

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 21st DAY OF OCTOBER 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: Cheryl Michaud, Doris Brown, Beverly & James DeWyze, Greg Kesler,
Sydney & Kris Condie Citizens
Hannah Jones Chronicle Progress
Bryant Anderson. Commercial Business Radio, LC
Kevin Kesler & Kristine Saunders USU Extension
Jerry Oldroyd (Ballard Spahr) & Ilan Caplan Juwi Solar Inc.
Bart Whatcott East Millard Recreation
Gary Walker & Steve Styler. Sandbaggers, Inc.
Linda Gillmor Millard Economic Development
Jed Memmott Scipio Town Mayor
Carl Camp, Abe Johnson, Carl Alderich Doug Jolley Arts Festival

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 Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF OCTOBER 7, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 7, 2014 were

presented for consideration and approval. Commissioner Withers made a motion to approve the minutes of October 7, 2014, as presented.

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

FOLLOW UP ACTION ITEMS FROM OCTOBER 7, 2014

Commissioner Smith said that Auditor Grace had discussed with Utah Association of Counties (UAC) regarding them covering the costs for the new elected officials to attend the UAC Annual Conference in November. Commissioner Smith said that he spoke with Adam Trupp who indicated that UAC is also working on it.

PUBLIC INPUT

Cheryl Michaud and Doris Brown, both residents of the Sands Apartments in Delta, came to discuss issues and concerns they have regarding the apartments they live in.

The two ladies expressed their concerns to the commissioners. They said that one concern is the way the residents are being treated by management, if they ask for help fixing anything that breaks in their apartment. They said that there are apartments that do not have working stoves and the entrance doors to the building are heavy and hard for the residents to open.

Ms. Michaud questioned if the money that goes into the coin operated washer and dryers in the building could be used to purchase new washers and dryers. She said that the washers and dryers are old and are causing damage to the residents' clothes.

After discussion, the Commissioners said that they would talk to management and look into all of the ladies' concerns.

DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED CONTRACT RENEWAL BETWEEN MILLARD COUNTY AND COMMERCIAL BUSINESS RADIO, LLC - BRYANT ANDERSON

Mr. Anderson expressed his appreciation to the County for the support he has received with the service he provides.

Mr. Anderson went over all of the changes made to the contract. He said that there were some radios that can no longer be repaired so they have been removed from the contract price.

Last year's contract amount was \$28,830.00. This year's contract amount is \$28,538.00.

Commissioner Withers made a motion to approve the contract renewal with Commercial Business Radio, LLC - Bryant Anderson in the amount of \$28,538.00, and authorize the chairman to sign the contract.

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

DISCUSSION REGARDING THE AMENDED EAST MILLARD EQUESTRIAN PARK POLICY -

BART WHATCOTT, EAST MILLARD RECREATION DIRECTOR

Mr. Whatcott said that he added some language to the policy which would help the operation run a lot smoother. He said that there was an event held last week that was put together by Paco Alcala it was a good event and a great deal for the County.

Mr. Whatcott said that he would like to incorporate a food vender licensing or fee to use the indoor arena. He said that he will look into the requirements for doing that.

Mr. Whatcott said that he will get the commissioners a vender fee breakdown. The usage fee for the indoor arena will remain the same.

This agenda item will be brought back to a future meeting.

DISCUSSION REGARDING THE POSSIBILITY OF MODIFYING THE COUNTY GOVERNMENT TO HAVE ALL ELECTED OFFICIALS AS NONPARTISAN - BEVERLY DEWYZE

Ms. DeWyze proposed to change the elected offices to nonpartisan. She went over the reasons why she asked for this. She said that it would allow everyone to vote rather than just those associated with a certain party. She said that the closed primary elections excludes people from being able to vote and the decision should be that of all of the people.

Ms. DeWyze gave examples of how to fill a vacancy if someone were to quit or die while in office.

Attorney Waddingham said that the only thing the statute addresses is when you change a form of government then you cannot have nonpartisan, but he could not find where it addresses current boards. He said that the Lt. Governor's Office takes the position that how it is set up right now remains what it is, but he cannot find anything in the statute that addresses it.

Ms. Dewyze presented a list of over 100 names of citizens who are in favor of the elected offices being changed to nonpartisan. She said that it would be beneficial to the County to have elected offices nonpartisan. She asked for the commissioners consideration in this issue.

