

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 4TH DAY OF OCTOBER 2011
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bart A. Whatcott. Chairperson
Daron P. Smith. Commissioner
James I. Withers. Commissioner

Richard Waddingham County Attorney
Norma Brunson County Clerk
Marki Rowley. Deputy County Clerk

ALSO PRESENT: Darren Fox Citizen
Dean Draper Chronicle Progress
Robert Dekker. County Sheriff
Brandy Grace. County Auditor
Sheri Dearden Chief Deputy Treasurer
4-H Members Hayden Monroe,
Ciel Ziegler, Easton Richardson, Bobbette White and Sharal Young

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, 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 Whatcott to the public and Commission members.

OPENING STATEMENTS

Commissioner Whatcott 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.

DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENTS - LINDSAY MITCHELL

This item was tabled.

UNEV CONSTRUCTION AND PROGRESS UPDATE

Ms. Gubler called this morning and said that she will be sending an email update at a later time. She is still compiling information for the update.

APPROVAL OF SIGNING THE EXECUTED WORK RELEASE 2011-3 MILLARD COUNTY LANDFILL CLOSURE AND POST CLOSURE PROBABLE COST WITH SUNRISE ENGINEERING

Commissioner Smith made a motion to sign the executed work release 2011-3 Millard County landfill closure and post closure probable cost with Sunrise Engineering

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

ADOPTION OF RESOLUTION 11-10-04, A RESOLUTION SUPPORTING DELTA CITY FOR THE CONSTRUCTION OF A COMMUNITY CENTER

It was clarified that this resolution expresses the county's support for Delta City to obtain funding to build a community center. Delta City will be responsible for the building and all that goes with it.

Commissioner Withers made a motion to adopt Resolution 11-10-04, a resolution supporting Delta City for the construction of a community center.

Commissioner Smith SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Withers voted YES. Commissioner Smith voted YES. Commissioner Whatcott voted YES. The voting was unanimous and the motion carried.

ADOPTION OF RESOLUTION 11-10-04A, A RESOLUTION SUPPORTING THE CONSTRUCTION OF THE TOPAZ MUSEUM TO BE BUILT IN DELTA, UTAH

Commissioner Smith explained that in the past the county committed \$22,000.00 to help Topaz Museum purchase property to build a new museum. The money was not used at the time so the museum returned it to the county with the assurance that the county would fund it when it was needed in the future. Commissioner Smith will be sending a letter expressing the county's intent to fund \$22,500.00 to Topaz Museum which will help the museum apply for more funding.

Commissioner Withers made a motion to adopt Resolution 11-10-04A, a resolution supporting the construction of the Topaz Museum to be built in Delta, Utah.

Commissioner Smith SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Withers voted YES. Commissioner Smith voted YES. Commissioner Whatcott voted YES. The voting was unanimous and the motion carried.

POSSIBLE ADOPTION OF RESOLUTION 11-10-04B, A RESOLUTION TO AMEND THE EQUESTRIAN PARK POLICY

Commissioner Whatcott said that he has heard a lot of comments regarding this issue. He said that he has been trying to get a schedule made for soccer. He is meeting with the soccer coaches and will be going over a proposal this evening. He asked that this item be tabled until after his meeting with the coaches.

The commissioners would also like to take more time to work on this issue and to give the public opportunity to make comments. There will be a hard copy of the draft amendment to the equestrian park policy on file at the clerk's office for public review.

Commissioner Smith presented a copy of the Delta Equestrian Park's facility fees for the commission to review for comparison.

Dean Draper, Chronicle Progress, asked about a petition that was given to Commissioner Whatcott at the last meeting. This petition contained several names of individuals and their comments. The commissioners read through all the comments on that petition.

Commissioner Withers made a motion to table the adoption of Resolution 11-10-04B, a resolution to amend the equestrian park policy.

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

The commissioners and Sheriff Dekker discussed that alcohol will not be tolerated at the equestrian park. They also discussed the security fee and that when an event will be held at the equestrian park the Sheriff's Office needs to be informed as soon as possible.

DISCUSSION AND POSSIBLE AMENDMENT TO THE JOINT USE FACILITY MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MILLARD COUNTY AND MILLARD SCHOOL DISTRICT

Attorney Waddingham explained the changes that were made to the original MOU.

Commissioner Withers made a motion to amend the Joint Use Facility MOU between Millard County and Millard School District.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE STATE OF UTAH LOCAL GOVERNMENT ENGINEERING SERVICES AGREEMENT FOR A DESIGN CONTRACT FOR LOCAL RURAL ROADS PURSUANT TO A FEDERAL AID AGREEMENT

Commissioner Whatcott said a while ago a company contacted the county and gave a presentation on placing signs on the county roads to make the roads safer. The program will be funded mostly by a federal aid grant where the county will have to match less than 7% of that funding.

