

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 28th DAY OF APRIL 2015  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers ..... Chairperson  
Alan M. Roper ..... Commissioner  
Dean Draper ..... Commissioner  
  
Pat Finlinson ..... County Attorney  
Marki Rowley ..... County Clerk  
Lesli Shields ..... Deputy County Clerk

ALSO PRESENT: Don Watts ..... Rocky Mountain Power  
Lena Rae Taylor ..... Millard County Ambulance  
Hannah Jones ..... Millard Chronicle Progress  
Bart Whatcott ..... East Millard Recreation  
Trent Wilde ..... USU Extension  
Brandon Winget ..... Millard County Road Department  
Neal & Carma Swensen and Gary & Diane Greener ..... Citizens  
Margene Stevens ..... Millard County Assessors Office  
Ronda Williams, Tresa Martin, and Casey & Laura Shields ..... Hinckley Lions Club  
Brandy Grace ..... Millard County Auditor  
Sheri Dearden ..... Millard County Treasurer

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 Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers 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 APRIL 7, 2015 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 7, 2015 were

presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of April 7, 2015, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM APRIL 7, 2015

Commissioner Roper stated that the East Millard Maintenance crew is in the process of securing the wall at the swimming pool for safety, until they can get bids to get it fixed permanently.

#### RATIFY THE APPROVAL OF A BUSINESS LICENSE FOR BODELL AUTOMOTIVE AND MARINE, OWNER - KEVAN BODELL

Commissioner Draper made a motion to ratify the approval of a business license for Bodell Automotive and Marine, Owner - Kevan Bodell.

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

#### RATIFY THE APPROVAL OF THE COUNTY COURTHOUSE SCHOLARSHIP AWARD TO INCLUDE ESKDALE HIGH SCHOOL

Commissioner Withers stated that the applications have been submitted and now the County needs to decide how to determine which students will receive the scholarships.

Auditor Grace explained the process from previous years. She said that former Commissioner Daron Smith asked for all the elected officials to review and rate the applications and then he picked the one with the highest rating. She stated that the Auditor's Office has received one application from Eskdale High School; three from Delta High School and eleven from Millard High School.

Commissioner Withers asked Commissioners Draper and Roper if they wanted to continue with the same process from previous years or to change it to having more involvement from the commissioners in the rating process.

Commissioner Roper made a motion to continue to have the elected officials review and rate the applications and have the Commission Chair make the final decision; and to ratify the approval of the County Courthouse Scholarship Award to include Eskdale High School.

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

Commissioner Withers asked for the applications to be reviewed within a week so the final decision could be made before the end of the school year.

#### DISCUSSION AND POSSIBLE APPROVAL OF AN INDIGENT BURIAL APPLICATION FOR SHAD HALL

Commissioner Roper discussed the indigent burial process with Nickle Mortuary and Commissioner Withers. He said that in the past the County approved indigent burials in the amount of \$1,400.00.

Auditor Grace stated that a death certificate and an application must be filled out before an indigent burial could be approved.

Commissioner Roper made a motion to approve an indigent burial for Shad Hall in the amount of \$1,400.00.

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

#### BID OPENING FOR THE INSTALLATION OF A SPRINKLER SYSTEM AT THE EAST MILLARD SOCCER FIELD

Auditor Grace opened the following bids:

- Central Utah Landscaping: \$31,900.00 for parts & labor
- Gx6 Contracting: \$39,617.71 for parts & labor

Commissioner Roper made a motion to accept the bids, as presented, and review the specifications of the bids, before making a decision.

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

Mr. Whatcott discussed changing the water from culinary water to secondary water for the sprinkler system. He said that right now they are using the school district water shares, since they share a partnership on the property. He said that if they stay with culinary water it will mainly be paid by Fillmore City.

Commissioner Roper said that he visited with the Fillmore City Mayor and Fillmore City Council who indicated that they will work with them and try to get the connections in place without charge.

#### BID OPENING FOR CEMENT WORK AT THE EAST MILLARD EQUESTRIAN PARK

Auditor Grace opened the following bids:

- Taz Concrete: \$5,380.00 for cement and labor

Auditor Grace said that this bid was broken out by jobs and the amount she gave was for the total project.

Commissioner Draper made a motion to accept the bid, as presented, and review the specifications of the bid, before making a decision.

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

#### DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 15-04-28, AN ORDINANCE AMENDING THE MILLARD COUNTY PROCUREMENT POLICY

Auditor Grace expressed concerns with some of the language in the procurement policy regarding the budget process.

Commissioner Withers said that the language in the procurement policy makes it a little more generic than what it has been in the past.

Attorney Finlinson said this was the County's effort to be more compliant with State Code. He and Auditor Grace will work together to make the language reflect how the County has approved the budget in the past. This item will be brought back at a future meeting.

