

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th DAY OF JUNE 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: Professor Kai Martens KavLi-IPMU, U-Tokyo
Robert Cady Department of Physics, University of Utah
Jennifer A. Tolbert Millard County/West Central Utah Bookmobile
Britton Lund Utah State Library
Hannah Jones Millard County Chronicle Progress
Kevin Orton Fillmore City
Wayne Jackson Military Liaison
Brandy Grace County Auditor
Sheri Dearden County Treasurer
Robert Dekker County Sheriff
Forrest Roper County Sheriff's Office
Alan Dewsnup, Marla Dewsnup Denbow & Kerry Denbow Citizens

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

APPROVAL OF JUNE 9, 2015 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 9, 2015, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of June 9, 2015, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JUNE 9, 2015

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR LIFE SKILLS RECOVERY RANCH - GREG KESLER

A business license application was presented for Life Skills Recovery Ranch, Owner - Greg Kesler, a one year recovery residence program for adult men with addictions. Clerk Rowley said that Life Skills Recovery Ranch has a current business license and are requesting a change in the classification. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for Life Skills Recovery Ranch, Owner - Greg Kesler.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 15-06-16, A RESOLUTION ADOPTING THE MILLARD COUNTY POLICY REGARDING MARRIAGE LICENSES AND WEDDING CEREMONIES

Commissioner Roper made a motion to approve Resolution 15-06-16, a resolution adopting the Millard County policy regarding marriage licenses and wedding ceremonies.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 15-06-16A, A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT WITH DELTA CITY FOR JUSTICE COURT SERVICES

Commissioner Draper made a motion to approve Resolution 15-06-16A, a resolution approving an Inter-Local Agreement with Delta City for Justice Court Services.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 15-06-16B, A RESOLUTION

MOVING MILLARD COUNTY DISPATCHERS TO THE UTAH PUBLIC SAFETY RETIREMENT SYSTEM

Commissioner Draper made a motion to approve Resolution 15-06-16B, a resolution moving Millard County dispatchers to the Utah Public Safety Retirement System.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 15-06-16C, A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT WITH FILLMORE CITY FOR A SPLASH PAD

Attorney Finlinson said this resolution adopts and approves a memorandum of understanding for the Fillmore City Splash Pad between Fillmore City and Millard County. There were two paragraphs added from the original memorandum, at the request of Attorney Finlinson and Commissioner Draper. The first paragraph added indicates a 90-day termination provision and the second paragraph added provides Millard County with the security of an indemnity agreement.

Commissioner Draper said that paragraph 13 states that Millard County is responsible for installing the door to provide access to the splash pad from the swimming pool including all costs associated with that installation. He stated that his position is that Millard County should not pay for anything associated with the splash pad.

Commissioner Roper said there was an oral agreement from the first discussion with Fillmore City Mayor Eugene Larsen, that Millard County would pay for the installation of the access door. He said that at the last commission meeting, Commissioner Withers also made a statement of that agreement. He said that the motion from the last commission meeting stated that the County should enter into an agreement with Fillmore City with the addition of the two clauses that Attorney Finlinson already mentioned, which Commissioner Draper seconded. Commissioner Roper said he feels that Millard County should pay for that installation.

Commissioner Draper stated that he is opposed to Millard County paying for the installation of the access door as well as the language in paragraph 11 that states that Millard County may charge \$0.50 to allow access to the splash pad. His position is still that the splash pad should be free.

Commissioner Roper made a motion to approve Resolution 15-06-16C, a resolution approving an Inter-Local Agreement with Fillmore City for a splash pad.

Commissioner Withers stepped from the chair and SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Draper voted NO. Commissioner Roper voted YES. Commissioner Withers voted YES. The motion passed by a majority vote.

DISCUSSION AND POSSIBLE APPROVAL OF 401(K) CONTRIBUTION RATE FOR REGULAR PUBLIC EMPLOYEES

Auditor Grace said that the retirement rates change July 1 of each year and those rates are

established by the Utah Retirement Systems. She said the discretionary part that the commissioners have the authority to approve is the 401(K) contribution rate.

Auditor Grace said that historically, the decision has been made to provide a 401(K) contribution to make up the difference between the rates in Public Retirement and Public Safety.

To keep with that level of contribution, the 401(K) rate would need to be increased by 0.72%, which is a cost to the County of about \$4,000.00 annually. She stated that she always budgets for an increase, therefore, there is money available in the budget to cover it.

