

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF JANUARY 2017
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers Chairperson
Dean Draper Commissioner
Wayne Jackson Commissioner

Pat Finlinson County Attorney
Marki Rowley County Clerk
Lesli Shields Deputy County Clerk

ALSO PRESENT: Todd Macfarlane Citizen
Deric Despain USU Extension
Lynette Madsen County Deputy Auditor
Shellie Dutson Chronicle Progress
Sheri Dearden County Treasurer
Kevin Morris & William Lister West Millard Recreation
Deb Haveron County Tourism

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 Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Withers addressed concerns regarding him not paying attention during meetings and just playing on his phone. He explained that he takes notes on his phone and pays close attention during all meetings that he attends. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JANUARY 3, 2017, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 3, 2017, were presented for consideration and approval. Following review and consideration of minor corrections,

Commissioner Jackson made a motion to approve the minutes of January 3, 2017, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 3, 2017

Commissioner Draper said that because of notice requirements, the public hearing with Central Utah Public Health had to be moved from February to March. He said that the purpose of the public hearing is to discuss non-public water systems, which includes wells that produce water for seven or less dwellings.

CORRECTION OF THE MINUTES OF DECEMBER 20, 2016

Clerk Rowley stated that the minutes of December 20, 2016, incorrectly stated that Jared Anderson was appointed trustee for Drainage District 4; the trustee appointed to Drainage District 4 was Dean Anderson.

Commissioner Draper made a motion to approve correction of the minutes of December 20, 2016; amending the name from Jared Anderson to Dean Anderson as the trustee for Drainage District 4.

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

DISCLOSURE STATEMENTS

Attorney Finlinson said that disclosure statements were sent to every County employee.

Disclosure statements were submitted for the following employees:

Marki Rowley

RATIFY THE APPROVAL OF A CELL PHONE ALLOWANCE FOR DANIEL MCCANN, SHERIFF'S OFFICE

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

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

FURTHER DISCUSSION AND POSSIBLE RESOLUTION OF APPEAL OF RESOURCE MANAGEMENT PLAN (RMP) CONTRACT AWARD

Attorney Finlinson reminded the commissioners that after Mr. Macfarlane presented his

appeal at the previous commission meeting, he asked for additional time to review arguments. He said that it is his conclusion that Mr. Macfarlane is correct, that procedures outlined in the County Purchasing Policy were not followed in this instance.

Attorney Finlinson recommended that the award of the contract be vacated. He further recommended the commissioners be provided with a copy of all three proposals, a copy of the RFP and the County Purchasing Policy and review them individually. He said that will be placed on a future agenda for full and fair discussion.

Attorney Finlinson responded to remarks made by Mr. Macfarlane at the previous commission meeting. He said that it has been his experience that the commissioners and other County officers have been and are willing to accept correction and criticism. He said that the issues that Mr. Macfarlane brought forward have been acknowledged and will be dealt with appropriately. He agreed that there were procedural mistakes made, but those mistakes were not made in a malicious effort to discriminate or retaliate.

Attorney Finlinson said that Mr. Macfarlane claimed that the commissioners acted with deliberate indifference. He acknowledged that mistakes are sometimes made and things can be overlooked, but it is not with deliberate indifference.

Attorney Finlinson briefly discussed the current purchasing policy/procurement code. He has contacted several counties and is currently in the process of creating a new purchasing policy/procurement code. He said that in a few weeks he should have a draft to the commissioners for review and an agenda item in February for discussion.

Commissioner Draper made a motion to vacate the award of the RMP contract.

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

DISCUSSION AND POSSIBLE ADOPTION OF THE INTERNATIONAL BUILDING CODES 2015

Attorney Finlinson said that under the old Uniform Building Code, a county could adopt all or part of the code. He said that under the new International Building Code, if a local government wants to make a change to the code, it must go to the Building Code Commission set up by the State of Utah.

Commissioner Jackson made a motion to adopt the International Building Codes 2015.

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

Commissioner Draper stated that he only seconded the motion because the County must have a code in place. He will be looking further into discussing certain issues with the Building Code Commission.

