

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 18th DAY OF SEPTEMBER 2018  
AT THE COURTHOUSE, FILLMORE, UTAH

- PRESENT: Wayne Jackson..... Chairperson  
Dean Draper..... Commissioner
- Pat Finlinson..... County Attorney  
Marki Rowley..... County Clerk  
Jamie Hair..... Deputy Clerk
- EXCUSED: James I. Withers..... Commissioner
- ALSO PRESENT: Karen Banks & Deric Despain..... USU Extension  
Sheri Dearden..... County Treasurer  
Bonnie Gehre..... County Auditor  
Adam Richins..... County Planner  
Rhett Wilkenson..... Chronicle Progress  
Andy Nickle, Mike Van DeVanter, Ms. VanDeVanter,  
Daniel Myers, & Michelle Myers..... Citizens

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 September 11, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 11, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of September 11, 2018, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM September 11, 2018

There were none.

#### RATIFY THE APPROVAL OF A CELL PHONE ALLOWANCE FOR TRAVIS ARCHIBALD

Commissioner Draper made a motion to ratify the approval of a cell phone allowance for Travis Archibald, East Millard Maintenance, in the amount of \$40.00.

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

#### RATIFY THE CELL PHONE ALLOWANCE FOR LAYNE GARDNER

Commissioner Draper made a motion to ratify the approval of a cell phone allowance for Layne Gardner, Sheriff's Office, in the amount of \$40.00.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR LANCES CONSULTING AND DESIGN-OWNER, ROBERT AND TIFFANY LANCE

A business license application was presented for Lances Consulting & Design, Owner - Robert and Tiffany Lance, a business involving flooring consultation and design. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Lances Consulting and Design, Owner - Robert and Tiffany Lance.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF OUT OF STATE TRAVEL IN NOVEMBER FOR DERIC DESPAIN

Mr. Despain, USU Extension, said that he recently received a grant to do research regarding adrenaline and cortisol releases in working stock dogs. He said that he has an opportunity to travel to Oklahoma in November to take blood samples as part of his research.

Mr. Despain said that the trip expenditures will be paid through the grant; however, he is asking for the Commission's approval for out of state travel using the county truck. He said that he currently has another vehicle to use but would like the county truck available as a backup. He said that the trip consists of approximately 1,100 miles one way and has an estimated fuel cost of \$600.00 which will be covered through the grant.

Commissioner Draper made a motion to approve out of state travel in November for Deric Despain.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF 4-H MEMBERS TO TRAVEL IN THE COUNTY CAR TO NATIONALS IN COLORADO IN JANUARY

Karen Banks, USU Extension, said that the Millard County 4-H Teen Council recently won in the Shotgun and Consumer Bowl contests at the Utah 4-H State Contests. She said that they qualified to go to the National Contests in Colorado in January and she is asking to use the county van in order to attend. She said that they have been seeking sponsorships and donations, so most of the costs of the trip are covered; however, approximately \$100.00 will be used for fuel costs out of the 4-H budget.

Commissioner Draper asked about the County's liability for transporting youth outside of the County. Mr. Despain said that the liability is covered by Utah State University.

Commissioner Draper made a motion to approve 4-H Members to use the county car in January to travel to Nationals in Colorado.

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

#### DISCUSSION REGARDING ZIONS PUBLIC FINANCE LANDFILL PROPOSAL

Attorney Finlinson said that this is a big issue that will have a lot of public comment and his suggestion is to have Zions Public Finance formally present its proposals to the Commission and then make the proposals available for the public to view. He said that it would be best to then hold a public hearing for comment after the citizens have had a chance to review the proposals.

Attorney Finlinson said that the landfill policy is currently a mix of ordinances and resolutions so a new ordinance will need to be adopted to eliminate all prior ordinances and adopt the new proposed changes.

A discussion was had on dates for a public hearing to present the proposals to the public.

Commissioner Draper made a motion to table this agenda item.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF APPLICATION FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX – VAN DEVANTER ENTERPRISES (MIKE VAN DEVANTER)

Treasurer Dearden said that she has attempted to make contact with Mr. Van DeVanter, but hasn't spoken with him or received the financial information on the application.

