

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF April 2019
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper..... Chairperson
Wayne Jackson..... Commissioner
Evelyn Warnick..... ..Commissioner

Richard Waddingham..... Deputy Attorney
Marki Rowley..... County Clerk
Jamie Hair..... Deputy Clerk

EXCUSED: Pat Finlinson..... County Attorney

ALSO PRESENT: Brandon Winget..... Road Supervisor
Sheriff Jacobson, Sgt. Corey Anderson,
and Sgt. Ben McDonald..... Sheriff's Office
Brenden Turner..... East Millard Recreation Director
Carl Camp, Kristine Camp, and Coral O'Riley..... Utah State Parks
Lynette Madsen..... Chief Deputy Auditor
Sheri Dearden..... County Treasurer
Adam Richins..... County Planner
Margene Stevens..... Assessor's Office
Connie Hansen..... County Recorder
Steve Styler..... Styler-Daniels, P.C.
Travis and Jim Webb..... Smithfield Foods
Matt Ward..... Chronicle Progress
Brandy Anderson, Kim Robison, Harold Robison,
Peter Robison, Paul Bleazard..... 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 Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper asked if anyone had an opening statement to give. Commissioner Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF March 19, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 19, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of March 19, 2019, as corrected.

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

FOLLOW UP ACTION ITEMS FROM March 19, 2019

Commissioner Draper said that the reasons why certain organizations stopped using the indoor arena in Delta were discussed at the last Commission Meeting. He said that he has since become aware of some misconceptions regarding its use. Commissioner Draper said that the Central Utah Cutters are no longer in existence so that is why they stopped using the facility and other roping agencies have chosen to use a facility in Spanish Fork due to its proximity to hotels, restaurants, and other amenities. He said that these organizations have not stopped using the indoor arena due to problems with the facility.

TERRITORIAL STATEHOUSE SUMMER YOUTH PROGRAM APPRECIATION FOR USE OF THE EAST MILLARD SWIMMING POOL - KRISTINE & CARL CAMP

Carl Camp, Utah State Parks, introduced Coral O'Reilly as the new employee at the Territorial State House. Ms. O'Reilly passed around a handout for review. Kristine Camp said that they started the youth camp program nine years ago in order to bring more people to the Territorial State House. She said that, at the time, they were lacking in facilities and so they made an arrangement with the swimming pool that allowed the youth to swim when it was really hot in the day and shower afterwards. Ms. Camp said that the program has grown immensely since it started and the pool staff and administrators have been great to work with. She said that they are here to thank the Commission for the use of the pool and said it has been very valuable to the success of their program.

Mr. Camp said that they are expanding each year and the funds brought in with this program along with the Arts Festival paid for the pavilion, new restrooms, and some upcoming improvements at the Pod. He said that these programs have brought in approximately a million dollars over the years toward renovations around the Territorial State House.

Mr. Camp gave a brief update on their work regarding Fort Deseret and said that they are researching to ensure its care in the most appropriate way.

Commissioner Jackson expressed his appreciation for the work that the Camps have done at the Territorial State House and asked Brenden Turner if use of the pool has been cleared. Mr.

Turner said that he has previously met with the Camps and said that it will continue to work going forward.

DISCUSSION AND POSSIBLE APPROVAL OF FUNDING TOWARD PETER ROBISON'S EAGLE PROJECT; REPLACING THE MEMORIAL AT BLUE STAR PARK IN FILLMORE. HAROLD ROBISON

Peter Robison passed around a handout for review and pictures of the current memorial showing that it is worn down. He said that he would like to replace the memorial and gave a brief overview of its history. He said that the replacement cost is approximately \$1,530.00 and that Fillmore City has pledged \$500.00. Mr. Robison said that the State of Utah Garden Club will also match any community funding up to \$850.00. He said that he is asking \$400.00 from the Commission.

Commissioner Draper said that this is a great project that has needed to be done for years and asked why the replacement will be made of cast aluminum instead of brass. Mr. Harold Robison said that they have been in communications with the National Organization of the Garden Club who said that the current memorial is made out of brass; however, is beyond being refurbished.

Commissioners Jackson and Warnick agreed that this is a great project.

