, Owner - Andrew M. Lovett.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR VIVINT SOLAR DEVELOPER, LLC, OWNER - VIVINT SOLAR HOLDINGS, INC.

A business license application was presented for Vivint Solar Developer, LLC, Owner - Vivint Solar Holdings, Inc., a sales, installation and service of solar energy systems business. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for Vivint Solar Developer, LLC, Owner - Vivint Solar Holdings, Inc..

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

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING THE WILDLAND FIRE PROGRAM SUPPORT BUDGET AND FINANCIAL STATEMENT: WILDLAND FIRE PROGRAM PARTICIPATION COMMITMENT, BETWEEN MILLARD COUNTY AND UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS FOR CALENDAR YEAR 2017

Fred Johnson, Utah Forestry, Fire & State Lands, briefly reminded the Commission of what

was discussed at the last commission meeting.

Landon Rowley, County Fire Warden, briefly discussed several items that could be added to the participation commitment, including:

- Community Wildfire Protection Plans (CWPP), for Kanosh/Meadow, Fillmore/Holden, Scipio and Oak City.
- Maintenance on a project by Frampton Heights.
- Upkeep on the fuel break by the Virginia Hills Subdivision.
- Fuels reduction between Kanosh and Fillmore.
- Prevention, including Smoky the Bear, radio ads, parades and rodeos.
- Equipment purchases.

Commissioner Draper expressed concerns with the Fire District involvement.

Mr. Johnson reminded the Commission that the participation commitment is with the County. How the County fulfills the commitment is up to the County. He stated that this year the participation commitment is \$65,954.00, which will be bumped up by 10% each year.

Mr. Johnson briefly discussed the new program, which focuses on prevention, mitigation and preparedness, and explained each.

Ron Torgerson, Utah Forestry, Fire & State Lands, stated that the projects on the agreement are just proposed, it does not mean that the County is committed to complete these projects. Additional projects can also be added as needed.

Commissioner Roper made a motion to approve the Cooperative Agreement between the Utah Division of Forestry, Fire & State Lands and Millard County, including the Participation Commitment in the amount of \$65,954.00, which states that the proposed projects are to be identified and approved during 2017.

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

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING THE COUNTY FIRE WARDEN AGREEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS AND MILLARD COUNTY

Commissioner Withers made a motion to approve the County Fire Warden Agreement between the Utah Division of Forestry, Fire & State Lands and Millard County, including the Wildland Fire Program Support Budget, in the amount of \$52,100.00.

Commissioner Roper SECONDED the motion. 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: GENERAL FUND, RECREATION, CLASS B ROADS, AMBULANCE, LANDFILL AND 911

Commissioner Roper 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: General

Fund, Recreation, Class B Roads, Ambulance, Landfill and 911.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:46 a.m..

Present were: Clancy Fowles, Shellie Dutson, Wayne Jackson, Scott Barney, Sheri Dearden, Bonnie Gehre, Angie McPhail, Connie Hansen, Deric Despain, John Higgins,

Auditor Gehre stated that the only budget to be opened is Class B Roads. She said that there is a one time allocation of \$99,407.00 for Class B Roads.

Commissioner Withers briefly explained the legislation regarding Class B Roads. He stated that the County did not receive the funds that were originally anticipated this year.

Treasurer Dearden explained that new legislation guarantees an increase from the 2015 amount, but it will be less than the 2016 amount.

Auditor Gehre stated that she will only move the funds necessary to stay in compliance.

There were no other comments made.

Commissioner Withers made a motion to close the public hearing.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:51 a.m..

The regular meeting reconvened.

#### DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR JEFF GEHRE, SHERIFF'S OFFICE

Commissioner Roper made a motion to approve a credit card for Jeff Gehre, Sheriff's Office, in the amount of \$1,500.00.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RENEWING THE WEBSITE MAINTENANCE AGREEMENT WITH UTAH ASSOCIATION OF COUNTIES (UAC)

Clerk Rowley presented the Website Maintenance Agreement, in the amount of \$350.00 per month. She explained that the contract will be with County Services Support, Inc., (CSS), which is an entity created by UAC; the website maintenance will still be ran by UAC staff. She said the only change in the agreement is it will be a two year agreement instead of just one.

Commissioner Roper made a motion to approve the renewal of the Website Maintenance Agreement with CSS, in the amount of \$350.00 per month, for two years.

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

## DISCUSSION AND POSSIBLE APPROVAL OF THE 2016 COUNTY EMPLOYEE INCENTIVE

Commissioner Draper said that the commissioners have looked at the funds remaining in the 2016 budget and are considering a one-time, year end bonus for all employees.