Commissioner Draper made a motion to strike this agenda item.

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

Later, Treasurer Dearden presented Mr. Van DeVanter's application and financial information for review. The following parcels were discussed:

Parcel: DO-3875-3; Amount \$7,296.97

Parcel: DO 3875-2; Amount \$23,275.85

Parcel: D-945-1; Amount \$10,319.33

Commissioner Draper said that after a review of the VanDeVanter's financial information, he found that they qualify for an abatement along the poverty guidelines and would like to forgive the accumulated penalties and interest.

Commissioner Jackson explained that there is a guideline that the commissioners follow to see who qualifies for abatements.

A discussion was had on what taxes and percentages could be abated at this time.

Commissioner Draper made a motion to abate 100% of the Van DeVanter's property taxes for the years 2014 - 2017 including interest and penalties and abate 50% of the 2018 property taxes for parcels: DO-3875-3, DO 3875-2, and D-945-1.

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

## REVIEW OF FINANCIAL REPORTS

Treasurer Dearden presented the financial reports for August 2018. She said that a thorough review was done on September 17, 2018 and that the pool cash reports show that the Treasurer and Auditor are in balance. She said that there are no outstanding items.

Treasurer Dearden referred to a large settlement payout on the Treasurer's Reconciliation Report which was paid to AT&T Communications for 2016 and 2017 tax appeals. She said that there were a couple personal property and motor vehicle refunds issued as well.

Auditor Gehre said that her office has been reminded by the State that the legislative body needs to be notified by October 1, 2018, if the County plans to increase the 2019 tax rates.

Treasurer Dearden said that the process would need to start now, if there was a planned increase.

Auditor Gehre said that she will get more information from the State and see if it can be postponed until the October 2, 2018 Commission Meeting.

Commissioner Draper asked if there was an estimate for the 2019 revenue if the current rate is used. Auditor Gehre said that they only have an estimate based on this year.

## DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 18-09-18, AN ORDINANCE OF MILLARD COUNTY, UTAH, AMENDING THE GENERAL PLAN BY ADOPTING AND

AMENDING SECTIONS PERTAINING TO MANAGEMENT AREAS OF STATE AND FEDERAL LANDS; SPECIFICALLY LANDS MANAGED UNDER THE FEDERAL ROADLESS RULE

Attorney Finlinson said that this was the subject of the public hearing at the last commission meeting and that this is an opt-in to the State's petition to the Federal Government.

Planner Richins referred to a few tables and category areas that weren't completed at the last meeting. He said that this Ordinance has received a favorable recommendation from the Planning and Zoning Commission. Planner Richins referred to the last table and said that it had different verbiage which states that the County is not pursuing a reevaluation of area boundaries at this time, but are reserving the right to do it in the future. He said that the State has indicated that those reevaluations are unlikely to be granted.

Commissioner Draper made a motion to adopt Ordinance 18-09-18, an Ordinance of Millard County, Utah, Amending the General Plan by adopting and amending sections pertaining to management areas of State and Federal lands; specifically lands managed under the Federal Roadless Rule.

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

DISCUSSION AND POSSIBLE APPROVAL OF C-2 CONDITIONAL USE PERMIT (CUP) APPLICATION #Z-2018-013 FOR OUTDOOR RECREATION (RIDING ARENA) AT PROPERTY LOCATED APPROXIMATELY ½ MILE EAST OF HINCKLEY; APPROXIMATELY 4000 W 2000 S, DELTA ADDRESS GRID. DANIEL V. MYERS AND MICHELLE MYERS, OWNERS & APPLICANTS.

Daniel Myers said that they are building a barn approximately 250 feet by 100 feet with a roof and sides so that they can shelter their horses and use it during incremental weather. He said that there will not be any walls, just a cover and there will not be any water or electricity.

Commissioner Draper asked how this would effect parking. Mr. Myers said that this will increase parking in the back.

