

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF JULY 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: Adam Richins Millard County Planner
Richard Beckstrand & Ryan Lang. Millard County IT
Robert Dekker & Richard Jacobsen..... Millard County Sheriff’s Office
Shellie Dutson & Kyle Ashby. Chronicle Progress
Mike Holt, Kevin Orton, & Cody Hill..... Fillmore City
Klint Penney Millard County Maintenance
Joyce Barney SDSC Enterprises, LLC
Jeff George, Evelyn Warnick & Jim Warnick..... Citizens
Brad Welch, Benjamin Pehrson, Tim Beesley & Shayne Thompson. . CentraCom

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 read a quote from Edmund Burke that states, “Your representative owes you, not his industry only, but his judgement; and he betrays instead of serving you if he sacrifices it to your opinion.” Commissioner Draper said that elected officials are here to exercise their judgement on behalf of all citizens; not just a few. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF July 3, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 3, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of July 3, 2018, as presented.

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

FOLLOW UP ACTION ITEMS FROM July 3, 2018

Attorney Finlinson said that his office was unable to contact any of the bidders for Parcel #F165-2 and he would like to table this agenda item and forward it to the next meeting.

INTERIM SUCCESSORS

Interim Successors were provided from the following offices:

- Assessor's Office
- Auditor's Office

RATIFY APPROVAL FOR ENTERING INTO A COOPERATION AGENCY ON CONFUSION-SWASEY HML

Commissioner Jackson said that the wild horse roundup was discussed at the last meeting. Commissioner Withers would like to send a letter stating the County's support of the roundup; however, proper management decisions need to be made with the Bureau of Land Management moving forward.

Commissioner Draper made a motion to ratify the approval for entering into a Cooperation Agency on Confusion-Swasey HML and write a letter concerning management decisions in the future.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR BLADES LIKE NEW- OWNER, ROBERTO M. AIELLO

Attorney Finlinson said this item has not yet made it through the administrative process and needs to be tabled.

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 AWARDED OF THE BIDS FOR REAL PROPERTY- PARCEL #F165-2

Commissioner Draper made a motion to table this agenda item

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON APPLYING FOR A GRANT TO UPGRADE THE BRUSH HIGHWAY FROM JONES ROAD TO THE COUNTY LINE AND TO AUTHORIZE JONES AND DEMILE TO PREPARE A GRANT APPLICATION

Commissioner Withers made a motion to enter into a public hearing for the purpose of receiving public comment on applying for a grant to upgrade Brush Highway from Jones Road to the County Line and to authorize Jones and Demile to prepare a grant application.

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

Present were: Jim & Evelyn Warnick, Sheriff Dekker, Adam Richins, Ryan Lang, Richard Jacobson, Richard Beckstrand, Treasurer Dearden, Jeff George, Michael Holt, Kevin Orton, Kody Hill, Brad Welch, Ben Pehrson, Tim Beesley, Shayne Thompson, Joyce Barney, Shellie Dutson, and Kyle Ashby.

Commissioner Draper said that this grant is available to assist counties in upgrading roads. He said that the County is pursuing this grant to use for Brush Highway from Jones Road to the County Line.

Commissioner Draper said that Brush Highway is largely used by Materion patrons, its staff and for tourism. He said that there is also an opportunity to apply for similar grants in the future.

There were no other comments made.

Commissioner Draper made a motion to close the public hearing.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:12 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL ON APPLYING FOR A GRANT TO UPGRADE THE BRUSH HIGHWAY FROM JONES ROAD TO THE COUNTY LINE AND TO AUTHORIZE JONES AND DEMILE TO PREPARE A GRANT APPLICATION

Commissioner Withers asked if the County was financially liable for any up front costs.

Commissioner Draper said that Jones and Demile will charge the County \$5,000.00 to prepare the grant and the money will come from the Special Projects Fund.

Commissioner Draper made a motion to approve applying for a grant to upgrade Brush Highway from Jones Road to the County Line and to authorize Jones and Demile to prepare a grant application.

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

INTERLOCAL AGREEMENT BETWEEN THE FILLMORE CITY REDEVELOPMENT AGENCY AND MILLARD COUNTY IN REGARDS TO THE NEWLY CREATED FILLMORE COMMUNITY REINVESTMENT AREA (CRA)

Commissioner Jackson said that the CRA will be located between Dr. Quackenbush's new building and the Chinese restaurant. Commissioner Withers asked if a final agreement has been prepared. Attorney Finlinson said that he has received the agreement with the requested changes made.