Commissioner Roper made a motion to table this agenda item.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 15-04-28, A RESOLUTION ADOPTING A MILLARD COUNTY BUILDING AUTHORITY

Attorney Finlinson said that the formation documents are prepared and will be delivered to the Division of Commercial Code and Corporations tomorrow.

He said that the County needed to have a building authority board in place in order to recoup some of the costs for the construction of the Public Health building in Fillmore.

Commissioner Roper made a motion to approve Resolution 15-04-28, a resolution adopting a Millard County Building Authority.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 15-04-28A, A RESOLUTION EXPANDING MEDA BOARD MEMBERSHIP FROM 7 MEMBERS TO 9 MEMBERS

Attorney Finlinson said that Deputy Attorney Richard Waddingham did some research and found that the MEDA Board has the power, in its by-laws, to expand the board membership from seven to nine members. Therefore, this item was stricken from the agenda.

#### DISCUSSION AND POSSIBLE APPROVAL OF A MEMBER TO SERVE ON THE MEDA BOARD TO REPLACE TERESA THOMPSON

Commissioner Roper said that Teresa Thompson has been reassigned to Delta High School and Dean Fowles will be replacing her at the Delta Technical Center. The MEDA Board feels that it is important to keep a representative from the Delta Technical Center on its board and have

recommended that the County appoint Mr. Fowles to replace Ms. Thompson.

Commissioner Roper made a motion to appoint Dean Fowles to serve on the MEDA Board to replace Teresa Thompson.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF TWO ADDITIONAL MEMBERS TO SERVE ON THE MEDA BOARD

Commissioner Roper said that the County did some interviews a few months ago for a MEDA Board member. He said that there were a few people interested in serving on that board, but there were not enough available spots to appoint all of them. The board has now expanded its membership from seven members to nine members. Therefore, they will need to appoint two new members.

Commissioner Roper made a motion to appoint Doug Murdock and Brandon Bartholomew to serve as the two new members on the MEDA Board.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A FRANCHISE AGREEMENT WITH ROCKY MOUNTAIN POWER

Attorney Finlinson said that there are no legal concerns with this franchise, but it is required to be adopted by ordinance. He said that today they just want to get input from Rocky Mountain Power and to discuss the terms of the franchise.

Don Watts, Rocky Mountain Power, explained that the purpose of the franchise is to maintain the existing poles, as well as if they ever needed to place distribution facilities inside the County franchise to serve the residents of the County. It would also set forth the conditions on how they would work together to get the facilities built and maintained, so that they do not interfere with the safety or the needs of the County.

Mr. Watts explained that the current franchise was for 50 years, but typically they do not see that long of a franchise anymore. He said that normally they do a 15-20 year franchise, but it is up to the County to set the longevity of the franchise.

Mr. Watts said that if there was ever a need to relocate the poles to widen the roads for public safety, Rocky Mountain Power would cover all costs associated. However, if a developer needed to have the poles relocated they would be responsible for the costs. Therefore, the County would not be responsible for any costs associated with moving the poles.

Commissioner Draper asked what the process would be to move poles located in the right-of-way onto private property, if there was ever a need to widen the roads.

Mr. Watts explained that they would have to go through the process of obtaining private easements. He explained that process.

The Commissioners agreed to a franchise term of 15 years. Attorney Finlinson will get the

ordinance ready and will bring it back for approval at the next commission meeting.

#### DISCUSSION AND POSSIBLE APPROVAL OF EMERGENCY FUNDING FOR THE OAK CITY IRRIGATION COMPANY

Commissioner Withers said that they have discussed this issue several times. There was some destruction to the pipes up Oak City Canyon. They were unaware of the destruction until after the spring thaw and the NCRS grant was already approved.

He said that Oak City Irrigation Company has asked the County to help with funding in repairing the damage.

Auditor Grace explained the process if the County chose to fund any money for this company at this time.

Commissioner Draper asked if the County spoke to Bronson Smart, NCRS, regarding possible funding. Commissioner Withers explained that Mr. Smart informed him that there were no funds available at this time.

Commissioner Roper suggested to see if the County could recoup the funding from NCRS. Auditor Grace explained that NCRS will not reimburse any expenses already spent for a project prior to the date that project was approved.

Commissioner Roper will contact the State Legislatures and Commission Withers will start the application process to go through NCRS for the funding.

#### DISCUSSION AND POSSIBLE APPROVAL OF A COOPERATIVE AGREEMENT BETWEEN MILLARD COUNTY AND UTAH STATE UNIVERSITY (USU) - TRENT WILDE

Trent Wilde presented a copy of the Cooperative Agreement between Millard County and USU Extension. He said that this contract is presented for approval each year. The only change in this year's contract was an \$11,000.00 increase in the amount.

