

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 3rd DAY OF APRIL 2018
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson. County Attorney
Marki Rowley. County Clerk
Jamie Hair Deputy Clerk

EXCUSED: Dean Draper..... Commissioner

ALSO PRESENT: Tiffany James..... Magnum
Barb Clark. Chronicle Progress
Rozanne Stuckey. American Legion
Lynette Madsen. Auditor’s Office
Tracy Balch. Utah Department of Agriculture and Food
Gardon Sandall & Steve Rodriguez..... United States Forest Service
Brandon Winget..... Road Supervisor
Ron Gorgenson. Utah School Institutional & Trust Lands Administration
Klint Penney Citizen
Connie Hansen..... County Recorder
Sheri Dearden..... County Treasurer
Adam Richins..... Planning and Zoning

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 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 March 27, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 27, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of March 27, 2018, as presented.

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

FOLLOW UP ACTION ITEMS FROM March 27, 2018

There were none.

RATIFY THE APPROVAL OF THE SECOND CHANGE ORDER FOR THE SUNSET VIEW GOLF COURSE CLUBHOUSE CONSTRUCTION FROM MIKE BARNEY CONSTRUCTION

Commissioner Withers made a motion to ratify the approval of the second change order for the Sunset View Golf Course Clubhouse construction from Mike Barney Construction.

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

RATIFY THE APPROVAL OF OFFERING PRE-SOLD SINGLE DAY LAGOON TICKETS AT A DISCOUNTED RATE FOR COUNTY EMPLOYEES

Commissioner Withers made a motion to ratify the approval of offering pre-sold single day lagoon tickets at a discounted rate for county employees.

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

REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2017-032 FOR AN AMENDMENT TO EXISTING C-2 CONDITIONAL USE PERMIT LARGE SCALE PROJECT # Z-2010-008, MAGNUM SOLUTIONS, LLC - APPLICANT

Adam Richins, Planning and Zoning, said that they had received comments from outside legal counsel and requested that this agenda item be moved to later in the meeting in order for him to review the language corrections with Tiffany James, Magnum.

DISCUSSION AND POSSIBLE APPROVAL OF FUNDING FOR THE EAST SIDE AMERICAN LEGION AUXILIARY GIRLS STATE PROGRAM.

Rozanne Stuckey, East Side American Legion Auxiliary Girls State Program, said that they have 6 girls attending Girls State this year. She said that the cost to attend is \$400.00 per girl and that they would appreciate any help the County could give them. She said that 3 girls are

from Fillmore, 1 is from Scipio, and 1 is from Kanosh.

Commissioner Jackson said that Fillmore City has helped the girls from Fillmore in the past so there is some other funding available for the Fillmore girls. Ms. Stuckey said that they request from the cities as well as the County and that she would be meeting with Fillmore City tonight. She said that there are other costs associated with attending Girls State, beyond the \$400.00 attendance fee, and any money they receive supports the entire program.

Commissioner Withers said that this is a good program and he wants to be consistent with what the County gave the West Side American Legion Auxiliary Girls. He said that he would like to give \$200.00 to each girl if they don't get any funding from Fillmore City.

Commissioner Withers made a motion to approve funding in the amount of \$1,200.00 for 6 girls at \$200.00 each, to attend Girls State, if no other funding is received from Fillmore City.

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

DISCUSSION REGARDING THE DEPARTMENT OF AGRICULTURE PROGRAMS FOR THE CONSERVATION DISTRICTS AND OBNOXIOUS WEEDS - TRACY BALCH

Tracy Balch, Utah Department of Agriculture and Food, passed out a handout for review. She said that she works with the local conservation districts. Ms. Balch gave a brief history and explained the structure of the conservation districts. She said that the Conservation District Board Members address local resource concerns and receive funds from the State to address these concerns. She said that she would like to invite the commissioners to attend their meetings so that they can work with the County to address issues, such as invasive species and weed control. She referred to the handout to show the schedule and locations of the Conservation District meetings.