Cody Hill, an Analyst representing the Fillmore Redevelopment Agency, said that initially the legal description and the map did not match. He said that the map and parcel list included an additional parcel located outside of Fillmore City limits. He said that the legal description is correct and that their agency is working to make sure the map and the legal description are consistent.

Commissioner Withers said that he is concerned when the County gives tax breaks to new businesses because taxes will be raised on citizens if there is a funding shortage.

Cody Hill said that the tax breaks are offered in order to facilitate the development of the area, which will bring in more tax dollars from businesses that wouldn't otherwise be able to build here.

Commissioner Draper asked where most of the money is being spent. Mayor Holt said that the bulk of the funding is being used to build roads, sidewalks, curb, and gutter.

Mr. Hill said that there are currently two interested developers. He said that Mr. Quackenbush stated that he would like to develop more in 4-5 years and that Meyers Development, whose industry is mostly retail and hotels, is more imminent. Commissioner Draper said that lodging is a good thing to develop in the County.

Commissioner Withers said that he is concerned that any business coming into the County in the future will expect similar tax breaks. Commissioner Draper said that a tax break is decided upon its own standards and not setting a precedent. Commissioner Withers said that he thinks it does set a precedent, in that, it sends the message that the County does CRAs.

Commissioner Draper made a motion to approve joining an Interlocal Agreement between the Fillmore City Redevelopment Agency and Millard County in regards to the newly created Fillmore CRA.

Commissioner Jackson stepped from the chair and SECONDED the motion. Commissioner Withers opposed. The motion carried by a majority vote.

DISCUSSION REGARDING UPGRADING TELEVISION SERVICE FOR MILLARD COUNTY

Commissioner Withers said that the Federal Communication Commission (FCC) is changing

regulations. He said that the University of Utah would like to be involved and will provide equipment for the upgrade, but in turn, they will own it. Commissioner Withers said that Dee Hollingshead is concerned that the County won't be able to dictate or make decisions if the University of Utah owns it. He said it would cost the County \$18,000.00-\$20,000.00 if the County does the upgrade alone. He said if the University provides the equipment, the cost will be about \$8,000.00. He said that the question is if the County wants an outside entity running the television service.

Commissioner Withers said that the Federal Government has taken bandwidth and this is why the upgrade is needed. He said that the upgrade will sustain the County where it currently is.

Commissioner Withers said that a deadline to have the new equipment is by the end of the year, but he doesn't think that is possible.

DISCUSSION AND POSSIBLE APPROVAL OF A CENTRACOM AGREEMENT

Ryan Lang, Millard County IT, presented an offer for review and read the first two paragraphs. Commissioner Draper said that this was unusual because the County didn't solicit the upgrade even though it is needed. He explained that the offer still falls under the County's purchasing policy because part of the offer requires use of the County's facilities. He said that he would like to see if a local provider would be able to make a similar offer.

Brad Welch, CentraCom, said that they believe that they are considered a local rural provider. He said that they have become a sole source provider because they are the only company that can offer the fiber. Mr. Welch shared CentraCom's history and current presence in the County. He said that their technicians work and live in the County.

Commissioner Draper asked about potential changes and upgrades to the service as technology advances. Mr. Welch said that the contract states additional discounts for providing service at more county buildings. He said that there will be an additional cost for any increases of bandwidth.

Commissioner Withers said that in the past, outside entities have not been allowed to use the government towers. He asked Sheriff Dekker if there is any other reason to move forward this besides the cost benefits. Sheriff Dekker said that he would like to do it because the better internet will allow for a safer community and provide faster response time.

Commissioner Withers asked what can be done to protect the individuals who are currently providing internet service in the County.

Shane Thompson, CentraCom, said that he would tell the existing businesses that CentraCom wants to provide them cutting edge service. He said that they are proud of the service they provide and they believe in their products. Mr. Thompson said that they have not declined any other service providers from having service and they can include that in the contract if necessary.

Commissioner Withers asked what negative effects are foreseen to the three current providers in Millard County. Brad Welch said that they will not stop providing back hauling to other wireless carriers in the County and that there will have to be coordination between all the companies.

Tim Beesley, CentraCom, said that they cannot serve every person in Millard County and there will still be opportunity for other internet providers to serve Millard County.

Richard Beckstrand, Millard County IT, said that the frontier contract with the Sheriff's Office building runs through November and that they would be able to run both systems at the same

time.

Commissioner Draper asked about the sole source provider process. Mr. Welch said that there is time for someone to argue against a ruling once a sole source is determined. He also said that they would no longer be considered a sole source provider as soon as there's another provider offering the same services.

