

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 4th DAY OF DECEMBER 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: Klint Penney. East Millard Maintenance
Adam Richins..... County Planner
Sheri Dearden..... County Treasurer
Bonnie Gehre..... County Auditor
Patricia and Stewart Vaughn. Citizens

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 NOVEMBER 20, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 20, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of November 20, 2018, as corrected.

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

carried.

FOLLOW UP ACTION ITEMS FROM NOVEMBER 20, 2018

Attorney Finlinson said that the County previously rejected bids that were submitted for air handlers at the West Millard Swimming Pool. He suggested that the County reconsider those rejections because the manufacturer has been contacted and informed the County that the low bid met the requested specifications. The commissioners agreed to reconsider the bids at the next Commission Meeting.

Clerk Rowley said that since Proposition 4 passed, there will be no recount.

DISCUSSION AND POSSIBLE APPROVAL OF THE 2019 COMMISSION MEETING DATES

Clerk Rowley presented the proposed Commission dates for 2019.

Commissioner Draper made a motion to approve of the 2019 Commission meeting dates as follows:

JANUARY	8	22
FEBRUARY	5	19
MARCH	12	19
APRIL	2	16
MAY	7	21
JUNE	4	18
JULY	2	16
AUGUST	6	20
SEPTEMBER	3	17
OCTOBER	1	15
NOVEMBER	12	19
DECEMBER	3	17

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

AWARDING OF BID FOR CONCRETE WORK AT THE EAST MILLARD EQUESTRIAN PARK 465 WEST 100 SOUTH FILLMORE, UTAH

Commissioner Jackson said that the cost of concrete work will come from the East Millard Recreation Budget and that the total is \$47,980.00.

Commissioner Draper said that he would like to appropriate the funds now, but wait to pour the concrete until the weather is more suitable.

Commissioner Withers said that he wants to make sure any future proposed changes are considered before pouring the concrete to ensure that the money is used well.

Commissioner Draper made a motion to award the bid for concrete work at the East Millard Equestrian Park to Natural Impressions with the stipulation that the concrete not be poured until the weather is suitable.

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

DISCUSSION AND POSSIBLE APPROVAL FOR OUT OF STATE TRAVEL FOR SCOTT BARNEY, MEDA COORDINATOR, TO WASHINGTON D.C.

Commissioner Draper said that Mr. Barney was unable to attend the meeting due to a previous engagement. He said that there is a hydrogen energy meeting in Washington D.C; however, the dates are still unsure at this point.

Commissioner Draper said that Mr. Barney will only attend if the meeting is of some value to the County and that he will make that determination.

Commissioner Draper made a motion to approve out of state travel for Scott Barney, MEDA Coordinator, to Washington D.C.

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

DISCUSSION AND POSSIBLE APPOINTMENTS/REAPPOINTMENTS OF BOARD MEMBERS TO VARIOUS COUNTY BOARDS

Commissioner Draper made a motion to appoint Jon Finlinson and Greg Roper to serve as members on the MEDA Board.

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

Commissioner Withers inquired about the notices being posted for the Housing Authority. Clerk Rowley said that it has been posted with a date of appointment the first week in January.

Commissioner Withers said that he is working on one appointment for the drainage districts, but is having some trouble finding volunteers.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Draper said that it has been determined that the State Division of Forestry and Fire can now contract directly with the Fire District. It was agreed to have the Fire District sign off

on the Fire Warden and Wildland Budgets.

Commissioner Draper said that the furnace at the West Millard Recreation Center is cracked and pumping Carbon Monoxide through the building. He said that KJ plumbing is currently replacing it for approximately \$2,000.00.

Commissioner Draper said that two entities wanted to rent the facility and have been turned away due to safety reasons until the furnace is fixed.

Commissioner Draper referred to Section 9; Paragraph 5 of the County Compensation Policy where it states retroactive adjustments will not be considered for step increases. He said that he doesn't think it is proper that the County benefits by employees getting the increase months after the effective date and it shouldn't be postponed because the paperwork wasn't submitted right on the date.

Commissioner Withers said that the process needs to be cleaned up. Auditor Gehre said that a merit increase isn't automatic because it depends on the employee evaluation.

Attorney Finlinson said that he gets an email from the Auditor's office for employees that need review in that year which transfers the responsibility onto elected officials and department heads.

Commissioner Withers asked if there is a way to clean up the process so that some employee increases don't fall through the cracks.

Attorney Finlinson said that he can remove the retroactive language and add language stating that the auditor's office will send out a reminder to elected officials and department heads and include the commissioners.

Auditor Gehre said that her office can provide a report for that year to the department heads and commissioners.

Auditor Gehre asked how to proceed with the employees who this has happened to in the past. Commissioner Draper said to correct the issue for employees who this happened to in 2018 and going forward.

Commissioner Draper said that the Commission has received an invitation from the Great Basin Water Network and Great Basin Heritage Area to attend the Shepherder Gathering, January 18, 2019 and January 19, 2019.

Commissioner Withers said that there has been an issue with ownership of an account at Wells Fargo and that Wells Fargo needs a letter from the County stating who the owner is.

Attorney Finlinson said that the name on the account needs to be the Millard County Housing Authority doing business as Delta Sands and Mount Catherine. Attorney Finlinson said that he can provide Wells Fargo a letter.

Commissioner Withers asked if the information regarding Highway 257 was sent to the State. Attorney Finlinson confirmed that it was.

