

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF FEBRUARY 2017
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers Chairperson
Wayne Jackson Commissioner

Richard Waddingham Deputy County Attorney
Marki Rowley County Clerk
Lesli Shields Deputy County Clerk

Excused: Dean Draper Commissioner
Pat Finlinson County Attorney

ALSO PRESENT: Woods Silleroy, LeeAnn Diamond & Staci Hill Peak Minerals
Deb Haveron County Tourism
Kevin Morris, William Lister & Rick Bublitz West Millard Recreation
Michael Gates, Clara Stevens & Reggie Swenson BLM
Shellie Dutson & Jonah Napoli Chronicle Progress
Sheri Dearden County Treasurer
Bonnie Gehre County Auditor
Robert Lynn, Lance Sagers, Terri Cummings and Todd Macfarlane 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 Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers 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 JANUARY 17, 2017, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 17, 2017, were presented for consideration and approval. Following review, Commissioner Jackson made a motion to approve the minutes of January 17, 2017, as corrected.

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

APPROVAL OF JANUARY 26, 2017, COMMISSION SPECIAL MEETING MINUTES

The proposed minutes of a Special County Commission Meeting held January 26, 2017, were presented for consideration and approval. Following review, Commissioner Jackson made a motion to approve the minutes of January 26, 2017, as presented.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 17, 2017

There were none.

DISCLOSURE STATEMENTS

Disclosure statements were submitted for the following employees:

Sheri Dearden
Margene Stevens

APPROVAL OF A FIDELITY BOND OR THEFT OR CRIME INSURANCE ON ALL COUNTY OFFICIALS AS A GROUP, RATHER THAN INDIVIDUALLY, BY PRESCRIBING THE AMOUNT OF SAID GROUP FIDELITY BOND OR THEFT OR CRIME INSURANCE FOR ALL COUNTY OFFICIALS, INCLUDING THE MILLARD COUNTY TREASURER, AND APPROVING THE PREMIUM FOR SAID BOND OF INSURANCE FOR ALL OFFICIALS

Commissioner Jackson made a motion to approve a fidelity bond or theft or crime insurance on all County Officials as a group, rather than individually, by prescribing the amount of said group fidelity bond or theft or crime insurance for all County Officials, including the Millard County Treasurer, and approving the premium for said bond of insurance for all officials.

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

DISCUSSION AND POSSIBLE APPROVAL REGARDING A MEMORANDUM OF UNDERSTANDING (MOU) FOR POTENTIAL ROAD IMPROVEMENTS FOR CRYSTAL PEAK ROAD

Woods Silleroy, Peak Minerals, briefly discussed Crystal Peak Road. He asked the

commission for consideration of an improvement on the road. He said that a feasibility study, engineering study and permitting efforts are currently in the process and he anticipates those to be complete in 2018.

Commissioner Withers asked for clarification on the financial responsibility for the road. He asked if there were any concerns from the BLM.

Clara Stevens, BLM, stated that the County has the right of way for the road; it varies in width from 100' to 200' in different locations on the road. She said that the right of way grant was for the County to improve the road to a 32' running surface with gravel; if the County will be chip sealing the road, an amendment to the right of way grant would be required. It would also require an Environmental Analysis, which can be done concurrently with the Environmental Impact Statement (EIS), that is currently in the process. She said that work cannot begin until the EIS is completed.

Commissioner Withers said that he will need to get the specifications on the road based on usage, as well as a cost estimate from the Road Department. He said that the financial side of the MOU would need to be clarified as well.

Michael Gates, BLM, stated that the timing is critical; the application within the EIS would need to be filed soon.

Ms. Stevens presented the commissioners with the right of way grant application.

Commissioner Jackson made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF COUNTY OPERATION OF THE MILLARD COUNTY RACEWAY - KEVIN MORRIS

Kevin Morris presented the commission with a written document regarding the County operation of the Millard County Raceway, as was requested by Commissioner Draper. He briefly discussed each portion of the document:

- Insurance and Liability
- Chain of Command
- Employees needed
- Income and Expense

Mr. Morris said that they are being aggressive on advertising and they expect the gate numbers to be significantly higher than in previous years.

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

The commissioners expressed appreciation to Mr. Morris and his team for all the work they have put into this.

Commissioner Jackson made a motion to approve the County Operation of the Millard

County Raceway.

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

DISCUSSION AND POSSIBLE APPROVAL OF APPLICATION #Z-2016-040 FOR A SINGLE LOT AFTER THE FACT PLAT SUBDIVISION FOR PROPERTY LOCATED AT APPROXIMATELY 100 N 3900 W, FLOWELL, FOR THE PURPOSE OF DIVIDING PARCEL #7309. IT IS PROPOSED THAT THE 39.83 ACRE PARCEL BE DIVIDED CREATING TWO (2) PARCELS - ONE PARCEL HAVING 4.89 ACRES AND THE OTHER PARCEL HAVING THE REMAINING 34.94 ACRES. OWNERS - KEYHOLE RANCH. PETITIONERS - LANCE & SALLY SAGERS

Lance Sagers said that his application was recommended for approval from Planning & Zoning.

Commissioner Jackson made a motion to approve application #Z-2016-040 for a single lot after the fact plat subdivision for property located at approximately 100 N 3900 W, Flowell, for the purpose of dividing Parcel #7309. It is proposed that the 39.83 acre parcel be divided creating two (2) parcels - one parcel having 4.89 acres and the other parcel having the remaining 34.94 acres. Owners - Keyhole Ranch. Petitioners - Lance & Sally Sagers.