Commissioner Jackson said that Eagle Scouts are eligible for a \$10,000.00 scholarship from the American Legion. He asked Mr. Robison to keep records of his project and give them to him when he can in order to pursue that scholarship.

Commissioner Warnick made a motion to approve funding Peter Robison's Eagle Project; replacing the memorial at Blue Star Park in Fillmore in the amount of \$400.00 taken from special projects.

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

DISCUSSION AND POSSIBLE APPROVAL OF OFFERING PRE-SOLD SINGLE DAY LAGOON TICKETS AT A DISCOUNTED RATE FOR COUNTY EMPLOYEES

Clerk Rowley explained that the County offered single day Lagoon passes at a discounted rate last year; a total of 177 tickets were sold to county employees. She feels that it was a great incentive and benefit to the employees to offer this again. The requirement remains this year that 25 at a minimum will need to be sold, but with selling 177 last year that should not be a problem. There is no limit or minimum for any county employee to purchase; however, the only requirement is that the tickets may only be sold to a county employee and/or spouse. The tickets will be paid for at the time of purchase, by the employee. The County will act as a pass through to receive the discount.

Clerk Rowley said that, if approved, she will get the tickets ordered today and should have them on hand for purchase as soon as Monday. She said that she spoke with the Auditor's Office and was told that there were no financial issues with doing it last year. However, it was said last year that the budget may need to be increased to accommodate the amount of money passing through the

County if it gets in excess of what is budgeted, the same goes for this year.

Commissioner Jackson made a motion to approve offering pre-sold single day Lagoon tickets at a discounted rate for county employees.

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

AWARDING OF THE MAG CHLORIDE BIDS- ROAD DEPARTMENT

Brandon Winget, Road Supervisor, said that Dust Busters are the lowest bid and they have worked well with this company in the past.

Commissioner Jackson made a motion to award the bid for Mag Chloride to Dust Busters in the amount of \$76.25 per ton.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH PEAK MINERALS REGARDING CONSTRUCTION AND MAINTENANCE OF PROPOSED ROAD

Steve Styler presented a map for reference and gave a brief history of the MOU between Millard County and Peak Minerals, Inc. He said that Peak Minerals, Inc. will be producing MAG Chloride in Millard County so they are proposing that instead of the County requesting bids for MAG Chloride, they provide it each year in exchange for maintenance on their roads which are indicated on the map. He said that the map shows which roads will be impacted with this agreement and said that the map points out which roads will be taken care of by Peak Minerals Inc., by Millard County, and by the Bureau of Land Management (BLM). Mr. Styler said that the roads they are asking the County to maintain are already designated Millard County Roads; however, the use of the roads will increase.

Commissioner Draper said that he and Brandon Winget reviewed these roads on the map with Mr. Styler last week. He said that he and Planner Richins have also been involved for some time in the cooperating agency talks about this development on the Sevier Lake Playa and believes this is now a good agreement. Commissioner Draper referred to Steam Boat Pass Road on the map and said that there are mixed ideas about traffic levels and usage but they have discussed it so it won't be a surprise in the future.

Commissioner Draper said that Crystal Peak Road goes from Highway 257 west to the south end of the Sevier Lake Playa and was constructed in the early 1980s. He said that it is a County road but it sits on a BLM right-of-way and it will remain a gravel road because of the amount of approvals and work it will require to pave it.

Commissioner Warnick asked Mr. Styler to explain which roads on the map will be the County's responsibility. Mr. Styler said that the roads indicated in green and blue will be the County's responsibility.

Attorney Waddingham said that Attorney Finlinson has read the agreement and was ok with the contract.

Commissioner Jackson made a motion to approve making an agreement with Peak Minerals,

Inc. regarding construction and maintenance of the proposed road in exchange for Mag Chloride. Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH SMITHFIELD FOODS AND AN INTERLOCAL AGREEMENT WITH BEAVER COUNTY REGARDING CONSTRUCTION AND MAINTENANCE OF PROPOSED ROAD

