

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 5th DAY OF AUGUST 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: Lindsay Mitchell . . . . . Sheriff's Office  
Dean Draper . . . . . Chronicle Progress  
Connie Hansen . . . . . County Recorder  
Klint Penney . . . . . East Millard Maintenance  
Deb Haveron . . . . . Justice Court/Tourism  
Richard Beckstrand . . . . . County IT  
Pat Manis . . . . . County Assessor  
Emery Polelonema & Chelsea Bakaitis . . . . . Six County AOG  
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 that in the year 1864 President Abraham Lincoln lost only one state in the election, what state was it? The answer is, his birth state of Kentucky. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JULY 15, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 15, 2014 were

presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of July 15, 2014, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM JULY 15, 2014

Commissioner Withers said that the School Board is still trying to decide what it wants to do with the building located on SITLA property in Garrison. He said that Superintendent Styler would like to meet with the Commission to discuss options for the building.

Commissioner Roper said that he talked to Linda Gillmor, Millard County Economic Development Director, regarding Commissioner Wither's concern of how much it would cost for the Department of Energy to write a grant for \$981,000.00 on behalf of the County to apply for a USDA Assistance to High Energy Cost Rural Communities Grant. Ms. Gillmor indicated that there is no cost involved for them writing the grant for the County.

#### RATIFY THE MOTION TO GO THROUGH THE PROCESS OF APPLYING FOR THE USDA ASSISTANCE TO HIGH ENERGY COST RURAL COMMUNITIES GRANT, PENDING THE APPROVAL OF THE PROJECT

Commissioner Smith made a motion to ratify the decision to go through the process of applying for the USDA Assistance to High Energy Cost Rural Communities Grant, pending the approval of the project.

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

#### APPOINTMENT OF INTERIM SUCCESSORS

Clerk Brunson presented the interim successors lists that she had received to date. She said that she sent copies to the Sheriff's Office and to the State.

Attorney Waddingham said that the County Ordinance states that department heads also need to submit interim successors lists.

The following offices/departments submitted interim successors:

- Sheriff's Office
- East Maintenance
- Clerk's Office
- Recorder's Office
- Attorney's Office
- Assessor's Office
- Auditor's Office

Commissioner Smith made a motion to accept the interim successors as presented.

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

#### DISCUSSION AND CONSIDERATION OF CONSTRUCTION CONTRACT FOR THE PUBLIC HEALTH BUILDING

Commissioner Withers said that the public health building is underway. He said that when the Commission first opened and accepted the bids on this project, they thought that it would save money by having the County complete the parking lot. The lowest bid, which the County accepted, came in at \$390,000.00 from Pahvant Builders for the entire project. He said that the Road Department has too much going on and would not be able to do the parking lot for this project.

Commissioner Withers made a motion to continue with the lowest bid received from Pahvant Builders to complete the entire project of the Public Health Building, based on the bid to include the parking lot.

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

Attorney Waddingham clarified that this is administrative because the Commission already accepted this bid at an earlier commission meeting.

#### DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENT(S)

Lindsay Mitchell presented an ambulance abatement for Kenze Johnson. Ms. Johnson has an ambulance bill in the amount of \$1,154.19 from a transfer to Utah Valley. Ms. Johnson is a full-time student and is employed part-time with an annual income of \$4,950.00. Insurance paid a portion of the ambulance bill leaving the balance owed.

Commissioner Withers made a motion to abate 100% of Kenze Johnson's ambulance bill, based on income.

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

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Attorney Waddingham said that Millard County Care and Rehabilitation (MCC&R) executed an agreement and a promissary note for a loan the County gave MCC&R for operating expenses.

Commissioner Roper said that there was concern by one of the Board members who thought that this agreement was overkill.

Commissioner Smith said that Millard County loaned MCC&R \$400,000.00 to operate on for 90 days, which means that MCC&R will be paying the County back. He said that the MCC&R Board supported the action and signed an agreement to make sure the money came back to the County. The County just wanted a record and a formal contract to make sure the money gets paid back.

Commissioner Smith said that the County loaned MCC&R this money until they were able to get the federal money that they usually operate on, which should be in about 90 days.

Commissioner Smith made a motion to approve the agreement with MCC&R.

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

Commissioner Withers asked if the County will have to budget the \$90,000.00 for MCC&R that it has in the past. Commissioner Smith explained that the contract MCC&R signed with the State is a 5 year contract and for the 5 years the County should not have to budget any money for MCC&R to operate on. MCC&R should be able to operate on the money they receive from the Federal Government through the State and on the private pay money.

#### DISCUSSION REGARDING HAZARD MITIGATION - SIX COUNTY ASSOCIATION OF GOVERNMENTS (AOG), CHELSEA BAKAITIS

Chelsea Bakaitis, representing Six County AOG on its Pre Disaster Mitigation Plan, asked the Commission if they had any input on hazards they see in the County, as well as potential projects or goals that the Commission would like to discuss to help mitigate problems in the County.

Commissioner Roper said that they see potential hazards with the chemicals being transported down the freeway, as well as the companies who deal with chemicals or gas in our area.

