

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 3rd DAY OF JUNE 2014
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: John & Marilou Heath Citizens
Hannah Jones Chronicle Progress
Josh McKell Utah Local Governments Trust
Tony Fuller Fuller Family Farms, LLC
Britton Lund Utah State Library
Robert Dekker County Sheriff
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 Roper to the public and Commission members.

OPENING STATEMENTS

Commissioner Roper 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 MAY 20, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 20, 2014 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of May 20, 2014, as corrected.

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

FOLLOW UP ACTION ITEMS FROM MAY 20, 2014

Commissioner Roper questioned if the ordinance, regarding the surety bond, states that the applicant needs to provide 10% of the entire improvements. Attorney Waddingham said that the ordinance needs to be amended for clarification. He said that if the County is going to require 10% regardless, it needs to be spelled out better in the ordinance. He said that Deseret Heritage is abiding by the current ordinance.

Attorney Waddingham wanted to clarify that the statement made by Josh Tolley, under Public Input, regarding the 10 chickens being considered a feeding operation in the zoning ordinance was an inaccurate statement. He said that 10 chickens does not constitute a feeding operation.

RATIFY THE APPROVAL OF A CELL PHONE ALLOWANCE FOR JASON ASHBY WITH THE SHERIFF'S OFFICE

Commissioner Withers made a motion to ratify the approval of a cell phone allowance in the amount of \$40.00 for Jason Ashby with the Sheriff's Office.

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

RATIFY THE APPROVAL OF A PURCHASING CARD FOR KAREN BANKS WITH USU EXTENSION

Commissioner Smith made a motion to ratify the approval of a purchasing card for Karen Banks with USU Extension.

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

DISCUSSION AND POSSIBLE APPROVAL OF A PURCHASING CARD FOR TERRY SCOTTORN, WEED SUPERVISOR

Commissioner Withers said that Tony Anderson, President of the Weed Department, indicated that he would like to discuss this with the Board before the Commission approves it.

Commissioner Withers made a motion to table the approval of a purchasing card for Terry Scottorn, Weed Supervisor.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT BETWEEN MILLARD COUNTY AND PAHVANT BUILDERS TO BEGIN CONSTRUCTION OF THE PUBLIC HEALTH BUILDING IN FILLMORE

Attorney Waddingham said that he has prepared a draft contract but needs more information including the dates, the bonding requirements, the dates of when the work will be completed and when the payments will be made. He said that as soon as Pahvant Builders provides the County with copies of insurance and whatever bond is required the contract will be complete. Commissioner Roper said that he spoke with Merlin Lee Jackson, Pahvant Builders, who indicated that all the paperwork and bonding is complete and ready to be submitted.

Commissioner Roper said that the County needs to get a conditional use permit (CUP) from Fillmore City. He said that Fillmore City Planning and Zoning will hopefully approve the CUP during its next meeting, which is scheduled for the third weekend in June.

Commissioner Roper said that Mr. Jackson asked if he could get a check to pay for the utilities which needs to be paid before they can get on the waiting list for putting in the utilities. Attorney Waddingham said that he will add that requirement to the contract. The amount of the check requested from Mr. Jackson is included in the bid amount.

Commissioner Roper asked if the money Pahvant Builders will be paying for the bond will receive interest. Attorney Waddingham said that if there is interest accumulated on a cash bond it will also be included when the bond is released to Pahvant Builders, which he believes is how it has been done in the past.

Commissioner Withers made a motion to approve a contract between Millard County and Pahvant Builders to begin construction of the public health building in Fillmore subject to the conditions previously discussed that will be incorporated into the contract, and to give the chair the authority to sign the contract when all of the terms are met.

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

Commissioner Withers said that he and Commissioner Roper attended a Community Impact Board (CIB) meeting in Cedar City regarding the grant for the public health building. He said that the County received a grant and a no interest loan in January for the public health building, but because the County decided to change the location of the building site, they had to go back to CIB to change the scope of the grant application. He said that he and Commissioner Roper presented a new proposal to the CIB requesting to move the location of the building a quarter of a mile, which was approved. The County can now move forward with the construction of the building.

PRESENTATION OF AN AWARD TO DEPUTY CLETE CARTER - SHERIFF DEKKER

This item was tabled.

DISCUSSION AND POSSIBLE APPROVAL OF FULLER FAMILY FARMS, LLC SUBDIVISION

Tony Fuller, Fuller Family Farms, LLC, said that this was approved by Planning and Zoning several months ago. He said that he thought rather than putting up tens of thousands of dollars he would do the improvements before presenting it to the Millard County Commission. He said that

there are three plat maps (three phases) which are signed by everyone except for Robert Worley, Sunrise Engineering, and Millard County Commission. He went over the maps with the Commission.

