

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF MAY 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
Jamie Hair Deputy Clerk

ALSO PRESENT: Bruce Lee..... Citizen
Barb Clark. Chronicle Progress
Adam Richins.. Planning and Zoning
Robert Dekker. Millard County Sheriff's Office (MCSO)
Nathan Porter..... East Millard County Recreation
Bonnie Gehre..... County Auditor
Sheri Dearden..... County Treasurer
Pat Manis. County Assessor
Brandon Bartholomew..... Natural Impressions

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

APPROVAL OF April 17, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 17, 2018 were

presented for consideration and approval. Following review, Commissioner Draper made a motion to approve the minutes of April 17, 2018, as presented.

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

FOLLOW UP ACTION ITEMS FROM April 17, 2018

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF FUNDING A SPEAKER TO SPEAK AT MILLARD HIGH SCHOOL - KENLIE LEMON, MISS MILLARD

This agenda item was tabled.

DISCUSSION AND POSSIBLE APPOINTMENT OF KIRK MEMMOTT AND SCOTT BASSETT TO SERVE ON THE GREAT BASIN HERITAGE AREA PARTNERSHIP BOARD OF DIRECTORS

Commissioner Draper said that the Great Basin Heritage Area Partnership has three openings on their Board of Directors due to the retirements of current board members, and these two individuals will fill two of the vacancies.

Commissioner Draper made a motion to appoint Kirk Memmott and Scott Bassett to serve on the Great Basin Heritage Area Partnership Board of Directors.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON AMENDING SECTION 6-3-2 OF THE MILLARD COUNTY CODE BY PERMITTING AND REGULATING THE USE OF ARTIFICIAL LIGHTS FOR HUNTING COYOTES, RED FOXES, STRIPED SKUNKS, AND RACCOONS AT NIGHT

Commissioner Draper made a motion to enter into a public hearing for the purpose of receiving public comment on amending section 6-3-2 of the Millard County Code by permitting and regulating the use of artificial lights for hunting coyotes, red foxes, striped skunks, and raccoons at night.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:15 a.m..

Present were: Bruce Lee, Barb Clark, Adam Richins, Assessor Manis, & Treasurer Dearden.

Bruce Lee said that he is a property and home owner in Leamington and is asking that this not be approved because of possible safety issues. Mr. Lee said that he is concerned that the limited

vision at night may cause hunters to hit things besides their intended targets like cattle, houses, and people. Mr. Lee said that he and his family enjoy astronomy on his 6 acres, and are often outside at night. He said that he is also concerned with intoxicated people deciding to spotlight at night.

Attorney Finlinson asked Mr. Lee if he had any conditions to add in the language of the ordinance that would alleviate his safety concerns.

Mr. Lee said that requiring a certain distance from houses is necessary, but isn't sure how much that would help because his property has been effected by hunters who were following the rules during the regular hunting season.

Commissioner Draper said that spotlighting would be restricted to outside of the municipality boundaries. He said that his experiences with spotlighting hasn't resulted in any injuries, but that it would be good to look into possible ricochets off rocks and other safety concerns.

Sheriff Dekker, MCSO, said that State Law states individuals cannot hunt within city limits. He said that Millard County previously discontinued night hunting because of vandalism, cattle being killed, and property being damaged by gun shots. Sheriff Dekker said that he wants there to be a permit or form for whomever is spotlighting so that the Sheriff's Office knows who is spotlighting, when they are spotlighting, and how many individuals are in the hunting group. He says that there is a lot of interest in this and he receives a lot of questions each week regarding Millard County's spotlighting laws.

Commissioner Draper asked if a program similar to a controlled burn notification would work well for this spotlighting ordinance. Sheriff Dekker said that he thinks that kind of a notification system would work well.

Barb Clark, Chronicle Progress, said that there was a letter to the editor submitted this week that will be in the newspaper tomorrow regarding this issue. She said that the letter indicated concern regarding cattle and vandalism.

Commissioner Jackson said that if this ordinance moves forward, a lot of education will need to be given to those who are interested in spotlighting.

Attorney Finlinson said that the Division of Wildlife (DWR) Officer, Curtis Shumway, suggested that spotlighting be allowed on a permit basis only and that the hunters be given a statement to sign stating that they agree to abide by the rules and regulations in that statement.

Commissioner Jackson asked Mr. Lee if these possible permits and notifications address some of his concerns. Mr. Lee said that he is concerned that the bullet range will reach him and his family while they are on his property. He said he would like to see a larger distance beyond the city boundaries than what the State requires.

Commissioner Withers said that he was contacted by local farmers who said that the wildlife actually benefits their farm ground and they are concerned about this ordinance.

Sheriff Dekker said that permits could be granted for specific areas only.

Attorney Finlinson said that the Commission can expand the hunting restriction beyond the municipalities' borders. He said that he would like some time to look into how other counties have set up their spotlighting ordinance.