Commissioner Roper asked if the vacant position from last year has been filled. Mr. Wilde explained that after several changes made to the program and to the position, he has now advertised that position. He said that the closing date for that position is May 16, 2015. He invited any input from the Commission on the hiring process.

Mr. Wilde disclosed to the commission that this position will be for a full-time 4-H employee and one of his part-time employees in Delta has expressed interest in applying for the position. He said that if she is hired the Fillmore side will have a part-time position available.

Commissioner Withers and Mr. Wilde discussed the funding for the full-time position that was funded for the full year, but would not be used until June.

Mr. Wilde said that the USU Extension was able to purchase a new vehicle that should last for a long time.

Commissioner Roper made a motion to approve a Cooperative Agreement Between Millard County and USU Extension.

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

Mr. Wilde said that he and Commissioner Draper met with the Horticulture Agent from Utah County last Tuesday and things went well.

#### DISCUSSION AND POSSIBLE APPROVAL OF A PROCLAMATION WITH RESTORING ANCESTRAL WINDS, INC. - ANNETTE MCFARLANE

Commissioners Withers said that all three commissioners have reviewed the Proclamation with Restoring Ancestral Winds, Inc.. This program focuses on bringing awareness to domestic violence, stalking, sexual assaults, dating violence, child abuse, suicides and homicides. The commissioners have agreed to support this program and will post a signed copy of the proclamation in the lobby of the Courthouse in Fillmore and the Delta Satellite Office.

Commissioner Draper made a motion to approve the Proclamation with Restoring Ancestral Winds, Inc..

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

#### DISCUSSION AND POSSIBLE ACTION REGARDING THE PIPKIN ROAD MOVING PROPOSAL

This item was stricken from the agenda.

#### OTHER BUSINESS

Auditor Grace received an invoice from Fillmore City for billing by Flowell Electric for time spent coordinating meetings. She said that some of the charges were for meetings to connect temporary power to the Public Health building, but there was one charge on January 28, 2014, for a meeting at the Public Safety Building. She talked to Klint Penney, East Millard Maintenance, who indicated that he was not aware the County was going to be charged every time they meet with Flowell Electric.

The total bill was in the amount of \$1,116.48. The bill included \$798.38 for meetings dealing with the Public Health building and \$318.10 for the Public Safety compound meeting. The commission said that they have never received a bill like this in the past.

Commissioner Roper stated that he was present for two meetings with Flowell Electric, but they were invited to the meeting by Fillmore City, not the County.

Commissioner Withers would like more definition on the bill before paying it. Commissioner Roper will get more information on the bill from Fillmore City.

Commissioner Withers suggested to discuss this issue with Flowell Electric to see what its policy is going forward.

Auditor Grace read a letter to the commissioners from John Corbett regarding his home that is on the tax sale. The letter explained Mr. Corbett's current situation and gave reasons why he is delinquent on his taxes.

Mr. Corbett is asking that the County waive penalties and interest. Auditor Grace stated that five or six years ago Mr. Corbett had another parcel on the tax sale; at that time the County removed penalty and interest.

Auditor Grace stated that the amount owed is \$3,243.52, of that \$435.85 is interest and \$63.61 is penalty. Mr. Corbett has not made any payments on this parcel for the last five years.

Auditor Grace said that Mr. Corbett has made no effort in paying anything on his taxes for the past five years. He has not even made any attempts to contact the County; she is the one who contacted him because she knew this was his home.

The County is willing to help when it comes to someone losing their home, but they are concerned that this may become a perpetual thing for certain people.

Commissioner Roper made a motion to decline Mr. Corbett's request to waive penalties and interest, since this is the second time his property has gone on the tax sale and he has lacked willingness to make any payments or contact in five years.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carries.

#### DISCUSSION REGARDING THE HINCKLEY TOWN CEMETERY - DIANE GREENER

Diane Greener presented several pictures of the cemetery that she took over the past five years. She also presented a petition with 100 signatures from people requesting that the board and the sexton be replaced.

She said that over the past five years the cemetery has been neglected. She gave examples of what has been done and asked the commissioners to make some changes by replacing the board and the sexton.

Gary Greener and Neal Swensen, who was the previous sexton, both gave examples of how the cemetery has been neglected over the past five years since Mr. Swensen retired. Mr. Swensen told the commission of what he did each day and how many hours he put in working to keep the cemetery beautiful.

Commissioner Withers explained that the sexton and two members of the board have resigned. They will advertise for a new sexton and the two members of the board have already been replaced by Gail Bennett and Deb Wagner. He said that they cannot do anything about the past but hopes that the new board members, along with the new sexton, will do a much better job. He said that they are also talking about separating the Hinckley and Deseret Cemetery Districts.

