

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 10th DAY OF OCTOBER 2017
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson County Attorney
Marki Rowley County Clerk

EXCUSED: Lesli Shields Deputy County Clerk

ALSO PRESENT: Abe Johnson Old Capitol Arts Festival & Storytelling
Janelle Brandt Chronicle Progress
UnaRae Taylor Millard County Ambulance
Casey Fowles Sunset View Golf Course
Todd Anderson & Dent Kirkland Delta City
Adam Richins Millard County Planner/Building Inspector
Scott Barney Millard Economic Development Association (MEDA)
Deanne Hare, Brenan Hare, Carlee Stephenson, Audrey Camp,
Kristine Camp & Sharal Young 4-H

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 SEPTEMBER 19, 2017, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 19, 2017, were presented for consideration and approval. Commissioner Jackson made a motion to approve

the minutes of September 19, 2017, as presented.

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

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 19, 2017

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ARCHERS OBSESSION, OWNER - NORMAN MINCER

A business license application was presented for Archers Obsession, Owner - Norman Mincer, a business that sells archery supplies and teaches archery classes. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Archers Obsession, Owner - Norman Mincer.

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

DISCUSSION AND APPROVAL OF A BUSINESS LICENSE FOR C&H PURSUITS, OWNER - CHET SIMPER

A business license application was presented for C&H Pursuits, Owner - Chet Simper, a civil engineering consulting firm. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for C&H Pursuits, Owner - Chet Simper.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESCHEDULING THE NOVEMBER 6, 2017, COMMISSION MEETING

It was decided to leave the November 6, 2017 Commission Meeting as scheduled.

DISCUSSION AND POSSIBLE APPROVAL OF BIDS FOR THE SUNSET VIEW GOLF COURSE CLUBHOUSE

Attorney Finlinson revised his advice given at the last meeting. He said that it was his opinion to ask the bidders for a revised bid; however, he now feels that would not be a wise course of action. He said that by asking for revised bids, it would be like asking the bidders to actually propose specifications, which could be troublesome.

Mr. Fowles asked if they were to revise the bids, would they have to go through the entire bid process again. Attorney Finlinson said that the options available would be to award the contract to the lowest bidder, based on the bids received, or to reject all bids and start over.

Mr. Fowles said that all of the contractors, who submitted bids, have expressed a willingness to work with the County to get the bids closer to the price the County budgeted.

Commissioner Withers said that based on the legal advise received, he would suggest that Mr. Fowles work with County Planner, Adam Richins, to see what could be done to bring the costs closer to the budgeted amount.

Commissioner Draper said that in the last meeting he first made a motion to reject all three bids. He then withdrew that motion so they could find out more about the options available.

Commissioner Draper said that based on the information received today from Attorney Finlinson and Mr. Fowles, if the County were to put out a request for proposals they would be in a similar situation. He asked Attorney Finlinson what situation the County would be in, if it were to put out for a RFP.

Attorney Finlinson said that this would not be the type of work that would be subject to a RFP, however the County could choose to do a RFP specifying that they are looking for professional help to reduce the cost of the plans. He said that at some point, the County would still be obligated to do an invitation for bids after the proposals were received. He said that in his opinion, reducing the price by adjusting the plans could be done by Mr. Fowles and the County Planner.

Commissioner Draper made a motion to reject all bids.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-10-10, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, REGARDING DESIGNATION OF THE OAK CREEK CANYON ROAD AS AN OHV TRAIL ON THE MILLARD COUNTY TRANSPORTATION MAP

Attorney Finlinson said that this agenda item would require an amendment to the General Plan and a public hearing; therefore, his recommendation would be to strike it from today's agenda.

Commissioner Jackson made a motion to strike this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-10-10A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING A MILLARD COUNTY REPRESENTATIVE AND ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL (UCIP), ANNUAL MEMBERSHIP MEETING

Attorney Finlinson requested that this resolution be renumbered to 17-10-10, since the above resolution was stricken from the agenda.