Commissioner Draper said that he also wants to include bodies of water in the restrictions because of possible ricocheting off the water.

There were no other comments made.

Commissioner Withers made a motion to close the public hearing.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:34 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 18-05-01, AN ORDINANCE AMENDING SECTION 6-3-2 OF THE MILLARD COUNTY CODE BY PERMITTING AND REGULATING THE USE OF ARTIFICIAL LIGHTS FOR HUNTING COYOTES, RED FOXES, STRIPED SKUNKS, AND RACCOONS AT NIGHT

Commissioner Withers made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF RETENTION OF DURHAM JONES & PINNAGAR TO ASSIST WITH OPIOID LITIGATION EVALUATION

Attorney Finlinson said that they have met with several attorney's from Durham Jones & Pinnagar regarding Millard County becoming a plaintiff in the nationwide opioid litigation. He said that it is currently in the evaluation process which is trying to determine what the damage in Millard County has been. Attorney Finlinson said that the County has zero obligation, and that he recommends that the Commission approve this.

Commissioner Withers made a motion to approve the retention of Durham Jones & Pinnagar to assist with opioid litigation evaluation.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE BIDS FOR FREIGHT AND SPREAD OF ROAD OIL

Commissioner Withers made a motion to award the bid for the freight and spread of the road oil to PKS Road Oil.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE BIDS FOR LMCR-2 ROAD OIL

Commissioner Withers made a motion to award the bid for LMCR-2 Road oil to Western Emulsions, Inc.

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

CONTRACT CHANGE FOR THE SUNSET VIEW GOLF COURSE CLUBHOUSE CONSTRUCTION FROM MIKE BARNEY CONSTRUCTION

Attorney Finlinson said that the original contract with Mike Barney Construction allows for some changes to be made; however, the most recent request is substantial enough that he would like the approval of the Commission to re-work the contract and get it signed.

Commissioner Withers said that the original contract stated that the County would pay 50 percent up front and then pay on a scale as the project progressed. He said that Mike Barney contacted him to explain that some of the subcontractors had increased their material prices. Mr. Barney asked that the County pay for those materials now in order to hold the original lower prices. Commissioner Withers said that the prices haven't changed, but the County will pay for them now instead of later.

Attorney Finlinson said that he would like to change the payment structure in the contract and have it re-signed.

Commissioner Draper made a motion to change the payment structure to authorize the prepayment of some materials. This motion does not change the cost.

Commissioner Withers **SECONDED** the motion. The voting was unanimous and the motion carried. *Need Copy of Signed Contract*

DISCUSSION AND POSSIBLE APPROVAL OF APPOINTING NEUEL CHLARSON TO THE MILLARD COUNTY WATER CONSERVANCY DISTRICT BOARD

Commissioner Draper said that Mr. Chlarson will fill a vacancy on the Water Conservancy District Board, and that Mr. Chlarson will serve the south east corner of the County.

Commissioner Draper made a motion approve appointing Neuel Chlarson to 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 BUILDING PERMIT FOR NEIL ASHTON

Adam Richins, Millard County Planner, said that the building permit itself is an administrative function, but that they need an approved conditional use permit (CUP) from the Commission in order to approve the building permit.

Mr. Richins gave a history of Mr. Ashton's business and permits. He said that in 2013, the County adopted new table of uses that states that those involved in meat processing are required to have mitigated conditions considered before receiving a permit to operate.

Mr. Richins said that Mr. Ashton has planned to expand his operation and needs a CUP to move forward. Mr. Richins said that this was discovered abruptly and that Mr. Ashton has now submitted an application to the Planning and Zoning Commission for approval this week. He said following approval, the CUP will then come to the Commission for approval.

Commissioner Draper asked if Mr. Ashton's business will be negatively affected if this CUP

is not done quickly.

Mr. Richins said that Mr. Ashton has made arrangements to shut down his business for a certain amount of time in order to build and that they have cancelled orders and supplies during this window, so the time line is very important. Mr. Richins said that a delay would constitute a hardship on Mr. Ashton's business. He said that Mr. Ashton has not asked for an exemption but wanted to get this approved as soon as possible.

Commissioner Withers asked Attorney Finlinson if the Commission could make a decision on this today, based on the fact that a delay constitutes a hardship on Mr. Ashton's business, or if it would be best to schedule a special meeting.

Attorney Finlinson said that it would be best to convene an emergency meeting after the Planning and Zoning Commission approves a CUP.

Commissioner Draper made a motion to table this agenda item and schedule a special meeting for tomorrow in Delta at 7:30 P.M. to address a CUP for Ashton's Meats.