Ed Phillips said that the duties performed in the elected offices have nothing to do with partisan. He said that he agrees that all of the citizens should be able to vote for candidates not just those of certain parties and he does not see a down side if the County were to go with nonpartisan offices. It would allow everyone to be involved with the election process.

Attorney Waddingham said that he would do further research.

DISCUSSION REGARDING PERSONAL PROPERTY TAXES FOR SANDBAGGERS, INC. - GARY WALKER AND STEVE STYLER

Steve Styler and Gary Walker discussed the property taxes on the old Chevron building in Delta. Mr. Styler said that when they first received the tax form to fill out, they ignored it because they had just purchased the building and all of the equipment was included in the purchase price. At that time they had not purchased any additional equipment. They then received a tax notice which had an assessed value of \$100,000.00. They said that they went through the equipment that they

purchased since purchasing the business and came up with a value of \$23,500.00.

Mr. Styler said that he spoke with Assessor Pat Manis regarding this issue. Mr. Manis suggested that they ask the Commission for an abatement since the time has passed to protest value on property. Mr. Styler said that they are asking the commission to abate the amount over the actual amount of \$23,500.00.

Mr. Styler and Mr. Walker discussed the reasons why they feel that the value placed on the equipment is incorrect.

The commissioners discussed what they have done in the past. Commissioner Smith said that he would like to research this a little bit more before making a decision in order to be fair, equitable and consistent. The Commissioners will discuss the options and bring this issue to a future commission meeting.

DISCUSSION AND POSSIBLE APPROVAL OF A 4-H POSITION - TRENT WILDE & KEVIN KESLER

Kevin Kesler and Kristine Saunders, both with USU Extension, discussed the possibility of hiring a full-time 4-H position to replace the part-time position that has been vacant since Bobette White resigned. They would like the position to be half funded by the County and USU Extension. He said that it would increase the amount that the County is currently funding to USU Extension.

Mr. Kesler discussed the advantages of having a full-time 4-H position in the County. This position would cover both sides of the County, not just one or the other.

They discussed the program and the responsibilities of the new position. Mr. Kesler said that this would be a USU Extension position and the employee would report directly to Trent Wilde, but the County could have as much influence or input over the program that it is willing to offer. Ms. Saunders said that the partnership with the counties have been very successful.

Ms. Saunders said that they have noticed that there has been a void in the 4-H services since the position has been vacant and they would like to move forward with hiring someone as soon as possible. This position would require a bachelors degree in science.

Commissioner Smith said that this position should be part of the budget in moving forward and suggested to amend the current contract to reflect the increase. It will be put it in the 2015 budget and will take place the first of the year.

CONVENE AS A MILLARD COUNTY REDEVELOPMENT AGENCY (RDA) TO DISCUSS THE POSSIBILITY OF CREATING A COMMUNITY DEVELOPMENT AREA (CDA) FOR JUWIL SOLAR INC. PROJECT I AND PROJECT II

Commissioner Withers made a motion to convene as a RDA to discuss the possibility of creating a CDA for Juwil Solar Inc. Project I and Project II.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting began at 11:08 a.m..

Linda Gillmor, MEDA, gave a background of why this option is important. She said that last year Magnum started construction on the west side of the County which brought in a influx of construction workers and made a real difference on Main Street. She said that it brought some real

enthusiasm to the community that the County was growing with economic help and now there is a question of what happened. She said that right now the County has some real opportunities with energy, specifically with renewable energy.

Ms. Gillmor said that Juwil Solar has made a commitment to making Millard County its home. She said that with Phase I there will be over 150 construction worker jobs. They have already gone through local staffing for the construction worker positions. She explained to the Commission that they have to show that they can pay some taxes before they could receive any tax credits. She said that they would only start the process today and would not have to agree to anything today. She said that Phase I has already started and they will also be doing Phase II. She said that she recommends that the County agree to start this process on Phase II due to the good faith they have already shown.

Ilan Caplan, Juwil Solar, Inc., is the developer of the project. He said that the Company is out of Colorado but the headquarters is based out of Germany. He said that they have been doing a number of projects throughout the US and they will be heading both of these projects in Millard County.

Mr. Caplan said that the real backbone would be the 200 plus construction jobs that they will be contracting out. He said that there will be quite a bit of benefit to the County from both projects and explained both phases of the project.

Jerry Oldroyd, Attorney with Ballard & Spahr, said that it is important to understand that the purchase price with Rocky Mountain Power is based on a 20 year commitment and the projects costs are extremely low. With the history of solar this is one of the few times they can make this project work. They are interested in some type of tax increment because Phase II is priced significantly less and will not happen unless there is a decrease.

