

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF AUGUST 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: John Mathews University of Utah Physics Department
Gerald Hackwell, Ted Recupero & Todd Macfarlane Citizens
Janelle Brandt Chronicle Progress
Adam Richins County Planner/Building Inspector
Margene Stevens Deputy County Assessor
John Higgins County Landfill Supervisor

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

APPROVAL OF JULY 18, 2017, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 18, 2017, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of July 18, 2017, as corrected.

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

carried.

FOLLOW UP ACTION ITEMS FROM JULY 18, 2017

Clerk Rowley said that the titles for the two vehicles purchased by Six County for the Meals on Wheels program are now in the name of Millard County. The titles will be filed in the Auditor's Office.

Commissioner Draper asked for an update on the water usage issue at the Senior Center.

Commissioner Jackson said that both Fillmore City and Klint Penney, East Millard Maintenance Supervisor, have been timing the water usage there. They have found one small leak, but still do not know where the 850,000 gallons of water could have come from. He said that the City is starting to work with the County regarding this issue.

RATIFY THE APPROVAL REGARDING CHANGING A COMMISSION DATE FROM AUGUST 22, 2017, TO AUGUST 14, 2017

The Commission approved changing the Commission meeting scheduled August 15, 2017, to August 22, 2017, at the June 6, 2017, meeting. After discovering conflicts with the August 22, 2017, date, it was approved to change the meeting to Monday, August 14, 2017.

Commissioner Draper made a motion to ratify the approval of changing a Commission date from Tuesday, August 22, 2017, to Monday, August 14, 2017.

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

DISCUSSION REGARDING THE UNIVERSITY OF UTAH TELESCOPE ARRAY PROJECT - JOHN MATHEWS

Mr. Mathews presented a handout regarding the telescope array project and briefly discussed its content. He said that the data collected there is too slow and it is important to collect more data to verify and study the potential hot spot that was found. He said that the University of Utah would like to place more detectors, both north and south of the current placement, but placed further apart.

Commissioner Withers questioned the impact on economic development in the future.

Mr. Mathews said that as long as lights are pointed downward at a work site, it does not affect the detectors, it is only when lights are pointed at the sky.

Commissioner Draper said that there are a few companies looking at developing some of the areas indicated to place more detectors. He said that this is the prime territories for economic development. He said that in discussions with the BLM, it appears that there would not be any interference.

Mr. Mathews said that he is willing to talk and work with anyone.

Commissioner Draper said that there was a protester from the cosmic ray project at an application hearing for an iron mining operation. That iron mining operation did not end up

developing its operation.

Mr. Mathews said that he is not aware of a protester. He said that all they have ever asked for is dust mitigation, which BLM asks for as well.

Commissioner Draper gave several hypothetical situations to Mr. Mathews.

Commissioner Withers asked if the detectors can be moved if a business proposed to develop in these areas.

Mr. Mathews said that the surface detectors can be moved, but the actual telescopes are hard to move.

Mr. Mathews added that several members of the upper administration of the University of Utah will be at the project August 10, 2017, at about 11:00 a.m.. He invited the commissioners to attend. He will send them the information.

DISCUSSION REGARDING THE LANDFILL FEES

Commissioner Jackson presented a handout of suggestions for updating the Millard County Landfill fee schedule. He said that the Landfill budget is currently \$706,000.00. With equipment that needs to be purchased, a new employee hired and State fees changing, it will bring the budget to \$1,286,000.00, which is a deficit of \$580,000.00. He asked for input on raising the rates.

John Higgins, Landfill Supervisor, said that the biggest volume of material at the landfill is from the freeway, but the County citizens are picking up the tab. The current rate is \$4.25 per yard.

Commissioner Jackson said that there is no charge for debris, like tree limbs and stumps, because they can be burnt on site.

Mr. Higgins said that the proposal indicates an increase of \$1.00 per month, per residence, bringing the new cost to \$12.00 per month.

Commissioner Draper asked if the current rate was raised from \$4.25 per yard to \$10.00 per yard, would that be comparable with the rest of the State.

Mr. Higgins said that the surrounding counties are at about \$7.50 to \$8.00 per yard, plus with the increase of State fees, they will likely go higher.

Commissioner Jackson said that he has comparisons with other counties in the State.

Commissioner Withers said that it may be hard to sell raising the rate 50%. He asked for time to review the document.

REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2017-018 FOR A NON-PLAT SUBDIVISION FOR PROPERTY LOCATED WITHIN THE SE1/4 SEC 26, T25S, R7W, NEAR COVE FORT, MILLARD AND BEAVER COUNTY LINES, FOR THE PURPOSE OF DIVIDING PARCEL #8656-A-10-1. IT IS PROPOSED THAT THE 32.722 ACRE PARCEL BE DIVIDED CREATING THREE (3) PARCELS - ONE PARCEL HAVING 4.093 ACRES, ONE PARCEL HAVING 20.575 ACRES, AND THE REMAINING PARCEL HAVING 8.054 ACRES. SODBUSTERS, LLC - OWNERS; PETER C. VANDERMEIDE & GERALD HACKWELL - PETITIONERS.

Mr. Hackwell excused Mr. VanderMeide; he is ill and could not be here today. He said that all requirements have been completed for this application.

Adam Richins, County Planner/Building Inspector, said that this property is zoned Highway Commercial. He said that the Planning Commission gave a favorable recommendation for this application.