Commissioner Withers made a motion to approve the State of Utah Local Government Engineering Services Agreement for a Design Contract for local rural roads pursuant to a federal aid agreement.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. **Need Copy**

DISCUSSION AND POSSIBLE APPOINTMENT OF INDIVIDUALS TO SERVE ON THE ELK COMMITTEE

Commissioner Withers made a motion to appoint Neucl Chlarson, Blaine Ipson and Commissioner Withers to serve on the Elk Committee.

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

REVIEW OF THE JANITORIAL CONTRACTS

Commissioner Smith discussed the county's current arrangement with Ms. Atkinson to close the gates at the reservoir and if it needed to be bid out.

Commissioner Whatcott discussed the equestrian park janitorial contract. He said that there are times when there is not too much more to do and other times there is an overwhelming amount of stuff to do. He wondered if additional compensation could be included in the contract.

This item will be revisited at the next commission meeting.

OTHER BUSINESS

A business license application was presented for a general contracting business for Brasfield & Gorrie, LLC - Owner M. Miller Gorrie. After review of the application and finding all the signatures in order, Commissioner Smith made a motion to approve the business license for Bradsfield & Gorrie, LLC - Owner M. Miller Gorrie.

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

Commissioner Withers asked where the county was at with the possibility of moving the public health building in Delta to the facility closer to the hospital. Commissioner Whatcott will contact Howard Quackenbush to see if a financial agreement can be made to move forward.

Commissioner Whatcott read a letter he received from Western Ag Credit. The letter basically stated that they are concerned about losing several millions of dollars in loans they currently have out with people if the Snake Valley water agreement is approved.

Commissioner Whatcott also received a letter asking the county to write a letter of support

for Congressman Rob Bishop to move forward on the hearings for public lands and SRS payments. Commissioner Whatcott prepared the letter and will be sending it to Congressman Bishop.

Commissioner Withers made a motion to send the letter to Congressman Bishop to support his efforts for SRS payments.

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

Commissioner Whatcott said that Lynn Wall and a consultant came up with a plan to include projects that will appropriate the Title III money. They are looking at doing a road improvement in Frampton Heights with the one time expenditures through the program. It will also help with fire mitigation.

They first had to have a meeting and have a plan in place by the end of September. The first official meeting was held last week. A copy of those minutes will be attached to the commission minutes and will also be filed in the clerk's office for review.

The board members include Sheriff Robert Dekker, Fire District Members; Scott Corry and Howard Allred, Treasurer John Hansen, Auditor Brandy Grace, Commissioner Bart Whatcott, Captain Forrest Roper and Forest Service District Ranger Dell Barnhurst.

Commissioner Withers said that a citizen brought to his attention that there is nowhere in the county to dump RV waste. Commissioner Withers was informed that there are several places to dump RV waste for a minimal fee.

The commissioners discussed putting in a dump site at the equestrian park and also charging a minimal fee to dump there. Commissioner Withers will report back to that citizen of the places where RV waste can be dumped.

4-H TEEN COUNCIL THANK YOU

Members from the 4-H brought a plate of goodies for the commission to thank them for the support they have given to the 4-H program. Commissioner Whatcott expressed his appreciation of what the youth does. He said that it is an honor to help with the youth programs.

The 4-H shared with the commissioners some of the things that they have been doing.

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

Commissioner Withers met with Max Wood, West Millard Recreation, to discuss his future budget and some of the things that have been going on at the swimming pool. He said that Mr. Wood is doing a good job and things seem to be progressing financially.

Commissioner Withers met with Thayne Henrie and the Road Department in a safety meeting. He said that things are going good at the road department. He said that the road department appreciated the training they received from Mark Brady, UCIP.

Commissioner Withers has been working on putting some names together to serve on the Elk Committee. He said that it is always good to have public input on different committees.

Commissioner Withers visited with the Stock Show members. He said that they appreciate what the county has done for them and for the use of the facility.

Commissioner Withers said that he appreciates all the volunteers for the work they do and all the time they spend helping with the programs.

Commissioner Smith and Commissioner Whatcott both attended the UAC conference in Midway Utah on September 21, through September 23.

On September 21 Commissioner Smith attended the public land committee meeting. They would like the county to advertise and hold a couple of public meetings and solicit people who could identify roads in the county for RS2477 designation. County Planner Sheryl Dekker will be the lead for the county on this project.