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

DISCUSSION OF PROPOSALS AND AWARD OF CONTRACT FOR RESOURCE MANAGEMENT PLAN (RMP)

Commissioner Withers stated that Commissioner Draper has input on this agenda item and asked for it to be tabled.

Commissioner Jackson made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-02-07, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP & GRADE POLICY) BY CREATING CLASS OF PART-TIME PIECE RATE IN THE COUNTY

Commissioner Withers stated that this resolution will allow the County to hire part-time employees at a piece rate, specifically for the Millard County Raceway that was discussed previously.

Commissioner Jackson made a motion to approve Resolution 17-02-07, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (adopting

the Millard County Step & Grade Policy) by creating/recognizing a class of employees that are not part of the full-time step & grade schedule or the part-time step & grade schedule, but are paid on a per-event basis.

Commissioner Withers stepped from the chair and SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Jackson voted YES. Commissioner Withers voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-02-07A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP & GRADE POLICY) BY COMBINING POSITIONS WITHIN THE PLANNING & ZONING DEPARTMENT AND THE BUILDING INSPECTION DEPARTMENT

Commissioner Withers said that there have been several previous discussions regarding combining the County Planner and the County Building Inspector into one position.

Commissioner Jackson said that the step & grade for this position will need to be discussed further at a future meeting.

Commissioner Jackson made a motion to table this agenda item.

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

OTHER BUSINESS

Clerk Rowley presented the Commission with a letter from the Department of Water, informing the County that they will no longer inform it of any water project funding applications originating from Millard County.

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

Commissioner Jackson said that the Wellness Committee has met and will be expanding its group.

Commissioner Jackson presented a letter from Six County to Senator Ralph Okerlund asking him to readdress an issue regarding juvenile delinquency. This is Senate Bill 239 (SB239).

Commissioner Jackson said that a pre-construction walk through was completed on the Records Building. He briefly explained a few issues that were found. The construction start date was January 30, 2017.

Commissioner Jackson said that a situation has arisen regarding equal pay for patrons at the County Landfill. He said that John Higgins, Landfill Supervisor, is working on this issue.

Commissioner Jackson said that the Main Street Courthouse will close Thursday, February 9, 2017, at 12:00 p.m., in order to switch over the generator.

Commissioner Jackson briefly discussed the wall at the East Millard Equestrian Center that was discussed at a previous meeting. He said that the materials will cost \$1,400.00, the funds will come out of the East Millard Recreation budget and the County will do the labor.

Commissioner Withers said that the construction on the Weed Building should be completed in the next few weeks. He expressed his appreciation to West Millard Maintenance and the County Road Department for their work on the Weed Building. He said that the Weed Supervisor position will be re-advertised.

Commissioner Withers said that he has received several phone calls from citizens expressing their appreciation to the County Road Department for their hard work removing snow in the County this winter.

Commissioner Withers said that the commissioners will be attending UAC meetings February 9, 2017, in Salt Lake City.

PUBLIC INPUT

There was none.

Commissioner Withers recessed for 10 minutes.

OTHER BUSINESS CONTINUED

Commissioner Jackson presented a plaque to Terri Cummings expressing appreciation for her 25 years of service as the East Millard Pool Supervisor.

BID OPENING FOR MAG CHLORIDE FOR THE COUNTY ROAD DEPARTMENT

Auditor Gehre opened the following bids:

- Dirtbusters, Inc.: \$502,620.00
- EnviroTech Services, Inc.: \$522,770.00

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

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

BID OPENING FOR CATTLE GUARD MATERIALS FOR THE COUNTY ROAD DEPARTMENT

Deputy County Attorney Waddingham advised the commission that one of the bids be a provisional bid because there is a question on the delivery and timeliness of the bid. He said that if it is not the low bid, then it is a moot issue.

Auditor Gehre opened the following bids:

- PDM Steel Service Centers, Inc.: \$42,787.04
- Metal Mart, Inc.: \$27,025.67
- Scholzen Products Company, Inc.: \$28,324.00
- Roper Lumber Ace Hardware: \$24,430.20
- Walker Lumber Co. Inc.: \$28,458.56

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

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

Deputy County Attorney Waddingham said that the provisional bid in question was not the low bid and is, therefore, a moot issue.

REVIEW OF THE JANUARY FINANCIAL REPORT - TREASURER DEARDEN

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

PUBLIC INPUT CONTINUED

Todd Macfarlane expressed his appreciation to the commissioners for the way they handled the zone change application that was approved for Smithfield Hog Productions. He encouraged the commissioners to follow the County Purchasing Policy when reviewing and awarding the bids that were opened today. He said that he thinks that the County should communicate with all bidders, including those who will not receive the contract, and advise them of their rights.

OTHER BUSINESS CONTINUED

Treasurer Dearden reminded the commissioners of a status conference call on First Wind Tuesday, February 14, 2017, at 2:25 p.m..

Treasurer Dearden said that she received an email this morning regarding online registrations/payments for West Millard Baseball and West Millard Recreation.

Commissioner Withers asked for Attorney Finlinson to review this document.

Commissioner Withers asked Commissioner Jackson to talk to Bart Whatcott about the East Millard Baseball Program to see how its program is run.

Auditor Gehre said that the service arm of UAC now offers compliance services for special service districts.

Auditor Gehre said that she has a standard annual agreement with Utah Retirement Systems (URS) for Tier 2 Employees that needs to be signed.

Commissioner Withers asked for Attorney Finlinson to review the contract. This item will be on a future agenda.

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 11:22 a.m..

Attest: _____

Approved: _____