MINUTES OF BOARD OF COUNTY COMMISSIONERS MILLARD COUNTY THE 19th DAY OF JULY 2016 AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT:	Dean Draper
	Pat FinlinsonCounty AttorneyMarki RowleyCounty ClerkLesli ShieldsDeputy County Clerk
ALSO PRES	ENT:Robert DekkerCounty SheriffScott BarneyMEDA CoordinatorAmity BurnhamEDF RenewableJosh CaseEnergy Capital Group (ECG)Adrienne BellHolland & HartSheryl DekkerCounty PlannerConnie HansenCounty RecorderSheri DeardenCounty TreasurerBonnie GehreCounty AuditorDeric DespainUSU ExtensionWayne JacksonMilitary LiaisonDent KirklandDelta CityLori NayRural Utah AllianceRob Dalton & Aaron WorthenCounty ITJohn Higgins CountyLandfill Supervisor

Note: Not all agenda items were followed in order.

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 <u>the Millard County</u> <u>Chronicle Progress</u>, 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 Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper asked if anyone had an opening statement to give. Commissioner Withers expressed his appreciation to the men and women who serve in law enforcement. Commissioner Roper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JULY 5, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 5, 2016, were presented for consideration and approval. Following review, Commissioner Roper made a motion to approve the minutes of July 5, 2016, as presented.

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

FOLLOW UP ACTION ITEMS FROM JULY 5, 2016

Commissioner Draper asked if Commissioner Roper had any names for him to give to Lamar Smith regarding those knowledgeable with range management for the Resource Management Plan (RMP).

Later, Commissioner Roper submitted the following names: Rex Rowley, Don Burt, Del Barnhurst.

APPOINTMENT OF INTERIM SUCCESSORS

Attorney Finlinson presented the interim successors lists that he has received to date. The following offices submitted interim successors:

Attorney's Office

Clerk Rowley will submit copies of all interim successors to the Sheriff's Office and to the State.

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

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

Attorney Finlinson asked if the commissioners required interim successor declarations from non-elected department heads. He stated that the law states that interim successors are required for only elected officials.

The commissioners decided to only require interim successors for elected officials as the law states.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR CARA BOYDEN CONSULTING LLC, OWNER - CARA BOYDEN

A business license application was presented for Cara Boyden Consulting LLC, Owner - Cara

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Boyden, a consulting, spreadsheets, month end reports, orders entered online, sales management business. After review of the application and finding all signatures in order, Commissioner Withers made a motion to approve a business license for Cara Boyden Consulting LLC, Owner - Cara Boyden.

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

PRESENTATION REGARDING RURAL UTAH ALLIANCE (RUA) - LORI NAY

Lori Nay, Rural Utah Alliance (RUA), presented the commissioners with a handout. She briefly explained that RUA is a non-profit, Utah based corporation whose purpose is to represent, advocate for and address the concerns of rural Utah Counties.

Ms. Nay explained that:

- RUA was funded July 1, 2016, for \$250,000.00 from Legislature.
- An organizational meeting for RUA will be held in August, and each County involved will appoint a board member to attend.
- Eight counties are currently involved with RUA.
- The cost will be \$2,500.00 to begin and \$5,000.00 per year thereafter.
- Utah Association of Counties (UAC) helped to lobby for RUA.

The commissioners asked Ms. Nay to provide more information via e-mail. This item will brought back for discussion and possible approval at a future commission meeting.

DISCUSSION AND POSSIBLE APPROVAL ON APPLICATION TO AMEND CONDITIONAL USE PERMIT (CUP) #Z-2013-036 ISSUED FOR A SOLAR ENERGY SYSTEM (MAJOR) WHICH WAS ISSUED TO ECG UTAH SOLAR 1, LLC. THE SPECIFIC REQUEST IS TO AMEND AND RESTATE THE PROVISION OF ARTICLE VI, SECTION 5 OF THE CUP. ECG UTAH SOLAR 1, LLC - PETITIONER; SITLA - PROPERTY OWNER; EDF - OWNER OF PROPOSED PROJECT

Josh Case, ECG, stated that this amendment is a minor change in some language to match up with the other two CUP's issued.

Attorney Finlinson reviewed the document and determined that it is the same language as the other two CUP's issued.

Commissioner Withers made a motion to approve an application to amend CUP #Z2013-036 issued for a solar energy system (major) which was issued to ECG Utah Solar 1, LLC. The specific request is to amend and restate the provision of Article VI, Section 5 of the CUP. ECG Utah Solar 1, LLC - Petitioner; SITLA - Property Owner; EDF - Owner of proposed project.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-07-19, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING THE COUNTY PURCHASING CARD

POLICY TO REFLECT NEW CARD ISSUER/PROVIDER

Attorney Finlinson said that this policy was provided to the County by Zions Bank.