Commissioner Smith said that the urgency for this is that there are some legal minds that think that the statute of limitation on the states ability to claim an RS2477 road may end this year. They want to get the public meetings complete and get more people involved.

Commissioners Smith, Withers and Whatcott attended the board of equalization on September 27, along with Auditor Grace.

Commissioner Smith attended a Central Utah Counseling Authority Board Meeting on September 28. Bonnie Manis resigned as the office manager and Lynn Jeffery was hired to take her place. They also hired another person to work with substance abuse.

He said that things are going well. They had a rural round up where they invited key legislators to come and talk about issues concerning substance abuse and mental health issues with the state and ways that they are funded. He thought that it was a very good meeting.

Commissioner Smith met with Kevin Morris, West Millard Maintenance, to go through the maintenance budget.

Commissioner Smith also met with Todd Mullens, Millard County Golf Course, to go through the golf course's budget as well as plans for next year. He said that the golf course still looks real nice.

Attorney Waddingham met with County Planner Sheryl Dekker, Planning Consultant Bruce Parker, and representatives from Beaver County, First Wind and the BLM. They discussed Milford Wind Phase III.

The Planning and Zoning Commission has First Wind scheduled on its next agenda. One of the big issues is the corridor.

Commissioner Smith is unable to attend the Planning and Zoning Commission meeting so Commissioner Withers will try to attend it in Commissioner Smith's place.

Commissioner Whatcott attended the UAC fall conference in Midway, Utah. The first day dealt with the Public Lands meeting. He said that one of the things that was interesting at that meeting was they learned of an oil shell process. The Uintah County Commissioners are interested in patenting the same kind of process of oil shell which they learned of while visiting Estonia. 80% or 90% of Estonia's power comes from oil shell.

The second day was the general session which included information on public health funding, immigration discussion, medicare reform, beer tax issues, assessing and collecting and indigent defense representation. He felt that it was a very informative meeting.

Auditor Grace, Chris Poulson from Utah County, and Brent Gardner talked about assessing and collecting issues for the county.

On September 26, Commissioner Whatcott met with Sunrise Engineering and went over the ambulance shed plans.

Commissioner Whatcott met with Klint Penney, East Millard Maintenance, regarding his budget. He also discussed the recreation budget items.

On September 29, Commissioner Whatcott held a Title III money meeting where they discussed who was on the board.

Commissioner Whatcott attended an annual symposium health board meeting at Daniels Summit. The first part of the day they trained on how to be a good board member who is actively involved.

The next day they discussed the measles outbreak that occurred in Millard County and surrounding areas, mental health, obesity, tobacco, the media and legislative issues impacting mental health.

Commissioner Whatcott reported that Dell Cox Construction was awarded the bid for the ambulance building construction in the amount of \$382,780.50.

Commissioner Smith said because the contractor is sub-contracting out more than 50% of the work, the county would have to write a letter to the CDBG agreeing to the contract arrangement. The commissioners had to agree to let Mr. Cox do his portion and had to approve the funding for awarding the bid for him to do less than 50% of the total actual work.

APPROVAL OF SEPTEMBER 20, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 20, 2011 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of September 20, 2011, as corrected.

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

PUBLIC INPUT

Dean Draper, Chronicle Progress, met with a lawyer representing the State of Utah on the RS2477 roads. They started meeting with people who had signed affidavits and were looking for others who had not signed affidavits but were in the area at the time. The time frame was between 1965 and 1976. The maps that they created were based on the surveys that were done by Brush Wellman that were off. Mr. Draper discussed certain roads and the GPS discrepancies on those roads.

Mr. Draper said that the State Engineer in Nevada will be taking public comment on SNWA's application. Friday October 7 will be the only day to make public comment starting at 8 a.m. Pacific time. The closest video streaming will be held at the community college in Ely, NV. Written comments have to be postmarked by October 11, 2011.

Mr. Draper said that five years ago the county was involved in rewriting its general plan. There was a presentation made by Bob Steele regarding mineral deposits on the West Desert.

Mr. Draper discussed roads that have claims for gold mines and other minerals on them. He said that there are a lot of minerals that are tied up in the wilderness study areas (WSA). He said that in his opinion, if they could validate that by having someone with a degree, they have another argument for opening that up for mineral exploration.

He said that there is an enormous amount of interest in the Equestrian park/soccer fields and has not escaped the interest of the newspaper. He requested a copy of the MOU between the County and the school district.