Commissioner Jackson made a motion to approve Resolution 17-10-10, a resolution of the Board of County Commissioners of Millard County, Utah, appointing Commissioner Jackson as the Millard County Representative and Commissioner Withers as the Alternate Representative for the UCIP Annual Membership Meeting.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-10-10B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING THE FEE SCHEDULE AND OTHER TERMS GOVERNING THE USE OF THE WEST MILLARD RODEO ARENA AND RELATED FACILITIES

Attorney Finlinson requested that this resolution be renumbered to 17-10-10A, to keep in line with the order of the resolutions presented.

Commissioner Withers read the language from the document “Rental Use and Facilities for the West Millard Rodeo Arena and Related Facilities” for the record.

Commissioner Draper expressed concern with the maximum limit of three hours for rental use of the West Millard Indoor/Outdoor Arena, due to the time frame it is available to rent. He suggested changing that maximum limit from 3 hours to 2 hours to avoid conflicts.

It was decided to leave the maximum limit at 3 hours, but could be changed later, if needed.

Commissioner Draper made a motion to approve Resolution 17-10-10A, a resolution of the Board of County Commissioners of Millard County, Utah, amending the fee schedule and other terms governing the use of the West Millard Rodeo Arena and related facilities.

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.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-10-10C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, REGARDING THE POLICY ON OUT OF TOWN MEALS

Attorney Finlinson said that in doing research on this, he found that the County Policy is based on IRS rules. If the County were to adopt this resolution, it would require substantial changes to the County processes and would consider meals for one day travel as income. Therefore, the policy regarding meals for one day travel will remain the same.

Attorney Finlinson said that this information is based on IRS rules and governing what is considered as income and what is not.

Commissioner Draper made a motion to strike this agenda item.

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

carried.

DISCUSSION AND POSSIBLE APPROVAL REGARDING OUT OF STATE TRAVEL TO ATTEND THE HYDROGEN FUEL CELL CONFERENCE & SEMINAR, NOVEMBER 7-10, 2017, IN LONG BEACH, CA - SCOTT BARNEY, MEDA COORDINATOR

Commissioner Draper said that Mr. Barney has not contacted him with any information regarding this request. He requested that this agenda item be tabled until he can visit with Mr. Barney.

Commissioner Draper made a motion to table this agenda item.

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

Later, Mr. Barney said that he applied for a \$100,000.00 grant for a commercialization feasibility study for hydrogen at scale, for Millard County; specifically, at the salt domes. He said that at this conference, industry players will hold a seminar where they will announce the recipients of that grant.

Mr. Barney said that if the County is awarded the grant, it would be required to match \$10,000.00 of the funds. He said that he is quite confident that he will have the money in his budget, if not, he would then pursue Community Impact Board (CIB) for the matching funds.

Commissioner Draper requested more information from Mr. Barney and requested that this agenda item remain tabled until the next meeting.

REVIEW AND POSSIBLE APPROVAL ON APPLICATION #Z-2017-024 FOR A PLAT SUBDIVISION FOR PROPERTY LOCATED AT APPROXIMATELY 610 S 5300 W, FILLMORE GRID, FOR THE PURPOSE OF DIVIDING PARCEL #7417. IT IS PROPOSED THAT THE 515.22 ACRE PARCEL BE DIVIDED CREATING (2) PARCELS - ONE PARCEL HAVING APPROXIMATELY 20.07 ACRES, AND THE REMAINING PARCEL HAVING APPROXIMATELY 495.15 ACRES. LADON ANDERSON - OWNER; MICHAEL ANDERSON - PETITIONER

County Planner Richins said that the Planning and Zoning Commission forwarded a favorable recommendation on this application. He said that it meets the requirements for a subdivision.

Mr. Richins said that this application had to be for a plat subdivision rather than a non plat subdivision, due to the parcel being previously divided. It is a twenty acre parcel that will be parceled off. He said that it already has road access and does not require any improvements. He said that the applicant intends to build a home on this parcel. They have prepared plans and want to make sure everything is done legally.