Commissioner Smith said that those companies are required to have an emergency response plan and suggested that they get a copy of those plans.

Emery Polelonema, Six County AOG, Ms. Bakaitis and the Commission discussed economic vulnerabilities due to disasters and potential projects.

They discussed examples of projects approved by FEMA. Mr. Polelonema suggested a drainage project in Kanosh, Utah.

They discussed the most vulnerable areas in Millard County including I-15, Oak City and Scipio due to their locations and the most common disasters in Millard County which are fires, flooding and drought.

Mr. Polelonema said that if they were to put a project together for fire pre disaster, the County would be able to go to FEMA to get resources to do that project. He said to get fire retardant and place it on the soil which would probably resolve some of the erosion. He said that the County can get FEMA funding for pre disaster projects including re-seeding.

#### DISCUSSION REGARDING MILLARD COUNTY'S TRANSAMERICA 401K RETIREMENT PLAN

Commissioner Smith, Richard Beckstrand, IT, and Recorder Connie Hansen discussed the plan and how it is doing. They also discussed looking into the possibility of hiring a third party

fiduciary to handle the liability of the plan.

## DISCUSSION REGARDING THE MILLARD COUNTY PURCHASING POLICY

The Commissioners, the other elected officials and some of the department heads discussed possible changes to the draft purchasing policy.

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

Commissioner Withers reported that all three commissioners had a meeting with the Oak City Town Council regarding liability issues on Phase II of the NRSC Catch Basin project. They discussed who is responsible to maintain the project once it is complete. He said that basically there is an agreement between the County and the Forest Service; that only one entity can hold a Forest Service permit on the same project. Millard County will have an interlocal agreement with Oak City Town regarding maintaining the finished project.

Commissioner Withers said that hopefully the NRCS permit will be issued soon so that they can get on with the project.

Attorney Waddingham said that there are two other places on the Oak City project that are on private property. He said that he knows that they received easements to allow people to go in and construct, but there is no agreement where the County has guaranteed any type of maintenance or other obligations. He said that he would highly recommend that the County enter into an agreement with those individual and set the perimeters on that. He said that he will prepare the agreement.

Commissioner Withers said that Cherish Works called and expressed her appreciation to the County and especially to Kevin Morris, West Millard Maintenance, for all of the help with the BMX project which is located inside the West Millard Racetrack.

Commissioner Smith said that there will not be a Planning and Zoning meeting this month. He said that next month they will meet with representatives from Magnum Gas. Magnum Gas has made an application for a zone change to expand its current area to about twice the size it is now.

Commissioner Smith said that the zone change would anticipate other industries coming in and supporting the project.

He said that Magnum Gas has started drilling a third cavern for butane and propane. They are operating and talking about making a plan for the whole area to be able to handle other businesses and industries that would be a spin off.

Commissioner Smith said that the commissioners have discussed sending a group to Georgia or Alabama to look at one of two sites where there has been a lot of development around the gas storage facilities and how they are laid out, as well as to see any issues and/or benefits the communities may have had. He said that the County is excited and is encouraged by Magnum's desire to move forward and expand the area out there.

Commissioner Roper said that Kennedy Springer was crowned Miss Millard, with Mariah Rasmussen being 1<sup>st</sup> Attendant and Alexis Oliver being 2<sup>nd</sup> Attendant. He said that Sydney Condie

was crowned Junior Miss Millard with McKenna Ekins being 1<sup>st</sup> Attendant and Camille Christensen being 2<sup>nd</sup> Attendant. He said that they are already active and involved, and will be opening the County Fair Wednesday, August 6, 2014.

Commissioner Smith said that Maddi Deloach made top 10 in Miss Outstanding Teen International Friday night in Florida.

Commissioner Roper said that Bart Whatcott has been hired as the Millard County East Recreation Supervisor.

Commissioner Roper said that the County Seat has presented the County with its annual sponsorship agreement. The County needs to look at the budget to see if it will participate again this year.

Commissioner Roper said that the Six County AOG Annual Congressional Briefing will be held in Wayne County on Tuesday, August 12, 2014.

Commissioner Roper said that the County is looking at putting a door in the Department of Motor Vehicles Office which is located next to the Commission Chambers. Commissioner Smith said that the maintenance crew has budgeted this project a few years in a row. It is now just a matter of giving the go ahead to begin the project.

Commissioner Smith said that the Wellness Committee met and planned an employee appreciation party as part of the County Fair Thursday, August 7, 2014 at 6:30 p.m.. All County employees and their families are invited.

Commissioner Roper met with Jane Beckwith, Topaz Museum, last week. They invited the congressional people to tour the new Topaz Museum and to listen to her concerns. He said that he appreciated Ms. Gillmor, Dale Smith from Congressman Stewart's Office, and Bill Swadley from Senator Hatch's Office for attending as well.

Commissioner Withers said that the election contest for Commission Seat A went to court on Friday, August 1, 2014. He said that the Honorable Judge Laycock heard arguments for four and a half hours from both parties. He said that Judge Laycock will make a ruling on Thursday, August 14, 2014 at 1:30 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

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 11:21 a.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_