Mr. Oldroyd said that they are asking to authorize preparation of the process. He went over the project and how it will be made available to the public, which would include holding a public hearing. He said that they are asking to simply start the process.

Greg Kesler gave examples of his experience with this company so far. He said that they have been really good to work with so far. They have been fair and have done what they have said they would do in regards to the use of his property. He said that they are ahead of the time frame they originally quoted him. The total construction process for both phases would be about a year each.

Commissioner Withers discussed his concerns regarding Phase II of the project and the company needing tax relief. He questioned how the company would convince a large company to purchase a project where there is no revenue.

Mr. Caplan explained that the revenue on Phase II is less than Phase I but it is not zero, there is a revenue stream and the overall cost of the project is less.

Mr. Oldroyd said that the tax abatement works with these types of projects. It is on an ongoing basis and it comes back.

Commissioner Withers said that he sees that there would be a benefit for the two years of providing jobs, but he has a problem with incentivising a large company and does not think it would

be agreeable with private taxpayers.

Mr. Kesler said that with renewable energy there are a different set of rules. They have to have so much renewable energy and they tack on energy credits. They will look at a wide spectrum of investors to see who will make them the most or lose them the least.

Mr. Oldroyd gave examples of what is good and what is bad for a company. He said that they are looking at this project as an opportunity for the County. They are trying to build a project that they feel will be beneficial to their shareholders and the County.

Each phase of the project will be built on 400 acres.

Ms. Gillmor said that she appreciates the comment and the concern and she reminded the commissioners that this is only a first step in making a decision to move forward. She reminded them that by statute there is no way to give an incentive if there is no tax liability. The company would have to show a profit and a liability to the County. They need to be able to pay the County something for the County to be able to give something back.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 14-10-21, A RESOLUTION TO CREATE A CDA FOR JUWIL SOLAR INC. PROJECT I

Commissioner Smith made a motion to approve Resolution 14-10-21, a resolution authorizing the redevelopment agency of Millard County to initiate the preparation of a community development draft project area plan for Juwil Solar, Inc., Project I.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 14-10-21A, A RESOLUTION TO CREATE A CDA FOR JUWIL SOLAR INC. PROJECT II

Commissioner Smith made a motion to approve Resolution 14-10-21A, a resolution authorizing the redevelopment agency of Millard County to initiate the preparation of a community development draft project area plan for Juwil Solar, Inc., Project II.

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

Commissioner Withers made a motion to close the RDA meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting ended at 11:39 a.m.

REPORT ON MISS MILLARD - MISS MILLARD TEEN SYDNEIE CONDI AND MISS MILLARD JR. MACIE SORENSON

Sydney Condie, Miss Millard Outstanding Teen, thanked the commissioners for the opportunity she received by being Miss Millard Outstanding Teen. She shared some of her

experiences and said that she learned a lot about herself from this opportunity. She met a lot of great new friends and will carry her experiences throughout her life. She enjoyed being able to be a part of the program. She liked the fair and the opportunity to inform people of her platform.

Ms. Condie explained her platform “Act with Kindness”, which means A- be Aware, C- show you Care, T- Take Action; do something kind, see something kind. She said that by showing one act of kindness to someone it will be carried on from that person to others and so on. She gave examples of what she plans to do in the future and invited everyone to follow her journey on social media.

The commissioners said that her platform was excellent and they appreciate her involvement.

DISCUSSION REGARDING THE ARTS FESTIVAL - ABE JOHNSON

Abe Johnson presented some notes to the commission. He said that they just finished the 18th Annual Arts Festival (Festival). He said that there have been some changes which have become a very important part of the County. The attendance this year was about 10,500, which is good and is due to the quality of the entertainment. There is no charge for the Festival, it is free.

Mr. Johnson said that they are seeing an effect on the economy from the Festival. He went over the schedule and events of the Festival.

Mr. Johnson said that about 1/3 of the people who attended this year were from out of the County and about an equal 1/3 were from each side of the County.

Mr. Johnson said that the State is going to put in a pavilion by the cabins and more restrooms by the pod.

Mr. Johnson said that they need permanent funding to be able to keep doing the Festival. He said that they have been receiving funding through grants, which is only a temporary funding option. Millard County Tourism, Fillmore City and other businesses or private entities help with funding, but it would not be enough if they do not get permanent funding soon.