Commissioner Draper asked about co-locating on the government tower and said that the County would have to allow others access to that tower for the same cost or service.

Sheriff Dekker said that those are government towers and if anything interferes with the processes of the Sheriff's Office they will be removed.

Commissioner Draper made a motion to approve of an agreement with CentraCom and recognize that it is a sole source provider.

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

DISCUSSION AND POSSIBLE APPROVAL OF MILLARD COUNTY PARTICIPATING IN FUNDING FOR FENCING ON HIGHWAY 257

Commissioner Withers said that this is a public safety issue and it is time to discuss what the County is willing to do. He said that the estimated cost of the project is \$270,000.00. He said that the state has committed to funding some of this project and that there are also commitments from the BLM, the County Road Department, a business, and a private land owner. Commissioner Withers said that the discussion today needs to be on how much the County can spend and where the money will come from.

Attorney Finlinson said that there may be some restrictions on what the Road Department can use its funds for.

Auditor Gehre said that there is some money available in the Capital Fund and that a fence is an asset that can be depreciated. She said that the Special Projects Budget is also an option. Auditor Gehre said that a public hearing would be required for either route.

Commissioner Withers said he will talk with those who are willing to commit to this project and bring this back to the Commission with specific amounts.

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 RESOLUTION 18-07-17, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING AND RESTATING POLICIES GOVERNING THE USE OF THE EAST MILLARD EQUESTRIAN FACILITIES.

Attorney Finlinson said that this resolution goes through the history of the regulations at the Equestrian Facilities and he needs direction from the Commission to state specific times. Klint Penney, East Millard Maintenance, said that the Maintenance Department would like to access the facility starting at 10:00 a.m..

The commissioners agreed that open use will be until 10:00 a.m..

Commissioner Draper made a motion to approve Resolution 18-07-07, a resolution of the Board of County Commissioners of Millard County, Utah, Amending and Restating Policies Governing the Use of the East Millard Equestrian Facilities.

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

REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2018-011 FOR A NON PLAT SUBDIVISION LOCATED AT APPROXIMATELY 1500 E 2500 S (DELTA ADDRESS GRID). GARTH & LESLIE LAKE - OWNERS, CHRISTOPHER & NICKI PACE -APPLICANTS.

Adam Richins, County Planner, said that this application has received a favorable recommendation from the Planning and Zoning Commission.

Commissioner Withers made a motion to approve Application #Z-2018-011 for a non plat subdivision located at approximately 1500 E 2500 S (Delta Address Grid). Garth & Leslie Lake - Owners, Christopher & Nicki Pace -applicants.

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

REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2018-012 FOR PLATH, LOT 23, PHASE 3 SUNSET VIEW ESTATES SUBDIVISION - JOYCE BARNEY FOR SDSC ENTERPRISES, LLC

Joyce Barney said that they are recording one additional lot in a phase of the Sunset View Development. Planner Richins said that this has been before the Planning Commission and the concept and master plan was approved a number of years ago. He said that additional zoning is automatically approved as long as it matches the original master plan.

Commissioner Draper made a motion to approve Application #Z-2018-012 for Plat H, Lot 23, Phase 3, Sunset View Estates Subdivision - Joyce Barney for SDSC Enterprises, LLC.

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

REVIEW OF FINANCIAL REPORTS

Treasurer Dearden presented the financial reports for June 2018. She said that a thorough review was done on July 12, 2018 and that the pool cash reports show that the Treasurer and Auditor are in balance. She said that the Semi-Annual Deposit and Investment Report is now filed online and is in a new format.

PUBLIC INPUT

Kyle Ashby introduced himself as an associate publisher at the Chronicle Progress. He said that he is third generation in the newspaper industry.

OTHER BUSINESS

Commissioner Draper presented the contract from Jones and Demile regarding the Brush Highway contract.

Attorney Finlinson said that costs associated with the Indigent Defense Fund continue to rise; mostly in juvenile court. He said that the Commission will need to budget \$300,000.00 for public defense and about \$150,000.00 will be reimbursed through grants from the State. He said that the County will contract with Utah County who will assign attorneys.

Attorney Finlinson said that his office budgeted for new desks, but he may need to pull some funds from Capital to reimburse the cost.

Commissioner Draper said that he will now be available to come to the first commission meeting in August.

DISCUSSION BY EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Clerk Rowley said that one of her court clerks, Irene Scott, is retiring on August 3, 2018. She said that she has hired Sheri Kay Beckstrand to replace her.

Commissioner Jackson said that they will be having a meeting about the legislative ride just after today's commission meeting.

WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 12:00 p.m..

Attest: _____

Approved: _____