Commissioner Draper briefly discussed the insurance changes for 2017, which amounted to a pay raise for County employees, as withholdings were kept near 2016 levels.

Commissioner Withers expressed appreciation to all County employees. He said that he has received favorable comments from constituents in the County as well. He stated that he is in favor of a bonus for 2016 since there are funds available.

Commissioner Roper asked if there is something else that the County can use these funds for instead of an incentive, like equipment purchases.

Commissioner Withers briefly discussed equipment purchases in several departments and stated that there is nothing pressing at this time.

Commissioner Roper asked that if an incentive is given, that an equal amount is given to each employee.

The commissioners briefly discussed if part-time employees will be included in the incentive.

Auditor Gehre stated that there are 135 full-time employees. She stated that permanent part-time employees still need to be defined.

Commissioner Draper stated that both permanent part-time employees and full-time employees should receive an incentive.

Auditor Gehre asked for more clarification regarding which employees are identified as permanent part-time employees.

Commissioner Withers made a motion to give each full-time employee and permanent part-time employees a \$500.00 incentive for 2016.

Commissioner Roper made a motion to give each full-time employee and permanent part-time employees a \$400.00 incentive for 2016.

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

The commissioners each stated that they will not accept the bonus.

## DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-12-20, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TO OPEN THE 2016 MILLARD COUNTY BUDGET AND AMEND THE BUDGETS FOR: CLASS B ROADS

Commissioner Roper made a motion to approve Resolution 16-12-20, a resolution of the Board of County Commissioners of Millard County, Utah, to open the 2016 Millard County Budget and amend the budgets for: Class B Roads.

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 AND POSSIBLE APPROVAL OF RESOLUTION 16-12-20A, 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

Attorney Finlinson said that the resolution authorizes Auditor Gehre to move funds from one department in a fund to another department within the same fund, as permitted by State Law.

Commissioner Roper made a motion to approve Resolution 16-12-20A, 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 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.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-12-20B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, ADOPTING THE FINAL BUDGET FOR MILLARD COUNTY FOR FISCAL YEAR 2017

Auditor Gehre disclosed that two changes have been made since the budget hearing took place:

- Assessing & Collecting revenue was increased to \$940,000.00 and Assessing & Collecting State was reduced to zero.
- Fund 46 Capital was increased by \$27,500.00, for a project at the swimming pool that was not completed, for a total of \$49,500.00.

Commissioner Withers made a motion to approve Resolution 16-12-20B, a resolution of the Board of County Commissioners of Millard County, Utah, adopting the final budget for Millard County for fiscal year 2017.

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.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-12-20D, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING TRUSTEES TO THE BOARDS OF MILLARD COUNTY DRAINAGE DISTRICT 1 THROUGH DRAINAGE DISTRICT 4

Commissioner Withers made a motion to approve Resolution 16-12-20D, a resolution of the Board of County Commissioners of Millard County, Utah, appointing trustees to the Boards of Millard County Drainage District 1, Dallas Anderson; Drainage District 2, Randy England; Drainage District 3, Jared Bryan; Drainage District 4, Dean Anderson.

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.

#### DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 16-12-20, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, IMPOSING A .25% SALES TAX ON CERTAIN TRANSACTIONS FOR THE PURPOSE OF FUNDING THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF ROADS AND TRAILS IN MILLARD COUNTY AND OTHER TRANSPORTATION RELATED EXPENDITURES

Commissioner Draper stated that the proposed sales tax was on the 2016 General Election ballot, as a ballot initiative, for the County voters to decide on, and it passed by a majority vote.

Attorney Finlinson said that the required public hearings were held and in order for the County to impose the tax, the State requires an ordinance.

Commissioner Draper reiterated that the .25% sales tax is not an increase on gasoline or food; the municipalities and the County will receive the funds from this tax.

Commissioner Roper made a motion to adopt Ordinance 16-12-20, an ordinance of the Board of County Commissioners of Millard County, Utah, imposing a .25% sales tax on certain transactions for the purpose of funding the constructions, maintenance, and repair of roads and trails in Millard County and other transportation related expenditures.

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.

#### DISCUSSION AND POSSIBLE APPOINTMENT OF MEMBERS TO THE PLANNING & ZONING BOARD

Commissioner Draper said that there have not been any additional applicants and the two members whose appointments are expiring have expressed interest in continuing to serve on this board.

The commissioners briefly discussed putting a term limit on certain boards, as many have had the same board members for several years.

Commissioner Roper made a motion to reappoint both David Sturlin and Molly Stevens to the Planning & Zoning Board.