Commissioner Withers said that the power company and an engineer from the State looked into a solar light at the intersection of 2000 West and HWY 6 and it was determined that the cost is

about the same as regular power, so he will move forward with a work order. Commissioner Draper said that it is a public safety issue and a good place to install a light.

Commissioner Draper said that the County has received a request from Magnum to approve use of the unimproved county road that runs northeast of the Intermountain Power Plant (IPP) for maintenance purposes on a proposed pipeline.

Planner Richins said that Magnum hasn't yet provided the application for an amended or new conditional use permit (CUP) for a pipeline that will run through BLM property. He said that Magnum has asserted that they will repair and maintain the unimproved road. The commissioners agreed to have Planner Richins write Magnum a letter stating the County's approval for use of the unimproved road running northeast of IPP.

OTHER BUSINESS CONTINUED...

Attorney Finlinson said that the personnel policy is being reviewed by Attorney Blake Hamilton and he will provide that to the Commission once he receives it back.

Commissioner Draper said that several counties are working together to create a high desert ATV trail and explained where this trail would potentially be located in Millard County.

Auditor Gehre said that she needs to schedule a meeting with the State Auditor to go over internal controls. A discussion was had on the dates that would work for the commissioners. It was decided to schedule the meeting for January 8, 2019.

Auditor Gehre said that she wants to advertise all budgets in the public meeting notice just in case it is needed for the next Commission meeting unless the commissioners want to exclude one.

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

Clerk Rowley reported that she will be attending a State's Association Presidents' meeting in Washington D.C. December 12, 2018 through December 14, 2018. She said that Democracy Fund has invited all U.S. Clerk/Auditor Association Leadership to attend this meeting and has offered to pay for flight and rooms while there.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT FOR A ZONE CHANGE ON APPLICATION #Z-2018-021 ON A ZONE CHANGE FROM AGRICULTURE 20 (AG 20) TO AGRICULTURE (AGRICULTURE) FOR PROPERTY LOCATED AT APPROXIMATELY 3 MILES SOUTH OF LEAMINGTON. PETITIONERS - STEWART & PATRICIA VAUGHN 40 ACRES.

Commissioner Withers made a motion to enter into a public hearing for the purpose of receiving public comment for a zone change on Application #Z-2018-021 on a zone change from Agriculture 20 (AG 20) to Agriculture (Agriculture) for property located at approximately 3 miles

south of Leamington in the Full Creek Area. Petitioners - Stewart & Patricia Vaughn, 40 Acres.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:37 a.m..

Present were: Klint Penney, Adam Richins, Bonnie Gehre, Sheri Dearden, Patricia Vaughn and Stewart Vaughn.

Patricia Vaughn said that they currently live in a modular home and are wanting to build a new home. She said that they want to break up their property into two lots; however, the lot is currently zoned for AG 20.

Planner Richins said that the nearby lots are currently AG and that this was given a favorable recommendation from Planning and Zoning.

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 10:41 a.m..

The regular meeting reconvened.

REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2018-021 ON A ZONE CHANGE FROM AGRICULTURE 20 (AG 20) TO AGRICULTURE (AGRICULTURE) FOR PROPERTY LOCATED AT APPROXIMATELY 3 MILES SOUTH OF LEAMINGTON. PETITIONERS - STEWART & PATRICIA VAUGHN 40.0 ACRES

Commissioner Withers made a motion to approve Application #Z-2018-021 on a zone change from Agriculture 20 (AG 20) to Agriculture (Agriculture) for property located at approximately 3 miles south of Leamington. Petitioners - Stewart & Patricia Vaughn 40.0 Acres

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

DISCUSSION AND POSSIBLE APPROVAL TO PROPERTY TAX AGREEMENTS, SETTLEMENTS, OR DEFERRALS- TREASURER DEARDEN

Treasurer Dearden presented applications for Mike Van DeVanter-Parcels #DO-3875-2, #DO3875-3, and #D945-1. She said that these parcels were approved for an abatement for prior years at a previous Commission Meeting and that Mr. Van DeVanter is now requesting consideration for the 2018 taxes on these three parcels.

Commissioner Draper said that these parcels are categorized as commercial properties and questioned if abatements were proper action on a commercial property.

Treasurer Dearden went over the State Tax Code stating the requirements and action and said that she will contact the State Tax Commission for further information.

Commissioner Withers explained that the County tries to set up a payment plan with individuals when these instances happen and asked Mr. Van DeVanter if he could make monthly payments. Mr. Van DeVanter explained issues that would make it hard for him to make payments.

Commissioner Withers asked where the process is to separate the parcels that have the storage sheds and skating rink.

Commissioner Draper asked Planner Richins if there is a way to quickly resolve the parcel boundary issue so that one parcel could be sold. Planner Richins said that the boundary line can be moved as long as it stays in two parcels and that this could potentially be done very quickly. A discussion was had on what Mr. Van DeVanter wanted to do with his properties.

Commissioner Withers said that he would like to stay consistent with what the County has done in the past by setting up a payment plan.

Commissioner Withers said that he would like to have Treasurer Dearden research and clarify the code on commercial properties and have Mr. Van DeVanter work with Planner Richins to move the parcel boundary line in order to separate the storage units and skating rink, so that the parcel can be sold. It was agreed to discuss this at the next commission meeting.

Treasurer Dearden presented an application for Parcel #F38-1-Teri Hoover.

Commissioner Withers made a motion to abate the taxes 50%, waive the penalty, and setup a payment schedule.

Commissioner Draper 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 11:44 a.m..

Attest: _____

Approved: _____