Commissioner Roper made a motion to approve Resolution 16-07-19, a resolution of the Millard County Commission adopting a commercial card program management guide governing the use of Zions Bank Visa Commercial Cards.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-07-19A, A RESOLUTION OF THE MILLARD COUNTY COMMISSION SETTING FORTH MILLARD COUNTY'S POLICY REGARDING E-RECORDING OF LAND RECORDS IN THE MILLARD COUNTY RECORDER'S OFFICE

Attorney Finlinson said that the Legislature requires a plan be in place regarding e-recording of land records.

Recorder Hansen said that her office has had one request for e-recording in the last 4 years. She said that if the cost to implement e-recording decreases, it could possibly happen in the future. She said that at this time the plan is to not accept e-recording at this time.

Commissioner Withers made a motion to approve Resolution 16-07-19A, a resolution of the Millard County Commission setting forth Millard County's policy regarding e-recording of land records in the Millard County Recorder's Office.

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

CONVENE AS MILLARD COUNTY REDEVELOPMENT AGENCY (RDA)

Commissioner Roper made a motion to convene as an RDA.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting began at 10:41 a.m..

Mr. Barney expressed his appreciation to the commissioners, Attorney Finlinson, Clerk's Office and GIS for its patience. He said that the project area has been expanded, as the map can be shrunk during the next steps of the process, but cannot be expanded. He said the previously known Juwi Project Area has been re-named the Greenwood Project Area.

The commissioners and Mr. Barney briefly discussed the map changes. They also discussed concerns with Magnum Gas that have come up.

Mr. Barney briefly discussed the next steps of the process and the deadlines associated with it.

Commissioner Withers discussed the flowing wells and the issues with expanding to that

portion of the map.

Attorney Finlinson reminded the commissioners that this is a proposed project plan area, what is being defined right now is the maximum area. Once it is approved, you cannot go outside of that area, but it can be shrunk, if necessary.

Commissioner Roper stated that he thinks it is wise to expand the project area at this point in the process. He agreed that there are legitimate concerns with the flowing wells, but that can be addressed in the next steps of the process.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-07-19B, A RESOLUTION OF THE MILLARD COUNTY RDA AMENDING THE COMMUNITY DEVELOPMENT DRAFT PROJECT AREA PLAN ADOPTED BY RESOLUTION 16-03-15C OF THE MILLARD COUNTY RDA BY THE INCORPORATION OF A MAP IDENTIFYING THE DEVELOPMENT OF ECG UTAH SOLAR 1, LLC

Commissioner Roper made a motion to approve Resolution 16-07-19B, a resolution of the Millard County RDA amending the Community Development Draft Project Area Plan adopted by Resolution 16-03-15C of the Millard County RDA by the incorporation of a map identifying the development of ECG Utah Solar 1, LLC.

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

Commissioner Withers made a motion to close the RDA meeting.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting ended at 11:06 a.m..

DISCUSSION AND POSSIBLE APPROVAL ON NON PLAT SUBDIVISION APPLICATION #Z-2016-015 FOR PROPERTY LOCATED AT APPROXIMATELY 745 SOUTH LONE TREE ROAD, DELTA GRID. IT IS PROPOSED THAT THE 43.6 ACRE PARCEL BE DIVIDED CREATING FOUR (4) PARCELS WITH A MINIMUM ACREAGE OF 1.5 ACRES, AND MINIMUM LOT WIDTH OF 200 FEET. OWNERS, ROBERT K. C. DALTON AND JAMIE L. DALTON

Mr. Dalton explained that his proposal is to subdivide this 43.6 acre parcel into four parcels; two large parcels for agricultural use and two 1.5 acre parcels for constructing homes.

Sheryl Dekker, County Planner, stated that Planning & Zoning has made a favorable recommendation for this proposal.

Commissioner Draper stated that he was at the Planning & Zoning meeting and asked Mr. Dalton if there is enough water for what he is planning to do.

Dent Kirkland, Delta City, said that Delta City would like Mr. Dalton to look into the possibility of annexation. He expressed the City's concerns with future proposals.

Mr. Kirkland said that if Mr. Dalton were to annex into the City, he would have to extend the water main about 2,500 feet, at his expense.