DISCUSSION AND POSSIBLE APPROVAL REGARDING ADDING THE HOLDEN FIRE DEPARTMENT TO THE CIB LIST

Commissioner Draper said that he was contacted by the Holden Fire Department regarding possible construction of a storage shed for its equipment. The cost estimate for the storage shed is \$50,000.00 and the Holden Fire Department has \$25,000.00. They have asked to be on the CIB list to obtain a grant or loan for the other \$25,000.00.

Commissioner Draper said that he contacted Travis Kyhl, Six County, who informed him that a formal motion must be made before it can be presented to the CIB Board.

Commissioner Draper made a motion to approve amending the CIB list to add the Holden Fire Department storage shed.

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

DISCUSSION AND POSSIBLE APPROVAL REGARDING THE MISSION STATEMENT FOR INTERGENERATIONAL POVERTY

Commissioner Jackson presented the mission statement for Intergenerational Poverty and briefly discussed it with the Commission.

Commissioner Jackson made a motion to approve the Millard County Intergenerational Poverty mission statement.

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

DISCUSSION AND POSSIBLE APPROVAL REGARDING A 30 YEAR LEASE RENEWAL, PERMIT NO. FIL1618, WITH USDA FISHLAKE NATIONAL FOREST

Commissioner Draper made a motion to approve a 30 year lease renewal, permit no. FIL1618, with USDA Fishlake National Forest.

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

DISCUSSION AND POSSIBLE APPROVAL REGARDING PAYMENT IN THE AMOUNT OF \$123.00, TO USDA FISHLAKE NATIONAL FOREST, FOR PROCESSING A NEW 30 YEAR LEASE

Commissioner Jackson made a motion to approve a payment in the amount of \$123.00, to USDA Fishlake National Forest, for processing a new 30 year lease.

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

DISCUSSION AND POSSIBLE APPROVAL REGARDING PAYMENT IN THE AMOUNT OF \$78.01, TO USDA FISHLAKE NATIONAL FOREST, FOR AN ANNUAL LAND USE FEE

Commissioner Draper made a motion to approve a payment in the amount of \$78.01, to USDA Fishlake National Forest, for an annual land use fee.

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

DISCUSSION REGARDING THE MILLARD COUNTY RACEWAY - KEVIN MORRIS & DEB HAVERON

Kevin Morris, West Millard Recreation, said that the two gentleman who previously ran the Millard County Raceway were at the end of their five year contract, and their contract was not renewed. He said that he has been looking into running the raceway as a County and having those same two gentlemen be involved, just as track officials. He said that equipment would need to be purchased if the County runs it. He briefly expressed concerns with liability; he spoke with UCIP, who said that as long as everyone involved with the raceway is a County employee or a contract employee it would be covered.

Later, Attorney Finlinson stated that there is no such thing as a contract employee, there is either a County employee or a contractor. He added that an insurance policy will need to be in place to cover the risks associated with the raceway.

Mr. Morris said that there is a possibility of approximately \$12,000.00 to \$20,000.00 profit depending on the amount of advertising that is done.

Commissioner Withers asked how much equipment is needed and where it will come out of in the budget.

William Lister, West Millard Recreation, said that the equipment needed includes scales, transponders (lap counter), technical equipment, computer programming and wristband/tickets.

Mr. Morris said that the estimate for all equipment purchases is \$10,000.00 and would come out of the Tourism budget.

Deb Haveron, Tourism, said that the approximate profit only includes gate money, sponsorships and concessions, it does not include the use of local motels and restaurants.

Ms. Haveron briefly discussed adding a Millard County Raceway line item to the Tourism budget next year.

Commissioner Draper requested a written outline proposal to be presented at a future meeting.

DISCUSSION AND POSSIBLE APPROVAL OF PROPERTY TAX AGREEMENTS, SETTLEMENTS OR DEFERRALS - TREASURER DEARDEN

Treasurer Dearden said that she received an application for settlement and/or deferral of property tax. She said that this parcel would be eligible for the 2017 tax sale.

Commissioner Draper made a motion to remove Parcel # DO-3333-A-1, owner Laurel Sue Hook, from the 2017 tax sale, waive the penalties/interest and accept payment in the amount of \$100.00 per month until it is paid in full.

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

REVIEW OF THE DECEMBER FINANCIAL REPORT - TREASURER DEARDEN

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

PUBLIC INPUT

Mr. Macfarlane said that in response to the minutes that were amended and approved earlier in the meeting, when he was asked if he was requesting an independent appeal board appointed, he simply reiterated his objection to the lack of an impartial tribunal.