Commissioner Draper made a motion to approve application #Z-2017-018 for a non-plat subdivision for property located within the SE1/4 Section 26, Township 25 South, Range 7 West, near Cove Fort, Millard and Beaver County lines, for the purpose of dividing Parcel #8656-A-10-1. It is proposed that the 32.722 acre parcel be divided creating (3) three parcels - one parcel having 4.093 acres, one parcel having 20.575 acres, and the remaining parcel having 8.054 acres. Sodbusters, LLC - Owners; Peter C. VanderMeide & Gerald Hackwell - Petitioners.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

There was none.

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

Commissioner Draper said that he and Mr. Richins attended a hearing at the District Court of Nevada in Las Vegas regarding the right-of-way granted by the BLM for Southern Nevada Water, to install a pipeline between the White Pine County border and Las Vegas area and potentially move groundwater from that area. Millard County has been involved in this process since 2004. The argument is against the right-of-way since the BLM had not done due diligence in several areas. The judge will issue a ruling in the future, possibly in November.

Commissioner Draper addressed additional concerns with this issue.

Commissioner Draper attended a meeting for the Lincoln Highway Association. He said that the BLM had an archeologist present at the meeting discussing BLM and SITLA land swaps. There is a piece of land that will likely be traded to SITLA that includes the Drum Mountains, which extends into Millard County. There is active mining in this area.

Commissioner Jackson said that Fillmore City has paid the contracted amount for the Law Enforcement Agreement each year, but they have not paid the extra, up to 4%, that the contract indicates. Since 2012, that amount has accrued to \$41,583.49; the City has asked for time to pay that back.

Commissioner Jackson said that the Sheriff asked for both Shane Brunson and Jeff Gehre to be submitted to participate on the Six County Public Safety Board that was discussed at the

previous meeting.

Commissioner Jackson said that he would like to have an article in the local newspaper for the Wellness Committee showing the commissioners support for the Employee Wellness Program. He said that each employee gets two 10 minute breaks per day and the article will include maps of walking areas.

Clerk Rowley clarified that the maps will give an idea of the length of the walking areas, so the employees know how many miles they have walked.

The commissioners agreed to support this.

Commissioner Jackson said that the Fair Board has asked the commissioners to donate an additional \$500.00 for the Commissioners BBQ Dinner at the County Fair.

Commissioner Draper said that the Fair Board was given a budget and should work within that budget.

Commissioner Jackson said that the National Guard has asked Fillmore City to trade the Armory building in Fillmore for the 50 acres of land by the airport. Fillmore City has agreed to the trade. He said that the transfer can not go through right away because an environmental study must be done, but the National Guard will lease the building for \$1.00 until the paperwork is complete. He said that it may be a good idea to meet with Fillmore City to talk over what the City and the County would like to do with this building.

PUBLIC HEARING FOR THE PURPOSE OF REVIEW AND POSSIBLE ADOPTION OF THE MILLARD COUNTY RESOURCE MANAGEMENT PLAN (RMP)

Commissioner Draper made a motion to enter into a public hearing for the purpose of review and possible adoption of the Millard County RMP.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:00 a.m..

Present were: John Mathews, Janelle Brandt, Ted Recupero, Todd Macfarlane, Adam Richins & Gerald Hackwell

Mr. Richins briefly explained that the State requires a County RMP be adopted, which will amend the County General Plan. It expresses the current settings and conditions for several items, the objectives of the County, policies & guidelines that the County will adopt and implement.

Mr. Richins briefly went over several of the items that are addressed in the RMP. He said that this was presented to the Planning Commission July 13, 2017, which there was not a substantial amount of public comment made. He said that the RMP does have the potential to be amended, however, there is a cutoff date to put it in place.

There were no other comments made.

Commissioner Jackson made a motion to close the public hearing.

Commissioner Draper SECONDED the motion with further comment:

Commissioner Draper said that after the Planning Commission public hearing, there were specific items brought to their attention. The RMP addresses the necessity of coordination, which is part of the Federal Lands and Policy Management Act, empowering counties to deal with the Federal Government as an equal. He said at the hearing in Las Vegas, he got some valuable advice that was incorporated into the RMP; wherein, the movement of groundwater between basins will not have an adverse economic effect upon the basin from which it was taken. This will ensure the economic benefit from the County residents and does not prohibit the State Engineer from acting from his office. He said that another situation is in regards to the economy; wherein, different types of projects that do not generate livelihoods for the residents do not have priority over those that would, and there would not be an adverse effect to the economy.

Commissioner Draper said that those changes will be in the draft that moves forward to the State. There will be a severance clause and also requirements that the County cannot override State or Federal Law.

Attorney Finlinson said that this is an amendment to the General Plan. He advised for the ordinance to be tabled so that the changes can be reviewed.

Commissioner Draper said that there is a table in the front of the proposed plan whereby changes can be made. He said that the two changes discussed are not critical and can be added further down the road.

The voting was unanimous and the motion carried.

The public hearing closed at approximately 11:09 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 17-08-01, AN ORDINANCE OF MILLARD COUNTY, UTAH, AMENDING THE MILLARD COUNTY GENERAL PLAN BY ADOPTING A COMPREHENSIVE RESOURCE MANAGEMENT PLAN (RMP) ELEMENT

Commissioner Draper made a motion to approve Ordinance 17-08-01, an ordinance of Millard County, Utah, amending the Millard County General Plan by adopting a Comprehensive RMP Element.

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

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

Attorney Finlinson expressed appreciation to the County for accommodating his situation and condition. He said that his staff has asked to move forward with two office staff members, rather than hiring a new staff member to replace George Ann Probert.

Commissioner Draper asked if the Public Defender has found other employment.
Attorney Finlinson said that Tate Bennett is still functioning as the Public Defender.

Commissioner Jackson said that he completed course 43, County Hearing Officer Training,
last week.

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 11:13 a.m..

Attest: _____

Approved: _____