Mr. Dalton said that he spoke to a contractor regarding this and was quoted a minimum of

\$50,000.00 to extend the water main to the corner of the property. He stated that it is too costly to extend the water main and he is not interested in annexing.

Commissioner Draper stated that Mr. Dalton has met all requirements of the Planning & Zoning ordinance.

Commissioner Roper made a motion to approve a non-plat subdivision application #Z-2016-015 for property located at approximately 745 South Lone Tree Road, Delta Grid. It is proposed that the 43.6 acre parcel be divided creating four (4) parcels with a minimum acreage of 1.5 acres, and minimum lot width of 200 feet. Owners, Robert K.C. Dalton and Jamie L. Dalton.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH JASON BURNINGHAM, PRINCIPAL - LEWIS YOUNG ROBERTS & BURNINGHAM, INC., FOR SERVICES REGARDING THE COMMUNITY DEVELOPMENT AREA (CDA)

Mr. Barney requested this agenda item to be tabled. He said that there is a verbal agreement in place for reimbursement, however, they are still waiting on a contract.

Mr. Barney stated that the contract will be between Millard County and Mr. Burningham; the County would pay the bill and then request reimbursement from the entity that requested the services.

Mr. Barney stated that there are funds in the Economic Development budget.

Commissioner Withers stated that next year, this line item will need to be budgeted for.

Amity Burnham, EDF Renewable, stated that a contract will be complete this week and will be sent to Attorney Finlinson for review.

Commissioner Withers made a motion to table this agenda item.

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

DISCUSSION REGARDING POSSIBLE CHANGES TO THE MILLARD COUNTY STEP AND GRADE POLICY TO EXPAND THE AMOUNT OF CREDIT GIVEN TO NEW HIRES FOR PRIOR WORK EXPERIENCE

Sheriff Dekker expressed issues with the current policy which will allow giving only one year of credit no matter how much experience a person has. He said that before the step and grade policy was in place, he was allowed to use a formula of one year of credit for each two years experience. He asked the commissioners for a better tool for him to use for recruitment.

Commissioner Withers expressed concerns with possible internal turmoil.

Sheriff Dekker stated that it takes about five years to get a new hire up to speed and it is beneficial to have a fully trained deputy to come in from time to time. He said that there may be those in his department who might find a new policy unfair and he would handle those grievances as they come.

Treasurer Dearden and Recorder Hansen agreed with Sheriff Dekker.

Ms. Dekker expressed that the Sheriff's Office Deputies put their lives on the line every day; no other job in the County can compare. She stated that their jobs are not the same as any other in the County.

Auditor Gehre briefly discussed the recent hiring process in her office. She said that most employees do receive a pay cut to start working for the County. She had twelve applicants and only interviewed three applicants.

Commissioner Withers stated that every company in the world has a baseline. He said that different jobs call for different applications.

Commissioner Roper stated that this is definitely worth addressing.

DISCUSSION REGARDING POSSIBLE CHANGES TO THE MILLARD COUNTY STEP AND GRADE POLICY TO ALLOW FILLING CERTAIN POSITIONS OUTSIDE THE NORMAL STEP AND GRADE STRUCTURE

Richard Beckstrand, IT, said that there is currently an opening in his department that has not been advertised yet. He said that someone came to him with experience with the Spillman Technology system, which is what the Sheriff's Office uses. He said that there is no way to put someone with that level of experience into an entry level position. He said this person would be able to work from day one with no training required.

Commissioner Withers said that without the opening being advertised, how do we know that there isn't someone out there who could fill the position with experience.

Mr. Beckstrand said that IT salaries throughout the State are substantially higher than they are here in Millard County. He stated that where the County lacks is in the Spillman Technology system and that is where this individual has experience.

Commissioner Roper asked if using the formula that was discussed previously with Sheriff Dekker would be helpful.

Mr. Beckstrand stated that it would be a start in the right direction.

Sheriff Dekker reiterated that experience with the Spillman Technology system would be extremely beneficial to the County.

Commissioner Draper stated that no decisions have been made regarding this, it is simply a discussion at this point.

Attorney Finlinson said that the position must be posted to see if anything comes of it first. If there are no qualifying applications that come from that posting, it would then prove justification for stepping outside the step and grade policy.

DISCUSSION REGARDING POSSIBLE CHANGES TO THE MILLARD COUNTY STEP AND GRADE POLICY TO DISTINGUISH BETWEEN PERMANENT PART TIME EMPLOYEES AND SEASONAL PART TIME EMPLOYEES

Sheriff Dekker briefly discussed certain permanent part time employees. He said that the step and grade policy has all part time employees lumped together, regardless of permanent and/or seasonal status. He said that both the raise increments and the time between are minimal and feels that it needs to be looked at.