DISCUSSION AND POSSIBLE APPROVAL OF AMENDING THE COOPERATIVE FOREST ROAD AGREEMENT BETWEEN MILLARD COUNTY ROAD AND THE USDA FOREST SERVICE FISH LAKE NATIONAL FOREST - GARON SANDALL

Garon Sandall, United States Forest Service, passed out a handout for review and said that they would like to amend the master agreement between the USFS and the County. Mr. Sandall referred to Exhibit A and said that they are proposing to have the roads indicated in red be maintained primarily by the County in the Class B System. He said that moving the roads to the Class B System will make them eligible for State funds which will help the County better maintain the roads. He said that under the current master agreement, the County can only maintain a third to half of the roads listed on Exhibit B each year, but by putting this on the Class B Schedule, all of the roads will be able to be maintained every year.

Brandon Winget, Road Supervisor, said that they occasionally maintain a lot of these roads anyway for free due to public requests. He said that placing these roads on the Class B Schedule will allow the Road Department to maintain the roads better and more often.

Commissioner Withers asked if the County will continue to receive funding from USFS.

Mr. Sandall said that the County will only receive money from the State's Class B system for regular surface maintenance, but that there will be some money available from the USFS to do more specific road projects.

Mr. Winget said that there is adequate Class B Schedule funding for road maintenance. He said that the Road Department plans on having a good working relationship with the USFS on road projects including culverts, graveling, etc.

Commissioner Withers asked if there is already an agreement put together. Mr. Sandall said that they wanted to receive approval from the Commission prior to writing up an agreement.

Commissioner Withers made a motion to approve the creation of an agreement that amends the Cooperative Forest Road Agreement between Millard County Road and the USDA Forest Service Fish Lake National Forest.

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

DISCUSSION AND POSSIBLE APPROVAL OF ADDING ADDITIONAL MILEAGE TO THE COUNTY'S CLASS B ROAD SCHEDULE - GARON SANDALL

Mr. Sandall said that the above motion covers this agenda item.

DISCUSSION REGARDING TRUST LANDS - RON TORGERSON

Ron Torgerson, Utah School Institutional & Trust Lands Administration, presented exhibits C, D, and E for review. Mr. Torgerson referred to a small green box toward the bottom of exhibit C and said that they received an application to put a commercial sized solar development there. Mr. Torgerson said that this is currently not approved for a lease. He said that Commissioner Draper and the Planning and Zoning Coordinator suggested that the panels be placed away from the highway and that the applicant did not have a problem with doing that.

Mr. Torgerson referred to the red square on Exhibit C and said that this is a proposed sale. He said that just to the south of the red square is where the Bliss Dairy was located. He said that the Bliss Dairy is now owned by Dantes Holding Corporation, and they are the petitioner who is wanting to buy this section. Mr. Torgerson said that the sale is scheduled for June 6, 2018 at their Salt Lake City office. He said that ranchers with the Oak City Cattle Grazing Association are very concerned about this purchase and will possibly put in a bid proposal.

Mr. Torgerson referred to the map on the bottom corner of Exhibit D and said that the land consists of blown sand, grease wood, and cheatgrass. He said that there are not a lot of AUMs on the property.

Mr. Torgerson referred to the map on Exhibit E and said that this shows the solar lease location in the McCornick area. He said that most, if not all, will be on the west side of Highway 50.

Mr. Torgerson referred to the map on Exhibit C and said that the dark green strip toward the top by IPP is a solar lease but that it hasn't been developed yet. He said the large green block just below is where there is some interest from other solar companies. He said that the lighter green box is approximately 12,000 acres and that the interested solar company would only

consume about 400-500 acres. Mr. Torgerson said that the land by IPP has already been selected for industrial type purposes, but there are other challenges for these solar companies to overcome, such as interconnection agreements with power companies and power purchase agreements. He said that there are 12-15 solar leases in their state portfolio, and only 1 property has actually been developed. Mr. Torgerson is not sure where the company would connect into the power grid in the McCornick area.