Mr. Fuller said that the reason he could not do a final plat map was because when he took it to the Recorder's Office they sent it to Dale Robison, Sunrise Engineering in Salt Lake City Utah, who made numerous corrections, but his corrections does not change what the Planning and Zoning approved. He went over the changes with the Commission.

Mr. Fuller said that he made the requested corrections and was told that as long as it was okay with Mr. Robison it would be okay with Mr. Worley. He said that he hopes to have the final plat printed today for approval.

Mr. Fuller presented a draft deed for the lots that he is proposing to get approved. He proposed to have each lot own its own water rights; rights-of-way, easements and the well will be owned by the home owners association. The commissioners said that in order to build a lot each lot would have to contain an acre foot of water.

Mr. Fuller said that the deed states that by recording this deed you become a member of a home owner's association. He said that as soon as the homeowner's association and the right-of-way easement grants are recorded he will give a copy to his lender and ask them to subordinate the rights-of-way that go from one end of the farm to the other.

Attorney Waddingham asked whether someone could become land locked. Mr Fuller said that the easements will be vested in the homeowner's association. Mr. Fuller explained to the Commission his idea of the rights-of-way and easements.

Commissioner Roper asked if the family farm is ever dissolved would it cause a problem. Mr. Fuller said that should not cause a problem. He read the information from the draft deed which explains this. He said that he believes that once he gets Zions Bank to subordinate its loan on the farm to these easements then everything will be to perfection.

Attorney Waddingham asked if Mr. Fuller has submitted a title report to the County showing that there are no liens on the property. Mr. Fuller said that the only remaining thing would be the easements that cross other farm land that is mortgaged and his home and he will have the title report before final approval.

Mr. Fuller said that he has 8 water rights and has approved 9.686 acre feet for the subdivision. The water rights will be deeded directly to the grantees and he will update the records to the State Engineer's Office with the water right addendum or conveyance of record.

Mr. Fuller went over the figures for improvements which include \$30,000.00 in cash for the well, pipes, subdivision costs, trenching and the pump, \$9,800.00 for the power and other expenses, \$30,000.00 to \$40,000.00 for water rights and the cost of the land. He said that he feels that the amounts he has put forth demonstrates his capacity to finish the project and asked that any bond requirements be waived.

It was determined that there was not any improvements dedicated the County. Attorney Waddingham said that Mr. Fuller would not be able to get a building permit until the plat is recorded.

Commissioner Smith said that Mr. Fuller applied for this subdivision under the old subdivision and has met the requirements which include creating a home owner's association.

Attorney Waddingham said that Mr. Fuller would need to get the title report. The final plat will not be signed until the plat is corrected and the title report is submitted.

Commissioner Smith made a motion to approve Fuller Family Farms, LLC Subdivision based on the favorable recommendation from the Planning and Zoning Commission, conditional on getting the title report.

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

Commissioner Smith said that he appreciates Mr. Fuller and his willingness to work with the County while they worked through the changes.

Commissioner Smith said that in the ordinance they were looking at renaming it a minor agriculture subdivision because of the nature of it, which is supported by the general plan. He said that there are some differences in a regular and a minor subdivision so they are looking into that.

DISCUSSION AND UPDATE REGARDING THE BOOKMOBILE SERVICES - BRITTON LUND, STATE BOOKMOBILE

Britton Lund, Bookmobile Program Manager for Utah State Library, said that in 2008 the bookmobile charge was \$109,870.00. It has gone up and then back down. In the past few years they have addressed efficiency and to be more conscience of every mile driven. She said that the bill for this year which runs from July 1, 2014 to June 30, 2015 is \$108,766.00, which is lower than it was six years ago due to efficiency.

Ms. Lund said that the number of stops and patrons have increased but the price has gone down. She said that as of yesterday they have 3,614 registered patrons and they predict that there will be about a 10% increase from last year.

She said that they go to Eureka in Juab County, but Juab County pays for the miles accumulated from Lynndyl to Eureka. She said that there is a process and a formula that figures out how much each county is billed.

Ms. Lund said that their service has increased since internet has been introduced. She said that Utah is one of the fastest and highest increases as far as library use.

She said that they do a summer schedule and a winter schedule which is always posted online at <http://bookmobiles.utah.gov>.

Ms. Lund said that the bookmobile is currently housed at the Delta City Library, but the Fillmore City Library has asked that they come there as well. The bookmobile program can provide materials that the public libraries in Millard County have been unable to purchase.

Ms. Lund said that they also have a route to Garrison and Eskdale. She said that she has never heard thank you so much as when she went to Eskdale. She said that there are 28 registered users in Eskdale which only has 22 students, so others are using the program as well.

Ms. Lund said that they only visit the West Desert once a month. All other stops are visited biweekly.

She said that Dixon Eliason, who was the driver for years, has retired and Jennifer Tolbert has replaced him.

Commissioner Roper said to let the Commissioners know if there is anything more the County can do to help the program.

JOSH MCKELL, UTAH LOCAL GOVERNMENTS TRUST, TO DISCUSS WORKER'S COMPENSATION INSURANCE AND PRESENT A QUOTE TO THE COUNTY

Josh Mckell, Utah Local Government Trust (Trust), said that he has been working with Auditor Grace and they pulled numbers together and did a full underwrite on the County to see if the Trust could assist the County with workers' compensation costs. He said that Utah Local Government Trust offers services and are owned by its members. He handed out material that he went over with the Commission. He said that they currently provide workers' compensation for 9 counties in Utah. He said that one of the reasons they do so well is due to its healthy pool of workers' compensation participants, its strong risk management practices and its top claim adjusters, who do a very good job of keeping the costs down.

Mr. Mckell said that the county class code has been going up every year and the County rate is based on that, which is now reported to the NCCI. He said that they try to help the rate from going up because they do not have to report to the NCCI.

Mr. Mckell said that they have never had a county drop them because they have proven to be the sharpest on the block.

He said that the County has a 180 day notice period with UCIP as part of the contract. He said that is why he is here today. He went over the graph of the handout.

He discussed the quote and rates from Utah Local Governments Trust. He said that the County is classified at a 1 in calculating what the NCCI thinks that the County is at. He said that anything above a 1 will incur an increase, which is where the County will be when it renews its premium, and anything under a 1 may see a decrease.

Mr. Mckell recommended that the County communicate a bid from UCIP by no later than November. He said that the County has the option of locking in the pricing right now with Utah Local Governments Trust. He also suggested that the County see what UCIP will offer.

Commissioner Smith asked if the Trust does not have to report to NCCI, as far as pooling or an automatic increase, because it pools within the members and does that mean they can control it better? Mr. Mckell said that the NCCI determines the class code rates. The Trust still uses those class code rates, as far as coming up with the rates. The rate is based on payroll and the different amounts of payroll you have in each class code which is timed by every \$100 inside of each class code. He said that the Trust is a little different because the financial solvency of its pool determines its rates. He said that they scored very high marks on its recent audit done by the State Workers' Compensation Program. They still have to follow certain rules and use specific guidelines but the difference is that they do not subscribe to the NCCI so the losses do not get reported to them and there is no effect on the rates that the Trust uses.

Commissioner Roper questioned how the rate for the County was determined and asked if most counties are at a 1. Mr. Mckell explained that the rate is based off the counties' losses, the frequency of losses and the severity of the losses. He said that they take three years of data into consideration but not the recent year because there may still be claims developing. He said that next year they will drop a year which in the County's case will be lower than the current year which will cause a substantial increase in the workers' compensation rates.

Commissioner Roper recommended to at least get a quote from UCIP and look into the best value for the County. Mr. Mckell said that he has a letter that the County can use to send to UCIP which does not state that the County will be leaving but only asks for a quote and also makes them

aware that the County is looking at other options.

Auditor Grace said that she reviewed and understands the information provided by Mr. Mckell and at this point the decision is up the Commission.

Commissioner Smith said that Mr. Mckell talked about the incurred loss dollars that decreased. He said that he would like to review the programs offered which reflect the decreases.

Mr. Mckell said that he will get that information to Auditor Grace.

DISCUSSION AND POSSIBLE APPROVAL OF THE BEER TAX FUND - SHERIFF DEKKER

Sheriff Dekker said that this is an annual beer tax fund. The County has to submit a plan to review every year. He said that this year the County had 268 days served by inmates for alcohol related offences with 105 different offenders. He said that with the increase anticipated due to summer activities and school being out, the beer tax funds will be used to offset a portion of the cost of housing the inmates.

Commissioner Smith said that both Delta and Fillmore Cities have claimed that they have valid plans to get the beer tax money. Commissioner Smith called the State and was told that the money should go to the County because the County dispatches them. He said that the cities would have to send a form stating that they would give the money to the County. He said that the money should come to the County but he cannot change it unless the cities send something in. He suggested to visit with the Mayors on this issue.

Commissioner Smith made a motion to approve the plan presented to apply for and receive the beer tax fund money from the Utah Substance Abuse Advisory Council (USAAV).

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Withers said that the Rodeo Committee has been working hard. The Days of the Old West Rodeo will be held June 12, 13, and 14. They wanted to make sure that the commissioners will have their shirts ready for the Saturday performance. He said that he appreciates the rodeo volunteers who work hard to put the Rodeo together.

Commissioner Withers said that the Road Department would like to reinstate an employee who left and moved to Las Vegas to be with his family. There is a vacancy in the Road Department and according to the County policy, Section VIII, paragraph F, reinstatement or rehire may allow the County to offer this person his job back.

Clerk Brunson informed the Commission that the Primary Canvass will need to be held between 7 and 14 days after the election. The commissioners tentatively planned July 1, 2014 at

1:00 p.m. for the canvass. Clerk Brunson informed the Commissioners that there may still be some ballots come in after that date.

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

Commissioner Withers said that he and Commissioner Roper attended a field trip and had a tour of the Sufco Mine. He said that they spent a few hours underground.

He said that there is quite a push in the country to get rid of coal. The commissioners were invited to see what Sufco provides to the County since the County houses IPP, who is the largest consumer of coal that the Sufco Mine provides to. Ken May, Manager of Sufco Mine, gave a presentation. Commissioner Withers said that it was very interesting. They learned a lot and appreciated the opportunity to see what it does for the County. He said that it enforces the ability of the American spirit to provide jobs.

Commissioner Withers said that he is excited about the public health building. It will be a great plus to the County to have that facility in Fillmore.

Commissioner Smith attended a Golf Committee meeting in Delta. They talked about the golf course and its impact to the community, as well as its operation and possible improvements. He said that he is looking forward to working with the members of the Golf Committee.

Commissioner Smith said that Millard County sent a letter to the BLM regarding the wild horse gathering going on in Iron County. He said that the County supports the BLM in following its resource management plans in reducing the number of horses on the range. There were several other counties who also wrote letters in support.

Commissioner Smith said that the Federal Surface Transportation Bill, which is called Map 21, was re-authorized for another six years. He said that there will be money for six years for projects the counties can plan for. He said that there was a slight increase for the funds that go to a Statewide Transportation Improvement Plan (STIP), which are county funds that can be used for highway projects.

Commissioner Smith said that the Environmental Protection Agency (EPA) ruled on the amount of emissions that a coal fire generation plant can put out now. He said that now all the power plants have to cut their emissions by 30%, as per new EPA regulations. He said that this will be an ongoing battle and the people in that industry will probably be challenging this. He does not know what effect it will have on IPA but is sure they will hear from them.

Commissioner Smith said that the Stock Show had a great show. He thinks that the numbers were down a bit but it was a great event. He said that he appreciates the people who put that on.

Commissioner Roper said that the Commission wrote a letter in support of Flowell Electric. Its parent company, Bananza, is concerned about a recent EPA ruling . They will also submit a letter in support of UAC in the fight against the EPA ruling.

Commissioner Roper said that the East Millard ATV has its Jamborall at the end of this month and everyone is invited to attend. He said that Bart and Nola Whatcott put a lot of effort in putting on a great ride this year and it should be a great success.

Commissioner Roper said that they appreciate the Road Department in working with them on getting the soccer fields into shape. He said that they have narrowed down how much fill they will need to bring in to level it out and how much it will cost to move the field. He said that the Road Department will fit this project in as they can schedule it. They are busy the next few weeks working on the road but will start working on the soccer fields when they are finished.

Commissioner Smith said that every year he participates in the Sutherland Cemetery veterans program. He said that he appreciates the job they do and the effort they put forth. He also complimented the Cemetery District for the presentation of the cemetery.

He said that Attorney Waddingham's daughter, Randa Lynn, won the essay contest put on by the American Legion in Delta. He said that it is a great program and he appreciates it and all of those who have gone before us and the people in the community who made our way of life better from what they did. He also appreciates all of the veterans who fought for our freedom and gave all that they had.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Commissioner Smith asked Attorney Waddingham if he knows how much longer until the purchasing policy draft will be complete. Attorney Waddingham said that he will contact Deputy Attorney Kaela Jackson regarding this. He said that he thinks that there may have been a lack of communication with GBS, so he will follow up with this.

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

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 11:16 a.m..

Attest: _____

Approved: _____