Auditor Gehre said that there is a seasonal part time grade scale and a permanent part time

grade scale. She said that the schedule is the same as the regular employees, but the increments are substantially smaller.

Commissioner Withers stated that there is definitely room for improvement with the part time step and grade. He said that there is a need with the part time life guards and supervisors at the swimming pool, as well as in the Sheriff's Office.

Commissioner Roper said that this has always been an issue and needs to be looked at.

Commissioner Withers said that he would like a comparable to see what other counties are doing for part-time employees.

Attorney Finlinson recommended a discussion happen with Auditor Gehre regarding part time employees pay before any policy is made.

DISCUSSION REGARDING ADDING THE TRANSPORTATION/GAS TAX TO THE GENERAL ELECTION BALLOT

Treasurer Dearden briefly explained the transportation/gas tax. She said that this tax would not affect the B and C Road Allocation. She explained that at this point, the County would receive approximately \$6,000.00 more than what would be collected. She said that if the larger counties were to be on board, that amount would increase.

Treasurer Dearden said that both Weber County and Davis County are on board, Utah County and Salt Lake County are not.

Clerk Rowley briefly explained the process for adding the transportation/gas tax to the General Election ballot. She said that the deadline to be on the ballot for the General Election is September 6, 2016.

Treasurer Dearden clarified that this is a County level quarter-cent sales tax on all nongrocery sales, the proceeds of which are used for transportation.

Commissioner Roper said that he thinks that all counties will eventually pass this tax. He said that the mayors of each town in Millard County have given approval to put this on the ballot. He stated that he thinks the voters should be allowed to vote on this.

Commissioner Withers made a motion to begin the process of adding the transportation/gas tax to the ballot for the 2016 General Election.

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

DISCUSSION REGARDING MILLARD COUNTY GOING TO BY-MAIL VOTING FOR ELECTIONS - CLERK ROWLEY

Clerk Rowley discussed the possibility of going vote by-mail for the General Election. She went over the cost differences of voting by-mail versus voting traditionally.

Clerk Rowley presented quotes received from vendors for purchasing new equipment to replace the old, outdated, falling apart equipment that the County is currently using.

It was determined that the cost would be significantly lower if the County were to purchase new equipment to run the election by-mail, than it would be to purchase new equipment to run the election traditionally.

Clerk Rowley said that it is required by State law to offer at least one vote center, in addition to mailing ballots to every voter. Due to the County being so widespread, she said that two vote centers will be offered; one in Fillmore at the Clerk's Office and the other in Delta at the County Satellite Offices.

Clerk Rowley explained that a vote center is very similar to early voting; any registered voter would be allowed to vote at that vote center regardless of their precinct. However, going vote bymail would mean that all voting would be done on a paper ballot, even at the vote centers.

Clerk Rowley said that there will be several ballot drop off stations throughout the County, however, she is still working on those locations at this time. Ballot drop off stations will allow voters to drop off their voted ballot at any of the approved locations, without having to put a stamp on the envelope.

It was determined that it would be more cost effective for future elections to be conducted as vote by-mail elections. This will take effect as soon as the 2016 General Election, which will be held November 8, 2016.

Clerk Rowley said that all information will be posted on the County website as it becomes available. In addition, the Clerk's Office will mail a letter to each registered voter and publish notices in the Millard County Chronicle Progress.

PUBLIC INPUT

Deric Despain, USU Extension, offered to test the free flowing water in the CDA area that was discussed earlier in the meeting so the County would have a reference point.

The commissioners agreed that would be a good idea and asked Dr. Despain to do that.

OTHER BUSINESS

Attorney Finlinson gave an update regarding disclosure statements for appointments within special service districts.

Mr. Barney reported that the Utah Alliance will be held in Millard County today and tomorrow and he briefly explained the agenda.

Mr. Barney asked the commissioners to waive cart fees for those attending the meetings that would like to golf tomorrow afternoon.

The commissioners agreed to waive the cart fees.

Commissioner Roper reported on the Miss Millard Pageant; the 2016 Miss Millard is Kaybree Stephenson; First Attendant is McKenna Ekins; Second Attendant is Emmerson Rollins. The 2016 Miss Outstanding Teen is Tyra Sorenson; First Attendant is Sara Christian; Second Attendant is Macie Sorenson. The 2016 Junior Miss Millard is Sage Taylor and the 2016 Little Miss Millard is Khloe Dutson.