Commissioner Draper explained to those in attendance that the Myers have a heavily used arena that has been a boon to the County and this building is needed to make their business usable year round.

Planner Richins said that the specifications of the building itself will go through the building approval process and that they are presenting this to the Commission for the CUP.

Commissioner Draper said that encroachment on the county road was an issue and asked if steps or a plan was in place to help that issue. Mr. Myers said that they encourage people to park in the back and not on the road and that he could place no parking signs along the road.

Planner Richins said that they have received a favorable recommendation from the Planning and Zoning Commission as long as certain conditions were met.

Commissioner Draper read the following conditions listed on the CUP:

- A. The proposed recreation facility and activities be conducted in compliance with the requirements of this ordinance, all other applicable land use ordinances, and all applicable federal, state, and local requirements and regulations.
- B. Applicant shall apply for and comply with the requirements for the issuance of a building permit, including payment of fees based on the adopted fee schedule.
- C. Dust control procedures be implemented.
- D. Trash containers be provided on-site.
- E. Vehicles and trailers be restricted from on street parking.

Commissioner Draper made a motion to approve a C-2 conditional use permit (CUP) application #Z-2018-013 with the listed conditions for outdoor recreation (riding arena) at property located approximately ½ mile east of Hinckley; approximately 4000 W 2000 S, Delta address grid. Daniel V. Myers and Michelle Myers, Owners & Applicants.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF THE INDIGENT DEFENSE FUND

Commissioner Draper said that the County participates in indigent defense trust funds and received a notification from the Division of Finance Director that Millard County needs to pay their portion by January 15, 2019 in the amount of \$11,288.00.

Attorney Finlinson said that this covers capital defense and or other cases where attorneys with qualifications beyond the contracted public defender are needed. He said that the County has used it two or three times over the last ten years and that it has paid for itself.

Commissioner Draper made a motion to approve the Indigent Defense Fund in the amount of \$11, 288.00.

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

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Auditor Gehre said that after reviewing the RFPs for insurance, she would like to make a recommendation. A discussion was had on the services and fees in each of the proposals.

Auditor Gehre said that she would like to recommend the proposal from GBS, based on the costs. Commissioner Draper said that he would like these to be reviewed and approved at the next commission meeting on October 2, 2018.

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

Commissioner Draper said that yesterday the television program staff from Hooked on Utah came and spent time with members of the County Tourism and Recreation Departments. He said that this episode featuring Millard County will air on Channel 2 on Saturday at 11:05 p.m. and again on Sunday at 9:00 a.m..

Commissioner Jackson said that he had a paper that needed to be signed for Brenden Turner's step and grade schedule.

Commissioner Jackson said that Jacci Johnson has accepted the position as the new pool manager. He said that she has been a part-time employee there for 20 years and is ready to move into the position.

Commissioner Jackson said that he received some information about the soccer fields from the school board and found out that there are only 7.68 water shares instead of 13, and that the property that the city signed over is only 1/3 of the field. He said he doesn't know the history on the soccer fields and will get with Mr. Roper to find out more.

Auditor Gehre explained the new process of implementing tax increases. Commissioner Draper asked if the County was at the maximum rate. Auditor Gehre said that the County is not at the maximum tax rate. A discussion was had on notification dates and publication deadlines if the Commission wanted to pursue an increase.

Commissioner Jackson said that he has asked that the East Millard and West Millard Recreation Departments give him the costs of their programs in hopes that the County can work with at-risk kids and get them involved in county recreation programs.

Commissioner Jackson said that the Soccer field's pads are the right size and the cement patches are ok where they are located. He said that he is meeting with Fillmore City to discuss trading some of the water shares for culinary water. He said that there are a few issues that need to be cleaned up before moving forward on the soccer fields.

Commissioner Jackson said that it is mandatory to attend a meeting in Richfield on Tuesday, October 23, 2018 or October 24, 2018 at 10:00 a.m. in order to apply for a Community Development Block Grant (CDBG).

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 11:23 a.m..

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

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