AUDITOR'S REPORT

Auditor Grace received an invoice from NACo for the 2012 dues in the amount of \$400.00 which is a budgeted item.

Commissioner Smith made a motion to approve paying the invoice for the NACo 2012 dues in the amount of \$400.00.

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

Auditor Grace presented a new predator control contract from the Department of Ag for July 1, 2011 through June 30, 2012. She said that there was an amendment not too long ago, but in trying to get reimbursed for 2010, it was discovered that they never received the contract and the contract cannot be found, so they prepared a new contract.

Commissioner Withers made a motion to accept the predator control contract with the Department of Ag.

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

Auditor Grace said that the check edits are being done each week and the commission approves them as they are done.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER’S REPORT

Chief Deputy Sheri Dearden presented the collection and distribution for month end for September 2011, which shows the amount collected in the various categories and the distribution done on September 1, to the five entities. The distribution run for the end of the month will be mailed to the entities by October 10, 2011. Since it is quarter end, each of the entities receive a distribution. The county is under an order to hold the distribution for Drainage Districts 2 and 3.

Attorney Waddingham said that he will be signed up on the PACER system for bankruptcies hopefully this week.

OTHER

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:56 a.m..

Attest: _____

Approved: _____

MILLARD COUNTY FIRE SAFE COUNCIL
October 17, 2011, 10:00 a m
Millard County Commission Room

Present: Brandy Grace, Scott Corry, Howard Allred, Forrest Roper, Bart Whatcott, and John Hansen; Sheriff Robert Dekker was excused.

Minutes from the 9-29-11 meeting were reviewed; motion to approve - Forrest Roper, 2nd - Scott Corry, unanimous by council.

John reported that he had been in contact with Del Barnhurst, the local Forest Supervisor, and invited him to be a member of the council. He said he would attend a meeting and then determine whether he or a member of his staff was the appropriate person to participate. John had failed to get him all of the information about the meeting prior to the meeting today. John is to follow up with information before the next meeting.

The council discussed how the 'plan of action' was to be implemented. Was it necessary to select a 'project manager' to work on and implement the actions described in the plan? Did we need to request information from a qualified engineering firm? What were the next steps in achieving the goals of the council? It was determined that there was not a need for an engineer at the present time, and that with winter coming on that Howard would possibly have the time to serve as the project manager. Howard has had experience with fire prevention and the requirements of the use of Title III funds. It was approved for Howard to proceed until such time as he could no longer do so, then consideration would be given as to the next step.

Discussion was held regarding the proper procedure for making purchases on behalf of the fire council. It was determined that the same procedure would be used for these purchases as with any other county purchases. Anything over \$5,000.00 would have to have telephone bids, any purchase over \$20,000.00 would have to have written bids. All other purchases should be approved by the council, then made by a person authorized by the council, the bill to be dated and signed and then submitted to the M C Auditor's Office for payment. Depending on the projects being considered we would have to determine if federal requirements had to be implemented.

Howard Allred said there was a need to purchase and apply an herbicide to the "green strip" previously made at Frampton Heights. He was authorized to get price quotes from the entities in the county who could provide it and then choose the best one so the project could be completed now before it gets too late for this year.

The potential road widening project at Frampton Heights was discussed. It was determined that it could not be done right away but as soon as it could be implemented it was to proceed. Howard was to get the agreement with the landowners and make sure it was appropriate, and check with M C Road Supervisor, Thayne Henrie, about costs and availability. Howard requested the county commissioners prepare a letter to the landowners stating that this was a one-time project for fire safety, and possibly

improvements toward preservation of people's lives. Howard will work on it as time permits for all participants.

We discussed the difference between the county's fire council and the county fire district's fire council. What some of the projects were that could be completed and how they may be applicable to one council more than the other. In order for a project to be completed it would have to be approved by the appropriate council. The time available for the councils to expend the funds was for the 2011 year and most of the 2012 year, final time for 2012 was not definite. It was determined that any funds to be used had to be obligated prior to September of 2012 or they could not qualify. A report has to be completed by February 2012 for funds used during 2011.

Some of the projects discussed at this time were: community fire awareness and fire safety, expenses of implementing the fire safety plan, wages and expenses of Fire Warden Allred as directed to the projects which qualify for this grant, time and expenses of the fire district on fires on or approximately on forest property where it could be determined the forest was in danger or because of the forest private property was in danger, and any equipment used or needed for these fire projects. There was discussion regarding the possibility of the cost of council members time in meetings and working on fire council items being able to be counted as a qualifying expense.

Motion to adjourn by Brandy, 2nd by Bart, approved unanimously, 10:45 a.m.