The commissioners asked the Clerk's Office to send a letter of congratulations to all of the girls that participated and the directors.

Commissioner Roper reported that Kelly Swallow has stepped down as the Miss Millard Director. He expressed his appreciation to Ms. Swallow for all of her hard work over the last few

years that she has been the Director.

Commissioner Roper reported that he attended the Six County Natural Resource meeting through Sanpete County.

Commissioner Roper said that the commissioners will be cooking dinner at the County Fair on August 11, 2016.

Commissioner Roper said that a decision needs to be made regarding a generator for the Main Street Courthouse. He said that there are two options, one for natural gas and one for diesel.

Commissioner Withers expressed concerns with the diesel fueled generator. He said that Klint Penney, East Maintenance, feels comfortable with doing the diesel fueled generator.

Commissioner Roper said that there is not enough money budgeted to do a natural gas generator.

The commissioners agreed on the diesel fueled generator and Commissioner Roper will let Mr. Penney know.

Commissioner Roper said that he has given the go ahead on the Records Building to Brandon Bartholomew, Natural Impressions.

Attorney Finlinson said that a contract needs to be put together and signed.

Commissioner Roper said that Fillmore City and Flowell Electric will be meeting on Thursday, July 21, 2016, regarding power for the Records Building.

Commissioner Roper reported that Fillmore City will be the agent for the NRCS flood zone project that has been discussed at previous meetings. He said that Fillmore City may still come to the County for help with gravel and/or equipment for this project.

Commissioner Roper reported on the first Children's Justice Center Board meeting that he attended.

Attorney Finlinson said that the Children's Justice Center is a great resource for the County, especially with forensic interviews in cases involving children.

Commissioner Roper said that the Children's Justice Center will be holding an open house September 7, 2016, and the commissioners have been invited to tour the facility.

Commissioner Roper said that the purchase agreements with Tony Fuller need to be signed.

Commissioner Draper said that Deputy White is selling his three bed, double-wide, manufactured home, located in Garrison, Utah, in the amount of \$20,000.00. He said that it appraises for \$40,000.00.

The commissioners discussed purchasing the trailer for County use.

Commissioner Draper said that he was contacted by the Millard Care and Rehabilitation Center regarding a billboard to advertise their services on Highway 6, in Lynndyl.

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Attorney Finlinson said that there are probably Federal funding regulations and he will look into this further and report back.

Commissioner Withers said that he has been asked if a 4-H employee can be trained to use the County equipment to groom the arena in Fillmore.

Commissioner Roper will talk with Bart Whatcott, East Millard Recreation, regarding this issue.

Commissioner Withers said that there will be some equipment transfers between the County Road Department and the County Landfill Department; a trailer, a pick-up truck and a dump truck.

Commissioner Withers said that he received a call about a road above the Fillmore Landfill. There is an individual who wants to close that road and has put an electric fence across it. There have been concerns from citizens.

Commissioner Roper said that he thinks that the Sheriff's Department may need to be contacted regarding this issue.

Commissioner Draper said that he spoke to SITLA yesterday regarding 560 acres of land at Clear Lake that they own. He said that SITLA asked if the County had any objection to them trading that land to the DWR to add to the Clear Lake Wildlife Management Area. He said that a County road goes through that property.

The commissioners agreed that there was no objection to this transfer of land.

Commissioner Draper reported that there is a meeting scheduled with the BLM tomorrow.

Commissioner Draper said that a well pump went out at the County Fairgrounds in Delta. He said that the cost to fix it was \$3,000.00, and he told Kevin Morris, West Millard Maintenance to go ahead and get it fixed.

Commissioner Draper said that he attended the retirement party for Emery Polelonema, Six County. He said that Six County presented Mr. Polelonema with a token of appreciation; cowboy boots and a cowboy hat.

Commissioner Withers said that the commissioners have been invited to ride in the parade in Hinckley on Saturday, July 23, 2016.

Mr. Barney said that for the Six County Congressional Ride on August 16, 2016, they have chosen a 50 inch or under trail. He questioned if insurance would cover a rented ATV/UTV. He said that there is an optional trail for those over 50 inches.

Mr. Barney said that the USDA is hosting a farming and rural small business meeting for those looking to use less energy and increase efficiency.

Commissioner Draper briefly discussed a conversation with Lenny Lions, IHC, regarding dealing with Humana and VA Choice.

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

There was none.

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 Draper adjourned the meeting at 1:27 p.m..

Attest:	
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Approved: