

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 16th DAY OF JANUARY 2018  
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson. .... County Attorney  
Marki Rowley. .... County Clerk

ALSO PRESENT: Barb Clark ..... Chronicle Progress  
Skip Taylor ..... Hinckley Lions Club  
Connie Hansen ..... County Recorder  
Adam Richins ..... County Planner/Building Inspector  
Bonnie Gehre ..... County Auditor  
Sheri Dearden ..... County Treasurer

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 Jackson to the public and Commission members.

OPENING STATEMENTS

Commissioner Jackson 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 9, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 9, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of January 9, 2018, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 9, 2018

Commissioner Draper noted a correction made to the minutes regarding the cost of the recording fees for the Snake Valley Water Hearing protest. He said that he indicated during the meeting that the fees would be around \$750.00, but the amount was actually \$1,453.17. The January 9, 2018 minutes, as corrected reflect the correct amount.

RATIFY THE APPROVAL OF APPLICATION #Z-2017-034 FOR A PLAT SUBDIVISION FOR PROPERTY LOCATED AT APPROXIMATELY 5300 WEST, 200 SOUTH, FILLMORE GRID FOR THE PURPOSE OF CREATING A SINGLE 20.01 ACRE BUILDING LOT. LUVILLAS PROPERTIES, LLC - OWNER; NICHOLAS AND ANDREA HUFF - PETITIONERS.

Commissioner Withers made a motion to ratify the approval of application #Z-2017-034 for a plat subdivision for property located at approximately 5300 West, 200 South, Fillmore Grid for the purpose of creating a single 20.01 acre building lot. Luvillas Properties, LLC - owner; Nicholas and Andrea Huff - petitioners.

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

RATIFY THE APPROVAL OF APPLICATION # Z-2017-035 FOR A PLAT SUBDIVISION FOR PROPERTY LOCATED AT APPROXIMATELY 605 NORTH 500 WEST, DELTA GRID FOR THE PURPOSE OF DIVIDING PARCEL # DO-4070. IT IS PROPOSED THAT THE 40 ACRE PARCEL BE DIVIDED CREATING TWO (2) PARCELS - ONE PARCEL HAVING 1.983 ACRES, AND THE REMAINING PARCEL HAVING APPROXIMATELY 38.0 ACRES. JULIE WOOD - OWNER; DERRICK AND TAYLOR PETERSEN - PETITIONERS.

Commissioner Withers made a motion to ratify the approval of application # Z-2017-035 for a plat subdivision for property located at approximately 605 North 500 West, Delta Grid for the purpose of dividing parcel # DO-4070. It is proposed that the 40 acre parcel be divided creating two (2) parcels - one parcel having 1.983 acres, and the remaining parcel having approximately 38.0 acres. Julie Wood - owner; Derrick and Taylor Petersen - petitioners.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR LISA KECK FOOT ZONE THERAPY, OWNER - LISA KECK

A business license application was presented for Lisa Keck Foot Zone Therapy, Owner - Lisa Keck. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Lisa Keck Foot Zone Therapy, Owner - Lisa Keck.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF MEMBERS TO SERVE ON THE MILLARD COUNTY WATER CONSERVANCY DISTRICT BOARD

Commissioner Draper said that this item would need to be tabled until the next meeting.

Commissioner Draper made a motion to table the appointment of members to serve on the Millard County Water Conservancy District Board.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 18-01-16, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING SECTION X-D OF THE MILLARD COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL BY REVISING FRINGE BENEFITS FOR SICK LEAVE

Auditor Gehre explained that Millard County has an employee who is retiring, who is the first Millard County employee retiring under the Tier 2 option. She explained that the employees listed under the Tier 2 option have the option to choose hybrid or defined contribution only. She said that this affects the sick leave payout portion in the policies and procedures manual, since they are not really considered as retiring, but rather terminating their employment and drawing from their 401K. She said that this needs to be changed in the policies and procedures manual so that these employees can collect their sick leave when they leave.

Commissioner Draper questioned how it worked if they terminate their employment with the County and then collect their 401K. Auditor Gehre explained that their 401K withdrawals are subject to IRS regulations, which the Utah Retirement Systems (URS) would administer.

Auditor Gehre explained that the John Hancock plan is a group plan that is required to be rolled over into their own personal account once they retire. She said that the County would no longer have any association or responsibility to manage that account any longer; it would be up to the employee once they retire.

Auditor Gehre explained that in the policies and procedures manual it is specifically stated that sick leave is only paid out to retiring people, pursuant to the Utah Retirement Act (URA). She said that currently there are no restrictions in place; if an employee leaves employment with the County, they can be rehired. She said that past Commissions indicated that sick leave is only paid out to an employee one time. This protects the County if that employee was ever hired back full-time for another position.

Commissioner Jackson read the resolution for the minutes. Changes to the resolution were then discussed.

Commissioner Draper said that he would like to look into changing the sick leave policy from being carried over from year to year. Attorney Finlinson explained that amending that portion of the policy is a different discussion from what was noticed on today's agenda.

Commissioner Withers made a motion to approve Resolution 18-01-16, a resolution of the board of county commissioners of Millard County, Utah, amending Section X-D of the Millard County Personnel Policies and Procedures Manual by revising fringe benefits for sick leave.

Commissioner Draper SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Draper voted YES. Commissioner Withers voted YES. Commissioner Jackson

voted YES. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF PURCHASING COUNTY CHALLENGE COINS

Commissioner Jackson explained that these coins are more of a catch your attention of whose who to remind someone of a project that needs to be checked on and can also be used for a rewards program. He said that these coins would be designed specifically for the County and would be handed out by Commissioners.

Commissioner Draper said that he used a similar system when he worked as a salesman.

After further discussion, it was decided to take some time to think about this further, before making a decision.

Commissioner Draper made a motion to table the approval of purchasing county challenge coins.

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

#### DISCUSSION REGARDING THE HINCKLEY LIONS CLUB DEMOLITION DERBY

Commissioner Wither said that he requested and received a proposal from Hinckley Lions Club regarding the County assuming the Hinckley Lions Club derby. He said that the Hinckley Lions Club provides necessary things to the residents of Millard County and he would like to see that continue. He would also like to see the Fourth of July demolition derby continue as well.

Commissioner Withers said that based on that proposal, there would be some cost savings to the County, if the County were to assume the derby responsibility.

Attorney Finlinson suggested that the Commission discuss this option with Utah Counties Indemnity Pool (UCIP). He said that each year it is a hassle to get adequate insurance policies for the derby, but if the County were to take it over it may make it easier and more direct.

Attorney Finlinson said that they can address risk issues at the next meeting, but any policy changes may take more time. He said that UCIP will more than likely cover it, however, there has already been a significant loss due to the risks of a derby.

Kevin Morris, West Millard Recreation, said that there is an entity that is willing to help with the derby. He said that he will get more information and report back to the Commission.

Commissioner Withers suggested to meet with UCIP, as well as the entity Mr. Morris mentioned. He said that a decision needs to be made, due to the time constraints.

Commissioner Draper asked Mr. Taylor if the Hinckley Lions Club had a plan for this year's derby, in case the County did not make a decision in time.

Mr. Taylor said that they could work through it this year and look at other avenues for the future.

Commissioner Draper said that the Lions Club and Hinckley Town have both done a lot of good things and in some instances a lot of great things and he would like to see that continue.

Mr. Taylor said that they would like to see the County take it over and make it great. He said that they will proceed with trying to get their own fund-raising for other things that they do.

Commissioner Withers suggested to contact Delta City to see if they would be willing to participate in this event.

This discussion will be brought back to the February 6, 2018 Commission Meeting for possible approval.

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Commissioner Withers asked Attorney Finlinson what the County needs to do regarding a road situation brought to the County's attention by David Gray.

Attorney Finlinson said that Mr. Gray told him that he found deeds in the chain of title that referenced the reservation of rights. He said that he asked Mr. Gray if he had taken it far enough back to see where the reservation came from and if so, to show him. He said that he would like to see the reference all the way back, but it may not matter. He said that the reference is not a dedication or an assumption of the County, but it may be enough. He said that the cleanest thing would be to acknowledge it and either improve or vacate it.

Commissioner Draper said that he received a letter from Mr. Harward, whose land is traversed by this road. He said that if the County were to improve that road a power line could be installed along the road and asked if that would require a permit or if it goes with the road.

Attorney Finlinson said that power companies would be required to provide power lines which would be part of their franchise.

Commissioner Withers said that Mr. Harward's letter requested that he be involved with any further discussion and be notified of any decision.

Commissioner Withers said that he visited with Mr. Gray and found that there is an issue with Mr. Gray regarding a right-of-way in the McCornick area where he refuses County residents access to a road located on his property. Attorney Finlinson explained that Mr. Gray would be willing to acquiesce to a private right-of-way, not a public right-of-way.

Commissioner Withers questioned about the process regarding property that was said to be sold located next to the arena.

Attorney Finlinson said that it was approved after a public hearing and will just need to be listed. He said that he will work with a realtor to get this done.

Attorney Finlinson commended Mr. Richins for the pleasant and competent job that he is doing in both his building inspection and planning capacity. The Commission agreed that he has done a tremendous job.

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

Attorney Finlinson said that the County will need to rebid the public defender contract as

well as the conflict counsel contract. He said that he is working on bid documents for this process.

Commissioner Jackson said that he received a lot of interest in helping get the landfill fees down to a science. He expressed his appreciation to all those who called in and wrote comments.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND/OR ACTION

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

Commissioner Withers made a motion to go into a closed executive session for the purpose of discussing pending and/or threatened litigation.

Commissioner Draper SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were all three commissioners, Attorney Finlinson and Treasurer Dearden.

After the closed executive session the regular meeting reconvened at 11:14 a.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 11:15 a.m..

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

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