They did have a donation box at the Festival this year but only received \$257.00. Mr. Johnson said that if each person who attends the Festival would donate \$1.00, this year they would have had \$10,500.00 donated.

They discussed other funding options including the TRT money and possibly implementing a restaurant tax, which Tourism is already looking into.

The commissioners said that they have heard several people from out of the County say that they enjoy the Festival.

They advertise for the Festival by doing a mailing twice a year, first a poster then a schedule of events. They usually spend about \$4,500.00 a year on advertising and they may be able to get an advertisement on the television and radio in the near future.

Carl Alderich said that this year was the first time he has been involved with the Festival and it was amazing. Carl Camp said that they have youth groups already signing up for the next year’s festival.

Mr. Johnson recognized Mr. Jolley for his part in the program.

DISCUSSION REGARDING LANDFILL ISSUES IN SCIPIO - JEDD MEMMOTT, SCIPIO TOWN MAYOR

Mayor Memmott discussed the landfill in Scipio with the commissioners. He said that it has

become overwhelmed with furniture, limbs and stray trash. He said that the Flying J store dumps its trash at the site, which is okay because of the revenue it brings to the town via sales and use taxes.

He also discussed his concerns with the Yuba State Park dumping its trash at the location. The commissioners will look into the reason why they are dumping at the Scipio station rather than a Juab County station, which is where it is located.

Mayor Memmott said that he spoke with Mike Holt, who does curbside pickup in Fillmore to see if he would be willing to come to Scipio, but was told that he could not be able to take the capacity of the garbage being dumped there.

Mayor Memmott discussed some options with the commission including possibly bringing in an additional bin for the residents to dump their trash. If they were to get an additional bin it would help the overwhelming situation, but would not fix the problem. He also discussed an option of maybe purchasing some land for dropping off limbs which might also help the situation.

Commissioner Withers suggested to maybe contract with Flying J for pickup at their place of business. He said that he will visit with Sheryl Dekker and Phil Lovell and try to come up with a plan.

Commissioner Roper asked how the community building is going in Scipio. Mayor Memmott said that it is under construction. He said that they were able to fund it with a 50% loan/50% grant.

Commissioner Roper said that he appreciates Mayor Memmott for his involvement in Six Counties as well as other meetings he has participated in.

PUBLIC INPUT

Mr. Whatcott said that he spoke to Tammy Lane regarding her janitorial contract. He presented the contract to the Commission to review. He said that the contract refers to exhibit A, which could not be found so he typed up a new exhibit A and attached it to her contract.

OTHER BUSINESS

Commissioner Smith said that the tentative budget needs to be adopted before November 1, 2014. Attorney Waddingham said that it needs to be an agenda item and suggested to hold a special meeting.

Commissioner Withers made a motion to hold a special meeting Thursday, October 30, 2014 at 1:00 p.m. to adopt the tentative budget.

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

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

Commissioner Roper said that Commissioner Withers attended a 4-H dinner in his place last week.

Commissioner Roper attended a meeting with Representative Stuart, Senator Okerlund and Representative Neilsen along with other elected officials. He said that they were fed a good dinner.

Commissioner Roper said that the commissioners held a meeting and invited the new Economic Development Director of the State, Val Hale and Director of Corporate Recruiting, Teresa Foxly. They took a field trip and visited Magnum, IPP and Peak Minerals.

Commissioner Roper received a letter from BLM on class D roads for the trail systems that Kevin Morris, West Millard Maintenance, is putting together. He will get a copy of the letter to Mr. Morris, who can then show it to the State Parks who will cover the cost of the signs.

Commissioner Roper received a bill from Paiute County for \$170.00 which is 1/10 of the fee for analyzation of the forest assessment process. He said that there are 10 counties who have agreed to pay \$170.00 each towards this project. This amount will be taken out of the Public Lands budget.

Commissioner Roper said that the County has to let UAC know what its gift will be for the UAC Annual Convention before Friday, October 31, 2014.

Commissioner Roper said that he has heard several complaints that people have run the stop sign by the landfill and ran into the Carling's fence. Mr. Carling asked if the County could get a reflective sign to let people know that there is a stop sign there. Commissioner Withers will look into this.

Clerk Brunson said that they need to hold the canvass after the General Election. She suggested to hold it November 18, 2014 to give enough time for the military and overseas ballots to come in.

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.

WORK MEETING WITH GBS

After the meeting adjourned, the commissioners had a work meeting with GBS to discuss employee benefits.

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 12:43 p.m..

Attest: _____

Approved: _____