

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 5th DAY OF NOVEMBER 2013
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson
James I. Withers..... Commissioner
Alan M. Roper..... Commissioner

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

ALSO PRESENT: Dean Draper..... Chronicle Progress
Linda Gillmor..... County Economic Development Director
Wayne Jackson..... County Military Liaison
Tate Bennet..... County Public Defender
Brandy Grace..... County Auditor

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 Smith to the public and Commission members.

OPENING STATEMENTS

Commissioner Smith 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 OCTOBER 15, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 15, 2013 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of October 15, 2013, as corrected.

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

APPROVAL OF OCTOBER 29, 2013 SPECIAL COMMISSION MINUTES

The proposed minutes of a special County Commission meeting held October 29, 2013 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the special minutes of October 29, 2013, as corrected.

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

FOLLOW UP ACTION ITEMS FROM OCTOBER 15, 2013

Commissioner Withers said that it was discovered that an additional eight or ten feet of culvert was needed for an Oak City subdivision project. The County ordered an additional culvert which will cost an additional \$2,100.00. He spoke with the residents of the Oak City subdivision regarding an additional culvert. They indicated that they would do what is needed financially.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR TAQUERIA ANGELES, OWNER - GUADENCIO ANGELES

A business license application was presented for Taqueria Angeles, a mobile food service business. After review of the application and finding all the signatures in order, Commissioner Roper made a motion to approve a business license for Taqueria Angeles - owner, Guadencio Angeles, subject to Mr. Angeles providing proof of a valid driver license.

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

A business license will not be issued until proof of a license is received by the Clerk's Office.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR VIVINT INC., OWNER - ALEX DUNN

Commissioner Withers made a motion to table the approval of a business license for Vivint Inc., owner - Alex Dunn until all pages of the application are complete with signatures.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 13-11-05, A RESOLUTION TO APPOINT A MILLARD COUNTY REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL (UCIP) ANNUAL MEMBERSHIP MEETING

Commissioner Withers made a motion to approve Resolution 13-11-05, a resolution to appoint Commissioner Withers to serve as Millard County's representative for the UCIP annual membership meeting and Commissioner Roper as the alternate representative.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 13-11-05A, A RESOLUTION AMENDING SECTION X.C. OF THE MILLARD COUNTY POLICIES AND PROCEDURES MANUAL ENTITLED "VACATION" REGARDING THE SELL BACK OF EMPLOYEE VACATION TIME

Attorney Waddingham explained that this resolution would actually be amending Section B and Section C, and it will be ratified at the next commission meeting.

Commissioner Smith said that this resolution would allow employees to sell 80 hours of vacation time instead of 40 hours, if they were unable to get the amount of carryover down to the allowed 120 hours at the end of the year.

Commissioner Withers explained that this change will help the Road Department employees and the Sheriff's Office employees who are called off of vacation to come back to work. The County is still encouraging its employees to take vacation time.

Commissioner Roper said that this will help with this year end and future situations.

Commissioner Roper made a motion to approve Resolution 13-11-05A, a resolution amending Sections X-B. and X-C. of the Millard County Policies and Procedures Manual entitled "Vacation" regarding the sell back of employee vacation time.

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

DISCUSSION AND POSSIBLE APPROVAL OF BENEFIT PLANS OFFERED FOR MILLARD COUNTY EMPLOYEES

Auditor Grace reported on what the County considered for the 2014 benefits for County employees.

The health insurance renewal was a 3.6% increase. GBS explained that trend was actually an increase of 10%, but because of the excess reserves that PEHP had and passed on to its participants, the renewal was a lower increase.

Auditor Grace said that a decision was made to move to PEHP's renewal option II plans; Advantage and Summit Care Option II plan and Star Option I plan. The Star Option I plan is a high deductible health plan. A health savings account will be offered with the high deductible plan, which will be administered by Health Equity.

The benefits would remain the same with the County covering 85% of the premium with the plan the employee chooses and the employee would be responsible for the 15% difference.

The difference in the cost of the benefit portion between the advantage and summit care plans and the star plan would be put into the Health Savings Account (HSA) for the employees who choose the star plan. She said that there is a \$2.95 fee per month for Health Equity, but the County will cover that fee for the employees.

Auditor Grace said that the County is going to remain with PEHP Dental for traditional and premium plans. The County will fund the traditional plan at 100%. If the employee wants to upgrade to the premium plan they would be responsible for the difference in premiums. The renewal

for dental was an increase of 4.15 %.

The County will remain with Reliance Life for life insurance policies.

Open enrollment for Fillmore will be held on November 20, 2013 and in Delta on November 21, 2013.

Auditor Grace said that there are three meetings scheduled today for more information regarding the HSA plan; two in Delta and one in Fillmore. She said that she recognizes that it is short notice but the County feels that any opportunity to provide added information for employees would be a benefit.

DISCUSSION AND POSSIBLE APPROVAL OF ENTERING INTO AN AGREEMENT WITH THE STATE OF UTAH, DEPARTMENT OF AGRICULTURE AND FOOD FOR PREDATOR CONTROL

Commissioner Smith presented a new predator control contract. He explained that the State changed the way they did the predator control program. The Department of Agriculture wanted to continue to do the program as it had been. The Department of Natural Resources decided to do its own program. The County chose to continue to participate with the Department of Agriculture and Food, who will match the County funds of \$4,500.00. The County contract with the Department of Agriculture and Food for predator control is in the amount of \$9,000.00, but the County will be reimbursed \$4,500.00.

Commissioner Withers made a motion to enter into an agreement with the State of Utah, Department of Agriculture and Food for predator control.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT LIMIT INCREASE FOR LINDA GILLMOR, MILLARD COUNTY ECONOMIC DEVELOPMENT DIRECTOR

Commissioner Smith explained the reason a limit increase is needed for Ms. Gillmor. Since Ms Gillmor went from part-time to full-time she has a lot more things going on which has increased her credit card spending. Auditor Grace suggested to increase the amount from \$800.00 to \$2,500.00.

Commissioner Roper made a motion to approve a credit card limit increase for Ms. Gillmor, Millard County Economic Development Director, with a new limit of \$2,500.00

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

OTHER BUSINESS

Commissioner Roper said that last year the County participated \$200.00 to the Veterans' dinner and have been asked to participate that amount again this year. All three commissioners were

in favor of the County donating \$200.00 again this year.

Attorney Waddingham asked if Commissioner Smith and Clerk Brunson would sign a quit claim deed for Spencer Butler's, LLC before the end of the day.

Commissioner Smith said that Wayne Jackson asked to be relieved of his position on the Millard Care & Rehabilitation Board. The board members will be honoring Mr. Jackson at a dinner and have invited the Commission Board to attend.

The commissioners have heard a few names suggested of who may be interested in replacing Mr. Jackson on that board.

Commissioner Withers said that they are still in the process of completing the Oak City Fire Project and have asked for an extension on the NRCS grant. The Commissioners would need to sign a contract extending the deadline date until June 2014.

This contract will be ratified at the next commission meeting.

Commissioner Roper made a motion to sign the contract amendment with NRCS to extend the project deadline date to June 2014.

Commissioner Withers SECONDED the motion. ****Need Copy****

Commissioner Smith said that Commissioner Roper was asked to serve on the State Economic Development Board. His term will begin next week.

Ms. Gillmor said that this board is a prestigious and influential board. It is an executive board for the Economic Development Corporation of Utah. The County is a sponsoring member of the corporation. This board helps to keep the County connected with what is happening, what opportunities it has with recruitment and what it can do to improve its recruitment efforts.

DISCUSSION AND POSSIBLE APPROVAL OF A RENEWAL APPLICATION FOR ENTERPRISE ZONE AREA IN MILLARD COUNTY, TO BE SUBMITTED TO THE GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

Linda Gillmor, Millard County Economic Development Director, presented a map to the Commission. She explained that the green areas on that map are the County's current enterprise zones. She explained that there are certain requirements for an area to qualify as an enterprise zone and that the County meets those qualifications.

Ms. Gillmor said every five years the County has to renew the enterprise areas. She said that the County could use this for recruitment opportunities for mining and energy which will happen on BLM and SITLA property. She said that they are applying to the State for just about all of the County.

She went over the existing areas listed in Section IV "Enterprise Renewal and Expansion Proposals" of the application. She said that the areas included are the existing enterprise zones - BLM, BLM acquired, desert range, Forest Service, private Forest Service property in the Forest Service areas, private property and state property. The areas excluded are BLM, public water reserve, Forest Service protective withdrawal, state wildlife reserves, municipality boundaries and

Native American reservations.

Commissioner Roper asked what the criteria is for setting up an enterprise zone and how they decide what areas to set up. Ms. Gillmor said that you have to meet several requirements. She explained that when a business puts in a large capital investment into their business they would get a tax advantage for that investment and when they hire new employees they would receive a tax incentive as well. She said that they identify certain areas for potential growth.

Ms. Gillmor said that this does not commit the County to allow a business in the enterprise zone. They would still have to follow the criteria for a conditional use permit.

It was clarified that when there is a designation, the tax incentives received would be post performance and would be received from the State.

Commissioner Roper made a motion to approve the renewal application for enterprise zones in Millard County.

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

REPORT ON THE NATIONAL CAREER PATHWAYS NETWORK CONFERENCE - LINDA GILLMOR

Ms. Gillmor reported the following:

- Teresa Thompson, Delta Technical Center; Mike Medley, Snow College South in Richfield; and the lady who does the Pathways for the whole region all attended the conference with Ms. Gillmor.
- They presented on the work they have done with the large businesses, as well as aligning education to the needs of the workforce.
- They identified that there is a huge need for educated employees due to the upcoming retirees.
- The majority of the primary businesses use the same skill set requirements. They are concerned that with as many businesses coming into our County, there may be a crisis with a lack of employees with the proper education.
- The first year of an associates degree certificate can be obtained at Snow College.
- They want the kids in our high schools to feel like they can get these jobs.
- The first run of the program started in January. They had seven who signed up but only two are still enrolled in the program.
- Utah Valley University went through the same process as Snow College.
- They compared notes on how they did and found that they have not done enough to recruit. Parents still think that their kids would need to leave the area to get a degree. That is no longer the case. The jobs in the County do not require a degree, only technical skills, which can be obtained in our technical schools.
- There are funds available to use as incentives for employers to send their employees who need certain skills to school.
- There is custom fit money available which will cut the cost of tuition in half and will make the Business Education and Retention (BEAR) program funding go further.
- They are hoping to start this program in January.

- They have already had one large business indicate that it would like to participate in this program and depending on the classes the employee takes and completes, they would receive a \$0.25 wage increase.
- They are hoping that this will help develop the workforce.

Commissioner Roper asked why five students dropped out of the program. Ms. Gillmor explained that research shows that those who dropped out were referrals from Utah Department of Work Force Services. She said that they would like to use the incentive money for high school students, by picking the best vocational students for these sponsorship programs.

Commissioner Roper said that he thinks that this is a great program and a real benefit to Millard County.

Commissioner Smith excused himself to attend a conference call and asked Commissioner Roper to take over the chair duties until he returns.

REPORT ON THE NATIVE AMERICAN FORUM - LINDA GILLMOR

Ms. Gillmor reported the following:

- Ms. Gillmore and other county officials spent three days on a bus with leaders of five different tribes. They got to visit with the Kanosh Band of Paiutes, which includes the Cedar City and Koosharem Band. They also visited with the Kibab Paiute Tribe, the Navajo Tribe, the Hopi Tribe and the San Juan Tribe.
- This was an opportunity for the Commissioners, Mayors and Economic Development Directors to meet with the leaders of these tribes to see how their government operates and how they could improve economic development.
- They found out that the Kanosh Band has two projects they are working on in the County. One is a geo thermal project located by Cove Fort. The other is an RV park located by Cove Fort as well.
- They also found out that the County automatically protests all water applications. This may seem normal to the County so it will have a stake in future issues, but to the Kanosh Band it seems that the County is not interested in their economic development.
- They had several state representatives on board who were able to meet with the Paiute members and work through these issues. They think that they may have found a way to keep the two issues separate.
- The State does have some concerns with all of the applications they are receiving for geo thermal water, due to the quantity and the unknown quantity that exists, as well as how it may effect the quality.
- Attorney Waddingham clarified that the County does not automatically protest every change application. It does protest most underground water applications but not surface water. If it is going to be a new appropriation, Millard County may protest it.
- They think that they may have found a solution in working with the County to help with its relationship with the Kanosh Band, so the County can be supportive in what

the tribe is trying to do with its economic development.

Commissioner Roper said that he has been to a lot of places that were poor and deprived, but he has never seen anything he witnessed on the reservation. He said that these people seem to be happy and content.

Ms. Gillmor said that communication and trust is a big deal. She said that she thought it was interesting that the tribe's youth do not appreciate their traditions. They are trying to get them to get an education and then to come back and carry on their tribal traditions.

Both Commissioner Roper and Ms. Gillmor thought that the trip was very positive and educational.

Ms. Gillmor presented the state contract for BEAR application for approval. It was decided that this contract would be placed on the next commission agenda for approval.

REVIEW OF THE PUBLIC DEFENDER CONTRACT

Tate Bennett, Millard County Public Defender, said that his current contract will expire the end of this year with the option to renew. He asked that the County renew his contract but with a few changes. He explained that Juab County, Beaver County and Sevier County have all taken over the responsibility of finding conflict counsel. Mr. Bennett said that in his current contract he is responsible for finding conflict counsel. He has always used Milt Harmon. He requested that the County have a separate contract with a conflict counsel of its choosing, or to continue to contract through Mr. Bennett but have the County choose the conflict counsel, and set aside an amount but not taking it from his contracted amount.

Mr. Bennett said that there were a total of maybe ten conflict cases in 2011 and 2012 and most of them were in Juvenile Court due to having two parents involved.

Attorney Waddingham said that he has spoken with other County Attorneys regarding conflict counsel. As he understood it, some counties were looking into finding a firm who could handle conflict counsel to reduce the cost.

Mr. Bennett said that he would recommend that the conflict counsel's contract mirror the main contract.

Attorney Waddingham recommended to amend Mr. Bennett's contract if the County were to choose to remove the conflict counsel clause.

Mr. Bennett explained that he would not have an issue with him finding a conflict counsel. Attorney Waddingham said that he would follow up on conflict counsel.

The County will work on Mr. Bennett's contract and will make a decision at the next scheduled commission meeting.

PUBLIC INPUT

Wayne Jackson invited the Commission to attend a dinner which will be held at the American Legion Hall in Fillmore Saturday, November 9, 2013.

Mr. Jackson said that Meadow is still hanging onto the Community Covenants due to the

government shutdown.

Mr. Jackson said that they are still waiting on the veteran wall situation.

Mr. Jackson said that Delta City has requested more backpacks from the Six County veteran's program, which has been funded by grants applied for by Six County Association.

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

Commissioner Roper said that he signed a Forest Service contract on behalf of the Commission Chair, Daron Smith, for 40,000 ton of gravel and aggregate they are donating to the Oak City project. He said that they will provide a copy to the County. ****need copy****

Commissioner Withers made a motion to recess for a short break until Commissioner Smith can return from his conference call.

Commissioner Roper stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting recessed at 11:25 a.m..

Commissioner Withers made a motion to reconvene the meeting.

Commissioner Roper **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting reconvened at 12:15 p.m..

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

Commissioner Withers made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual.

Commissioner Roper **SECONDED** the motion. All three commissioners were present and voted in favor of the closed session. The voting was unanimous and the motion carried.

Attorney Waddingham was also present in the closed session.

After the closed executive session the regular meeting reconvened at 12:46 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Roper **SECONDED** the motion. The voting was unanimous and the meeting adjourned at 12:47 p.m..

Attest: _____

Approved: _____