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

BID OPENING FOR CEMENT WORK AT THE EAST MILLARD RACE TRACK

Nate Porter, East Millard Recreation, said that the concrete work will be from the grandstands to the bathrooms to make the facilities ADA compliant and a newer cement plat by the topaz building for a basketball court. He said that the dimensions are 40 feet by 80 feet and will be 4-6 inches thick. Mr. Porter said that the bidders are going to pour on top of it, and not remove the existing cement. Commissioner Draper and Commissioner Jackson said that they shouldn't pour on top of the existing cement.

Commissioner Draper asked how much use the basketball court gets. Mr. Porter said that the cement pad is existing and the idea is to enhance that area because it gets a lot of use from children in the area.

Commissioner Draper said that the commissioners have held off on rehabilitating other courts based on costs and that is why they are asking how much use it gets. Mr. Porter said that it is mostly for public use, but there have been some thoughts on having organized teams.

Commissioner Draper asked how the cost of this cement fits into the budget. Commissioner Jackson said that this is included in the existing race track budget, and that the money for this is in the capital fund that was carried forward from last year.

Commissioner Withers said that he is concerned with putting money toward the race track when its future is unclear. Commissioner Draper said that the County will be retaining the restrooms no matter what the future of the race track is.

A discussion was had on the positive and negatives of pouring cement over an existing slab.

Commissioner Withers asked why the County is having private individuals put in the fence around the race track. Commissioner Jackson said that it is because the individuals need the fencing around the race track in order to charge individuals to enter.

Commissioner Withers wants the county workers to put the fences up that the County has been waiting on and said that a deadline is needed.

Auditor Gehre opened the following bids:

- Name: Natural Impressions \$41,989.10; Job completed by June 1st
- Name: Arrowhead Construction \$45,000.00

Commissioner Draper asked if a list of materials was provided or given to the bidders. Commissioner Jackson said that the materials have to meet specifications. Mr. Richins said that the County will need to make certain materials a requirement. Commissioner Jackson said he will take the required specifications to the bidders.

Brandon Bartholomew, Natural impressions, explained what his bid included and drew a diagram of the existing cement pad edges. Commissioner Jackson said that fill will need to be brought in for the side to remove the hazard of the cement ledge. Commissioner Jackson said that he will talk to the maintenance department about it.

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

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

Commissioner Withers is concerned that certain materials weren't written in the bids. Commissioner Jackson said that there weren't any written specifications given to the bidders.

Commissioner Draper recommends having another meeting with the bidders to include the written specifications.

A discussion was had on the future procedure for presenting requirements to bidders.

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

There were none.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Treasurer Dearden presented a cut out of Martha Hughes Cannon, the first female state senator in the nation, and explained Utah's important role in the Women's Rights Movement. She said that the Utah Association of Counties (UAC) introduced the #flatmartha project during the recent UAC Management Conference and the goal of the project is to inspire women of all ages to be more involved in government, business, and all aspects of community engagement. Treasurer Dearden said that local officials from around the State are encouraged to share on social media the adventures that #flatmartha goes on or events she attends.

Commissioner Draper said that there is a request that the parking lot around the courthouse building on main street be emptied of all vehicles between 8:00 a.m.- 12:00 p.m. on Saturday, May

19th for a special program at the Territorial Statehouse.

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

Clerk Rowley explained that Millard County elections are conducted by mail; therefore, there will not be machine voting with the exception of those requiring ADA accommodations, or those who have an issue with the ballot they received in the mail. She informed the Commission of deadlines and voting dates and said that there will be early voting locations in Delta and Fillmore prior to election day on June 26, 2018 to accommodate those requiring ADA accommodations & help remedy any ballot issues.

Commissioner Draper said that he attended the UAC conference last week where public lands issues were discussed.

Commissioner Jackson said he met with Intergenerational Poverty Committee (IGP) at the UAC conference and they are working on how to strengthen the Millard County IGP program.

Commissioner Jackson said that there is a legislative ATV ride meeting with Six Counties Association of Governments (SCAOG) and they are moving forward on planning the ATV ride. He said that they have discussed making it a two day ride starting on August 14th 2018. He said that the first day will be in the mountains and the second day will be on the desert.

Commissioner Draper said that as many as 100 people may attend. He said that SCAOG sponsors an ATV ride and will cover the cost of the first day, but Millard County will bear the cost for a second day. Commissioner Draper said that they may want to limit invitations due to the cost. He said that he would like to acquaint the attendees on forest issues vs. desert issues.

Commissioner Jackson said that he has asked Attorney Finlinson to review the Law Enforcement Agreement with Fillmore City. He said that Attorney Finlinson will take it to Mr. Waddingham to make sure the agreement is in order and then approve it without any changes.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

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

Commissioner Withers **SECONDED** the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Commissioner Jackson, Commissioner Draper, Commissioner Withers, Treasurer Dearden, and Assessor Manis.

After the closed executive session the regular meeting reconvened at 12:08 a.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 12:09 a.m..

Attest: _____

Approved: _____