Commissioner Jackson made a motion to approve Application #Z-2017-024 for a Plat Subdivision for property located at approximately 610 S 5300 W, Fillmore Grid, for the purpose of dividing Parcel #7417. It is proposed that the 515.22 acre parcel be divided creating (2) parcels - one

parcel having approximately 20.07 acres, and the remaining parcel having approximately 495.15 acres. Ladon Anderson - owner; Michael Anderson - petitioner.

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

DISCUSSION REGARDING A PROPOSAL TO CONTRACT WITH DELTA CITY FOR THE PROVISION OF BUILDING INSPECTION SERVICES BY THE MILLARD COUNTY PLANNING/ZONING/BUILDING DEPARTMENT

Attorney Todd Anderson said that Delta City and the County Planner have been discussing the possibility of moving Delta City's inspection department back to the County. He said that both parties are in favor of doing this. He explained that the next step would be to create a fee schedule that both the City and the County approve and then move forward with an interlocal agreement. He said that as of today, no fee schedule has been made by either party.

Attorney Finlinson said that he requested that this be placed on the agenda for discussion.

Commissioner Withers thinks that this is a great idea and would be in favor of it if it would benefit both the County and the City. However, he would like to look at the history of the fee schedule and what has been done in the past, before making a commitment. He said that the County will present a proposal to the City after research is complete.

Attorney Anderson said that he has a copy of the old contract, which allocated 40% of the total building permit fees assessed to the County. He said that Delta City currently contracts with Sunrise which is allocated at 60%.

County Planner Richins said that the cost and burden would be minimal. He said that the County would not need a large compensation, but compensation should be adequate to cover its costs.

Attorney Anderson said that the Delta City Council agreed to the 60%; therefore, he does not see an issue with offering the County 60%.

Commissioner Withers said that the County works with other city/towns and would like to be fair and comparable. He said that he will work with Attorney Finlinson on a proposal and will get back to Attorney Anderson.

Attorney Anderson suggested adding a miscellaneous fee inspection to the contract to cover home inspections for business licenses, etc..

DISCUSSION REGARDING MAKING AN OFFER TO PURCHASE REAL PROPERTY FOR THE COUNTY ROAD DEPARTMENT

Commissioner Withers said that there is a parcel of property located between the two County gravel pits in Fillmore that the County would like to purchase.

Commissioner Withers asked Attorney Finlinson for direction on how to proceed with making an offer to purchase this property. Attorney Finlinson said that it would be a legislative act and would require Commission approval. The County would then be able to extend an offer to the individual for the property. He said that acquiring property is different than selling property.

This agenda item will be brought back for possible approval at the next commission meeting.

Commissioner Withers said that about eight months ago, the Commission agreed to sell a piece of property located by the Fillmore Indoor Arena; however, they never followed through with the process to get the property on the market.

Attorney Finlinson advised that selling property would require a public hearing.

The Commission will advertise for a public hearing to take place in November.

POSSIBLE SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAXES

Treasurer Dearden presented a request for abatement from Laurel Smith; Parcel #D-1025; account #0046350.

Commissioner Withers questioned if there was a request for abating the 2017 property taxes.

Later, Treasurer Dearden said that the Auditor's Office does not show a request for the year 2017. She said that Ms. Smith stated in her letter that two disabled children and her sister live with her. She provided income for the children, but not her sister.

Commissioner Withers said that this request will be considered for the years indicated on the application.

Commissioner Draper said that based on the information in the request for abatement, if the Commission does not approve this application, they will be putting several disabled people out on the streets, with no place to go.

Commissioner Draper made a motion to abate 100% of the 2013, 2014, 2015 and 2016 property taxes for Ms. Smith, in the amount of \$3,852.33.

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

REVIEW OF THE SEPTEMBER FINANCIAL REPORT - TREASURER DEARDEN

Treasurer Dearden presented the financial reports for the month of September for the commission to review. She said that all funds have been disbursed for all those who receive property tax. She has not received anything on the Water Conservancy District, but the County does not receive funds on them. She said that they are still not disbursing to the County or the School District, based on the Milford Wind refund.