Mr. Swensen expressed concern over the equipment being transported from one cemetery to the other. He said that when he was sexton he purchased equipment for each cemetery but the new sexton has been transporting them back and forth.

Attorney Finlinson explained that the commission does not supervise the board, it simply appoints members.

They discussed the cemetery by-laws, as well as the voles and what damage they are doing to the cemetery.

Commissioner Withers will discuss the equipment concerns with the board and Attorney Finlinson will look into the legal issues that have been discussed.

## DISCUSSION REGARDING THE HINCKLEY LIONS CLUB DEMOLITION DERBY AND USE OF COUNTY FACILITIES AND EQUIPMENT

Laura Shields, Casey Shields, Ronda Williams and Teresa Martin discussed the Hinckley Lions Club's concerns with the derby due to the tragedy that took place last year, as well as the safety precautions that could be taken to avoid that from ever happening again.

Commissioner Draper said that he attended meetings that discussed safety issues, as well as insurance coverage for circumstances such as this. He gave examples of what other counties are doing for safety precautions, including the types of berms used to separate the derby from the spectators.

Ms. Shields asked the County for more help at the derby and to use the tractors and backhoes. She discussed the cost of having the derby and said that the funds received from the derby are used to sponsor the Hinckley Lions Club. She also discussed the competition and the need for more funding.

It was suggested that they contact Deb Haveron with Tourism to see if there are any funds available to help the Hinckley Lions Club Derby.

Attorney Finlinson suggested that they present a written proposal for safety to the County.

## PUBLIC INPUT

There was none.

## OTHER BUSINESS CONTINUED

Commissioner Draper said that he and Kevin Morris, West Millard Maintenance, have been looking at possibly making some low cost improvements to the West Millard Outdoor Arena; to make it more attractive and to help bring in more events. Mr. Morris is working on a proposal to present to the commission for approval.

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

Commissioner Roper reported that Scott Barney is the new Economic Development Director.

Commissioner Roper said that the former Economic Development Director, Linda Gillmor, served on the Snow College Workforce Committee and recommend that Mr. Barney replace her on that committee. The commissioners agreed.

Commissioner Roper reported that he attended a mental health conference in Orlando, Florida. One of the issues discussed was educating the public and law enforcement about mental health. He said that he would like to share this information with Sheriff Dekker.

Commissioner Roper stated that Chet Ludlow, Six County Mental Health, is over Juab and Millard County. Mr. Ludlow's main forte is suicide prevention and he said that he would be willing to do a seminar for all county employees.

Commissioner Roper said that all three commissioners will be in Texas from June 1, 2015 to June 4, 2015 therefore, the commission meeting will need to be rescheduled.

The Commissioners decided it would be best to reschedule the June 2, 2015 commission meeting to June 9, 2015.

County Clerk Rowley will post notice of the commission meeting date change in the local paper and on the State's website.

Commissioner Withers attended a public health meeting in Richfield, Utah. They discussed the mental and physical health of the community. He stated that looking at the statistics and comparing to other counties, the citizens of Millard County do really well in taking care of their health.

Commissioner Withers updated the commission on the Community First Program. He said that this is a volunteer program that helps kids after school with their schoolwork. Currently this program is only offered in Delta, but they have found a few volunteers to expand it into the East side of the County. He said that they are really excited about it.

Commissioner Withers stated that the Utah Association of Counties (UAC) meetings will be held in Provo, Utah from April 29, 2015 through May 1, 2015.

Attorney Finlinson said that he has the \$10,000.00 settlement check for IHC Health Services. He will get it to IHC with the fully executed agreement which will dismiss the case.

Commissioner Draper attended a Fire District meeting. They discussed problems with storage of chlorine. He said that there are regulations in place that require two or more people to move ten pounds or more of chlorine that is in a gas or liquid form. He said that this is federally mandated and any county employee that deals with chlorine in that amount or higher needs be aware of this regulation and should receive training for this.

Commissioner Draper stated that the Fillmore Fire Department will be getting a new ladder truck. The ladder truck is necessary in order to be ISO compliant because of structures like the cheese plant. It will take about six to eight months to build the truck

Commissioner Draper discussed the trees being planted at the Millard County Fairgrounds in Delta. He said that Hackberry is a very saline tolerant tree and seems to have been very successful in Delta City's park.

He said that a hybrid Siberian Elm is an alternate to Hackberry. It was also suggested to plant large Weeping Willows because they grow fast, provide a lot of shade and would add to the attractiveness of the fairgrounds.

It was discussed to plant trees in the southeast corner of the existing lawn for shade. The trees will be fairly large and there will be an expense involved.

A proposal will be brought to the commissioners at a later time.

## 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 made a motion to adjourn the meeting.

Commissioner Roper SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:51 p.m..

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

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