Mr. Styler introduced Travis Hollingshead and Jim Webb from Smithfield Foods and said that in 2017 Smithfield Foods was approved for a Conditional Use Permit (CUP) for finishing barns located near the Beaver County line. He said that one of the conditions listed in the CUP is that Smithfield Foods will pay to maintain roads that lead to those barns. Mr. Styler presented a proposed term sheet, and a map showing the road which has 3.4 miles in Millard County and 1.15 miles in Beaver County. He said that the purpose of the term sheet is to begin negotiations that lead to an agreement regarding the cost and level of maintenance on that road. Mr Styler said that Beaver County would like to enter into an interlocal agreement where Millard County will maintain that road including the 1.15 mile portion located in Beaver County. He said that they would like to suggest \$400,000.00 as the price to maintain that road. Mr. Styler said that amount was determined after discussions with Commissioner Draper and Road Supervisor Winget. Mr. Styler said that they would not be oiling or graveling the road but would widen it by adding rock. He said that a small portion of the road is located on BLM land and they need the Commission to sign the BLM SF299 Permit Application in order for them to improve the BLM segment of the road. He said that if the County approves the term sheet, they will begin to work on an agreement.

Mr. Webb explained the proposed barns that will be built in Millard County and said that there is very little impact to the County besides the road usage and maintenance.

Commissioner Draper said that there isn't a time frame listed on the term sheet for the maintenance of the road. Mr. Styler said that the anticipation from Smithfield Foods is that the one time investment of \$400,000.00 in the road would be made and any additional revenues will be revised from property taxes they generate. Mr. Styler said that this can be negotiated and discussed.

Mr. Waddingham said that Attorney Finlinson wanted to review anything regarding this agreement. Mr. Styler said that he has met with Attorney Finlinson and said that they went over concerns. Attorney Waddingham said that he suggests to review the term agreement and have Attorney Finlinson review it as well.

Mr. Webb requested that the Commission sign the BLM SF299 permit application for the ½ mile of BLM Road because it is a long process. Commissioner Draper said that they think they can do that.

Mr. Styler said that if the Commission prefers he can work with Attorney Finlinson to prepare that agreement for next Commission meeting.

Commissioner Draper said that in previous discussions regarding this road maintenance, one possibility mentioned was to leave a grader there on a permanent basis so one wouldn't have to be trucked down there. He said that there are a few things that the Commission needs to look into and this can be discussed again at the next commission meeting.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-04-02, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING RESOLUTION 19-01-22C BY ADOPTING A REVISED FEE SCHEDULE FOR THE MILLARD COUNTY SWIMMING POOLS AND RELATED FACILITIES

Brenden Turner said that since the original proposal they decided to divide the pool and facility rental rates by patron in order to pay for additional staffing if necessary. He explained that they also changed the swimming lesson fees to a \$7.00 per class rate for County residents and \$8.00 per class rate for non residents.

Commissioner Draper asked that the new rates per class be very clearly listed so that there aren't any questions on this. He also asked what constitutes a dependant family and asked Mr. Turner to clearly define that in the posted rates as well.

Commissioner Jackson made a motion to approve Resolution 19-04-02, a resolution of the Board of County Commissioners of Millard County, Utah, Amending Resolution 19-01-22C by adopting a revised fee schedule for the Millard County Swimming Pools and related facilities with the changes discussed.

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

PUBLIC INPUT

Sheriff Jacobson said that they are here to honor and present a Letter of Commendation to Sgt. Corey Anderson. He said that he had been contacted by a citizen that wanted to express his most sincere gratitude for the actions of Sgt. Corey Anderson and did so in a letter. The letter states that last year, then Deputy Anderson, responded on two separate incidents to reports of a citizen that was in trouble. The citizen stated that without Sgt. Anderson's diligent efforts and quick response, he may likely have perished in the midst of an emotional and medical emergency.

Mr. Bleazard said that without Sgt Anderson's efforts, he wouldn't be here and feels like he has received a second chance at life.

Commissioner Draper said that he is very pleased that things have worked out for Mr. Bleazard and thanked Sgt. Anderson for his exemplary work.

OTHER BUSINESS

Commissioner Draper said that earlier in the meeting, the Commission was asked to sign a SF299 Permit Application for ½ mile portion of BLM road.

Attorney Styler said that the SF299 is a right-of-way application to improve the existing road. He said that he understands that the County has done similar things in the past and explained the benefits of having the County sign the application.

Attorney Waddingham asked if the BLM will require anything of the County if they sign the application. Mr. Hollingshead said that the County will not have any obligations and that the application is for permission to do improvements.