Treasurer Dearden said that property tax statements will be in the mail next week.

PUBLIC INPUT

Abe Johnson presented a handout regarding the Old Capitol Story Telling Festival which takes place annually, the fourth weekend in March. He said that they are going to seek financial help through a grant offered by Great Basin Heritage Area, to cover the majority of the costs. He said that this grant requires a 30% match, which they will be requesting from Millard County Tourism in the amount of about \$6,000.00.

Commissioner Draper questioned if the amount they will be asking of the County would be for the entire 30% match. Mr. Johnson said that they are requesting funds from other entities as well.

Mr. Johnson said that this could really be a nice thing and could augment the visitation in the County.

Commissioner Draper questioned if this program will also be held in Garrison and Eskdale. Mr. Johnson said that this program will be held at the schools in both Eskdale and Garrison.

Mr. Johnson will discuss this further at the October 17, 2017 Commission Meeting.

OTHER BUSINESS

Commissioner Jackson said that the RSVP Recognition Event on Volunteers program sponsored by Six County was very good and he hopes that it will continue.

Commissioner Jackson said that there was a great article in the paper recognizing Bryce Ashby on receiving the "Totally Awesome Volunteer" award. He said that Connie Best, Eldon Frampton, Arlene Bartholomew, Terry Madsen, Bonnie Bendixen, Gayle Cason, Corinne Murray, Carol Reilley, Jack Reilley and Carrie Stephenson from Millard County were also recognized at the program.

Commissioner Jackson said that there are several automated external defibrillators (AED) in the County that need to be either replaced or repaired. He suggested creating a program to help keep these updated.

UnaRae Taylor suggested that these devices be checked by the person in charge of the building in which they are located. She said that they would be basically offering maintenance on the machines, such as checking the battery and making sure that it is working.

Ms. Taylor said that the AED located at the swimming pool will need to be replaced, but the AED located at the senior center in Fillmore is fine.

Commissioner Withers suggested to have the maintenance costs for the AEDs be included in the department heads' budget.

Attorney Finlinson suggested that whoever has an AED in their building, contact Ms. Taylor if they are unsure if their device needs to be repaired and/or replaced.

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

Both Commissioner Draper and Commissioner Withers attended the Utah State Association of County Commissions and Councils (USACCC) meeting in Brigham City, September 27, 2017. They both felt that it provided good information.

Commissioner Draper said that there were presentations made there that could have potential concern for county commissioners. He said that there was nothing that was imminent, other than preparation for attending the upcoming Utah Association of Counties (UAC) conference held in St. George, Utah, in November.

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.

Commissioner Jackson made a motion to recess the meeting until 11:20 a.m.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 11:01 a.m..

Commissioner Draper made a motion to reconvene the commission meeting.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 11:19 a.m..

4-H UPDATE - DEANNE HARE

Ms. Hare thanked the Commission for allowing their presentation today. She said that the 4-H Teen Council prepared the yummy treats presented to the Commission, in appreciation for their support of the 4-H program.

Three members of the 4-H Teen Council: Audrey Camp, Brenan Hare and Teen Council President, Carlee Stephenson, shared what they like most about the program and thanked the Commission for the support received this year.

Commissioner Withers expressed appreciation to the Teen Council on behalf of the Commission.

Commissioner Draper made a motion to recess the meeting until 1:30 p.m..

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 11:24 a.m..

Commissioner Draper made a motion to reconvene the meeting.

Commissioner Jackson stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:31 p.m..

GRAMA / OPEN MEETING / PURCHASING POLICY TRAINING FOR ALL ELECTED OFFICIALS & DEPARTMENT HEADS

Commissioner Jackson excused Commissioner Withers from the remainder of the meeting. He then turned the time over to Attorney Finlinson for the training.

This training in its entirety was recorded and is available for review upon request.

WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 2:10 p.m..

Attest: _____

Approved: _____