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

#### DISCUSSION AND POSSIBLE APPOINTMENT OF MEMBERS TO THE MILLARD CARE & REHAB BOARD

Commissioner Draper said that there are three positions available for re-appointment on this board. He said that only one citizen has expressed interest in serving on this board. He said that he spoke with the three board members whose terms are expiring; all three would like to be re-



appointed. The board members indicated that all of the board members have been on the board for a long time and it may be time to get new people involved.

Commissioner Withers stated that he thinks it is a good idea to involve new people. He said that since the new applicant is from the West side of the County, the board member she replaces should also be from the West side of the County.

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 DELTA COUNTY OFFICE POSITIONS

Attorney Finlinson said that there are some positions in the Delta Satellite Office that may need to be restructured.

Commissioner Draper said that the positions of Landfill Manager, County Planner and Satellite Office Manager were all held by Sheryl Dekker, who has since retired. He said that two separate ads were ran, one for a combined position for a County Planner/Building Inspector and a second for a County Planner.

Attorney Finlinson said that there is currently not a step & grade in place for a County Planner.

Commissioner Draper briefly discussed the positions in question. He stated that restructuring some of these positions may be of great value.

Commissioner Withers and Commissioner Roper both agreed; this will be discussed further at a future meeting.

Commissioner Draper said that the Satellite Office Manager will require a cell phone allowance and a credit card. This will be on the next commission agenda for possible approval.

## DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-12-20C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP & GRADE SCALE) BY CREATING NEW POSITIONS IN THE MILLARD COUNTY SHERIFF'S OFFICE FOR AN EMERGENCY MEDICAL SERVICES DIRECTOR AND A PUBLIC TRAINING SPECIALIST AND ASSIGNING AN APPROPRIATE STEP AND GRADE FOR THE NEW POSITION

Commissioner Withers made a motion to approve Resolution 16-12-20C, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (adopting the Millard County Step & Grade Scale) by creating new positions in the Millard County Sheriff's Office for an Emergency Medical Services Director, Grade 13, and a Public Training Specialist (CERT Instructor), Grade 9.

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.

## PUBLIC INPUT

Scott Barney, MEDA, expressed his appreciation toward the commissioners and the County employees.

## DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENT(S) - LINDSAY MITCHELL

Commissioner Draper presented a letter from Robert J. Debry & Associates regarding an ambulance bill for Osiris Loyola, in the amount of \$5,707.85. He said that the letter is requesting a 50% reduction of the ambulance bill.

The commissioners briefly discussed the letter.

It was decided to request an ambulance abatement application from Robert J. Debry & Associates for the client, as the commissioners need to see Mr. Loyola's income compared to the poverty guidelines before making a decision.

## OTHER BUSINESS

Treasurer Dearden presented two applications for settlement and/or deferral of property tax. She said that both would be eligible for the 2017 tax sale.

Commissioner Withers made a motion to remove Parcel #D-772-2 from the 2017 tax sale, waive the penalties/interest and accept payment in the amount of \$315.00 per month until it is paid in full, owner Lorie Skeem aka Lorie Brown.

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

Commissioner Draper said that the second item is a request from William Shawn Pitcher and Laurel Sue Hook regarding property taxes; however, there is not enough information to act on it at this time.

Commissioner Withers briefly discussed the possibility of the Sunset View Golf Course doing a five year rent to own contract for new golf carts.

Commissioner Roper reported on the Six County Banquet recognizing Paradise Inn as the Millard County Economic Business of the Year.

Commissioner Draper said that the meeting with the BLM this afternoon has been postponed until further notice.

Commissioner Draper reported that the commissioners and Mr. Barney traveled to Beaver County and toured the Smithfield Hog Farms. He said that there are proposed zoning changes coming to Millard County for a facility similar to the facility in Beaver County. He said that there will possibly be a public meeting January 3, 2017, in Deseret, Utah, regarding the proposed zoning

changes.

Attorney Finlinson said that there will need to be a special meeting regarding the public hearing and resolution that was approved today, due to the public notice not being posted, as per the requirements.

The commissioners briefly discussed when to hold this special meeting next week.

Mr. Barney asked the commissioners to consider meeting with Jason Burningham again.

Derrell Owens, County Building Inspector, said that the International Building Codes need to be adopted. This item will be on the next commission agenda.

The Commission briefly discussed the International Building Codes and the Uniform Building Codes.

#### 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

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 Withers, Commissioner Roper, Commissioner Draper and Attorney Finlinson.

After the closed executive session the regular meeting reconvened at 12:16 p.m..

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 12:16 p.m..

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

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