Mr. Macfarlane expressed appreciation to Attorney Finlinson for the significant amount of work that has been put into this and the deliberate and thoughtful way it was brought forth.

Mr. Macfarlane briefly clarified his use of “deliberate indifference” in regards to his situation; in that public employees have rules and policies that they are supposed to operate by, which are ignored. He expressed his concern that under the purchasing policy in place, it seems to be the standard practice of the Commission to deprive applicants of their due process rights.

Attorney Finlinson stated that it is the intention of the Commission to move forward and award the contract for the RMP to one of the three proposals.

Deric Despain, USU Extension, invited the commissioners to attend a Grazing Permittee Workshop February 15, 2017, 9:30 a.m. to 4:00 p.m., at the Sevier County Fairgrounds. He said that this workshop is to help permittees understand Forest Service grazing permits.

Dr. Despain said that there is a Hay & Forage Symposium January 26 through January 27, 2017, in St. George, Utah. The symposium will include sessions on nutrient management, crop rotation, alfalfa quality, pest management and more. There will also be a trade show exhibition and several educational and safety displays.

Dr. Despain said that the Utah Weed Board Association Conference will be held February 23 through 24, 2017.

Commissioner Withers said that the Weed Board has not yet hired a Weed Supervisor to replace Terry Scottorn and it may need to be re-advertised.

OTHER BUSINESS

Deputy Auditor Lynette Madsen presented the 2017 standard mileage rates; \$0.535 cents per mile. The per diem and meals rates have not changed since 2016.

Clerk Rowley said that she received an email regarding a leadership retreat with the James Madison Group and will forward it to the commissioners.

Commissioner Draper said that the County has a budget item allocated for Chadwick Booth & Company, who produces the County Seat Program and the At Your Leisure Program. He said that it is his opinion that the County should have more direct input as to what is addressed on these programs, as well as the times/days that the programs air. He said that before issuing payment, he

would like to talk with the company regarding these concerns.

Mr. Macfarlane briefly expressed his opinion regarding the County Seat Program.

Attorney Finlinson said that the federal case for Roberto Roman is at the end of this month and he will be there for most of it.

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

Commissioner Jackson briefly discussed the USU Extension Service meeting room at the Equestrian Park. He said that East Millard Maintenance has put a proposal together in the amount of \$6,500.00 to seal it better, which will help keep it clean. He said that the return air is not hooked up and is pushing dust in there, and it will likely cost another \$1,000.00 to remedy that.

Commissioner Withers said that if there is a budgeted line item in place, then it can get done. If it is not budgeted, then there will need to be further discussion.

Commissioner Jackson said that he will look further into the budget.

The commissioners briefly discussed Terri Cummings, East Millard Pool Supervisor, who recently retired after 25 years of service.

Commissioner Jackson said that he and Commissioner Draper attended a meeting with Six County. New chairs were appointed; Rick Blackwell is the Chairman, Tooter Ogden is the Vice-Chairman and Claudia Jarrett is the Secretary. He briefly discussed several upcoming meetings with Six County.

Commissioner Jackson said that he also attended a meeting with Central Utah Counseling.

Commissioner Jackson said that Brandon Bartholomew has asked if he can get started on the construction of the Records Building today.

Commissioner Withers said that as per the Building Inspector, footings can be poured, but if any slabs are poured on the ground it must be heated.

Attorney Finlinson stated that Mr. Bartholomew is performing the work and the County is administering the contract.

Commissioner Withers said that Nate Porter will be moving to the East Millard Recreation Department. There will be a job opening for the West Millard Recreation Department/Pool Supervisor, with a close date of January 27, 2017. Mr. Porter will manage both Recreation Departments until someone is hired for the West Millard position.

Commissioner Draper briefly discussed the public input meeting regarding the proposed hog farm south of Deseret. He said that there is another scheduled informational meeting tomorrow night at the County Fair Building in Delta. The official recorded public hearing will be held January 26, 2017, at 7:00 p.m.; there are two zone change proposals and they will both be considered at that time.

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 Withers adjourned the meeting at 11:52 a.m..

Attest: _____

Approved: _____