Commissioner Warnick made a motion to accept the SF299 Permit Application and get with Brandon Winget to review and sign it.

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

A business license application was presented for JD Phixall, Owner - Jaremey D. Miller, a business that provides handyman service for home improvement. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for JD Phixall, Owner - Jaremy D. Miller.

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

A business license application was presented for Mountain Valley Recovery, Owner - Judd and Kellie Christensen, a rehab center for adult men with addictions. After review of the application, Commissioner Jackson made a motion to approve a business license for Mountain Valley Recovery, Owner -Judd and Kellie Christensen on the condition of Judd Christensen signing the application and noted it is approved at their current location only.

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

A business license application was presented for General Mountain Construction, Owner - Juan Lopez, a handyman business. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for General Mountain Construction, Owner - Juan Lopez on the condition of coming up with a state and sales use tax ID which was not on the application.

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

Treasurer Dearden presented a property tax application for Colleen Halsey- Parcel #7103. She said that Ms. Halsey received a circuit breaker in 2014, 2016 through 2018 for her home and a ½ acre of land. Treasurer Dearden said that the amount owing is for additional acreage and the balance owing for 2015. Ms Halsey said that she receives disability payments as her only income and is asking that the Commission abate \$749.00, which would have been the circuit breaker amount for 2015. Treasurer Dearden said that this would leave a balance of \$835.00 if they agree to waive the penalties and interest. Ms. Halsey said that she made a payment of \$100.00 yesterday and that she could pay \$100.00 a month going forward.

Commissioner Warnick made a motion to abate \$749.75 for the 2015 circuit breaker and waive penalties and interest leaving a balance \$835.59 to be paid in monthly increments of \$100.00 and to remove the parcel from the tax sale.

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

Treasurer Dearden presented the application for Jose Solorzano- Parcel D-949-9 and said that

this was removed from the tax sale last year. She said that it is the Mi Rancherito restaurant in Delta and he has paid \$7,000.00. Treasurer Dearden said that he is proposing to pay it off completely by May 15, 2019 prior to the tax sale. She said that by removing it from the tax sale saves title search fees as well as additional fees.

Commissioner Jackson made a motion to remove Jose Solorzano- Parcel D-949-9 from the tax sale, waive all penalties and interest and give him until May 15, 2019 to pay the balance.

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

Attorney Waddingham said that regarding the BLM permit, Attorney Finlinson said that there is an indemnification clause to protect the County. Commissioner Draper said that is the contract that was not signed today.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper said that Sandee Cropper is willing to replace JaneAnn Draper on the Tourism Board, if appointed.

Commissioner Jackson made a motion to appoint Sandee Cropper to the Tourism Board.

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

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

Commissioner Draper said that all three commissioners attended an energy presentation at BYU. He said that the Deputy Secretary of the Department of Energy was there and discussed the impacts of renewable energy. He said that a lot of the discussion was centered around the coal mines in Sanpete, Sevier, and Carbon Counties; however, it failed to bring up the coal fire plant in Millard County which is why the commissioners attended.

Commissioner Draper said that there are some interesting developments that they are becoming aware of regarding renewable energy and said that one item brought up is that coal fired plants will not go away due do to reliability issues. He said that Millard County has had a number of companies interested in allowing solar farms in Millard County because of the federal rebate that expires in 2025. Commissioner Draper said that the Commission is working with the Planning and Zoning Commission to prepare for anticipated energy related changes between now and 2025.

AUDITOR REPORT

Chief Deputy Madsen presented the liabilities and check edits and stated the following totals:

Check Edits:

March 22, 2019 - \$153,049.94

March 29, 2019 - \$80,793.39

Bank Draft:
\$18,049.12

Payroll March 29, 2019:
Gross - \$304,283.22
Net - \$235,790.13

Liabilities:
\$197,725.70

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

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

Commissioner Warnick SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were all three Commissioners and Attorney Waddingham.

After the closed executive session the regular meeting reconvened at 12:18 p.m..

Commissioner Jackson said that a meeting held at Fillmore City concerning the Opportunity Zone doesn't appear to match anything that the County is interested in. He said that it turned into a discussion on reverse mortgages in Millard County which he is against and wanted to make the other commissioners aware of it.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 12:19 p.m..

Attest: _____

Approved: _____