Commissioner Withers asked about the cosmic ray project and said the Commission wants to be involved in that because they have some concerns. Mr. Torgerson said that Lou Brown said that they won't approve anymore cosmic ray lease sites unless the County is in agreement with it.

TREASURER'S FINANCIAL REPORT

Treasurer Dearden presented the financial reports for the month of March 2018. She said that the pool cash report shows that the Auditor and Treasurer are in balance. She referred to the liability payments from payrolls on the last page and said that the Auditor will process those payments.

Treasurer Dearden said that they are holding distributions to the Mosquito Abatement District. She said that she spoke with them and that this is a transparency issue where the Mosquito Abatement District needs to upload all entries to the State transparency website.

Treasurer Dearden said that the refund to Verizon Wireless for its state assessed appeal was in the amount of \$16,000.00.

DISCUSSION AND POSSIBLE APPROVAL OF PROPERTY TAX AGREEMENTS, SETTLEMENTS, OR DEFERRALS.

There were none.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Treasurer Dearden said that since 1943, Lynn McArthur has been taxed on parcel 5216-B which he doesn't own. Attorney Finlinson said that it was initially a trust property that was patented to the State and then later deeded the Federal Government. Treasurer Dearden said that Mr. McArthur has paid a tax total of \$683.14 since 1943.

Attorney Finlinson said that the County needs to remove Lynn McArthur from the title, recognize parcel 5216-B as federal property, and authorize a refund to Mr. McArthur in the amount of \$683.14.

Commissioner Withers made a motion to remove Lynn McArthur from the title, recognize parcel 5216-B as federal property, and authorize a refund to Mr. McArthur in the amount of \$683.14.

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

Attorney Finlinson said that there is a lot of public interest in the public hearing regarding spotlighting. He said a public hearing will be held May 1, 2018, to allow people more time to make arrangements to attend. Attorney Finlinson said that he has received a lot of questions regarding badgers, but that they can't be included in the spotlighting ordinance; however, they can be hunted if they are harming crops and livestock.

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

Commissioner Jackson said that he would be attending an extension service meeting on April 16, 2018 at 11:30 a.m..

Commissioner Jackson said that he will be taking the Law Enforcement Contract to Fillmore City tonight.

Commissioner Withers made a motion to recess for the meeting.

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

Commissioner Jackson reconvened the meeting at 11:01 a.m..

REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2017-032 FOR AN AMENDMENT TO EXISTING C-2 CONDITIONAL USE PERMIT LARGE SCALE PROJECT # Z-2010-008, MAGNUM SOLUTIONS, LLC - APPLICANT

Ms. James said that there isn't any substantive changes from the previous versions of this form; however, it updates the things that Magnum was requesting. She said that it revises the facility layout, the permit language to reflect certain conditions that have already been met and amends the term. She said that Magnum made sure language was in this application that will allow Magnum to consult directly to the County in the event that any of these permits have minor changes.

Mr. Richins said that this language will allow minor changes by the County without going through the entire process. He said that they will work with the Attorney's Office to determine what the definition of a minor change is.

Mr. Richins said that the intent of this language is to streamline the process. He said that the document is ready for approval and previously received a favorable recommendation from the Planning and Zoning Commission, subject to the review by outside legal counsel.

Commissioner Withers asked how "minor change" will be defined. Mr. Richins said that to be considered minor changes, the changes will need to reflect the same use and general layout. Ms. James said that minor changes will be changes that don't change the substance of the authorization and have the same form and function.

Commissioner Withers made a motion to approve application #Z-2017-032 for an amendment to existing C-2 conditional use permit large scale project # Z-2010-008, Magnum Solutions, LLC- Applicant.

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

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 11:08 a.m..

Attest: _____

Approved: _____