Commissioner Draper made a motion to approve an increase of the 401(K) contribution rate by 0.72%.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE 2015 TAX RATE

Auditor Grace stated that the certified tax rate for general operations IN 2015 is .003286 and the certified rate for assessing and collecting is .000373. She said the certified rate for general operations in 2014 was .003300 and the certified rate for assessing and collecting was .000375.

Commissioner Roper made a motion to approve the certified tax rate for general operations for 2015 of .003286 and the certified rate for assessing and collecting of .000373.

Commissioner Draper stated that the Utah Association of Counties (UAC) issues a report on how things are spent within each county. He said in comparing Millard County with Juab County and Beaver County, the citizens of Millard County get a good benefit from what is collected by the County. Millard County taxpayers pay about one-half per capita as is paid in Juab County and Beaver County.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH THE UTAH STATE LIBRARY DIVISION FOR BOOKMOBILE SERVICES FOR JULY 2015-JUNE 2016

Commissioner Withers said that at the last commission meeting, there was an interest in seeing the usage of the bookmobile and the benefit it provides to the County.

Britton Lund, Utah State Library Bookmobile Program Manager, explained some of the statistics and estimates on the handout that Jennifer Tolbert, Millard County/West Central Utah Bookmobile, provided to the commissioners.

Ms. Lund stated that circulation has increased from the 2013-2014 year to the 2014-2015 year. She said the Bookmobile truck holds 5,000 items and the Delta City Library allows the Bookmobile to house about 20,000 additional items on its shelves. She stated that a full collection inventory was done last October for the first time. At that time, several items were taken out of circulation except those of value, such as local history and/or Utah history, were kept either at the Delta City Library or made available via an inter-library loan.

Ms. Lund said that anyone who has a library card has access to the State purchased premium

databases. This is all online and allows access to e-audio books, e-print books, magazines, streaming videos, testing manuals, repair manuals, etc. and are all free to access if you have a library card. She said there are 800-900 books that are always available and there are also premium books that are on a waiting list.

Ms. Lund said the July 2015-June 2016 contract amount is \$107,409.00, which is down from previous years.

Commissioner Roper made a motion to approve a contract with the Utah State Library Division for Bookmobile Services in the amount of \$107,409.00 for July 2015-June 2016.

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

DISCUSSION REGARDING HIRING A PART-TIME IT COMPUTER SPECIALIST

Commissioner Withers said there have been discussions about the need to hire a part-time IT Computer Specialist to help Richard Beckstrand, Computer Coordinator.

Commissioner Roper said the need is definitely there and it needs to be discussed with Mr. Beckstrand.

Auditor Grace said that she thinks the need is there for a full-time IT Computer Specialist.

Attorney Finlinson agreed with Auditor Grace, but said that Mr. Beckstrand told him that he is not interested in hiring anyone.

Attorney Finlinson said that both the Attorney's Office and Clerk's Office have specialized software with the State Court system which requires a lot of maintenance, but Mr. Beckstrand is so busy that he does not have time to even learn the specialized software.

Auditor Grace said that if approved, a resolution would be required to create a new position.

The commissioners will talk to Mr. Beckstrand and bring it back for discussion at a future commission 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 REGARDING POSSIBLE EMERGENCY FUNDING FOR OAK CITY IRRIGATION

Commissioner Withers said there have been several discussions regarding possible emergency funding for Oak City Irrigation. He said the commissioners have been in contact with the NRCS, who indicated they have no funding available. Commissioner Roper also visited with representatives for Senator Hatch, Senator Lee and Congressman Stewart and there still seems to be no resolution for this issue.

Commissioner Roper said that he was told by the CIB that they do not offer help for water projects.

Commissioner Withers said the County needs to decide if it is willing to help the Oak City Irrigation Company with emergency funding for the damage from the fire in 2013. He said the

invoice the Oak City Irrigation Company presented was in the amount of \$42,121.57.

Commissioner Draper said the County has not been approached by other water companies, however, this is a different situation since the damage was caused by a natural disaster.

Attorney Finlinson said if the County decides to pay this recoupment, it would be considered as a gift to a private entity. He said that legally it would be a good idea to have representatives from the Oak Creek Irrigation Board present in an open meeting, providing information and getting clear written findings of fact before anything is decided.

Commissioner Withers will contact the president of the Oak City Irrigation Board and invite the Board to attend and comment at the next commission meeting.

DISCUSSION AND POSSIBLE RENEWAL OF THE INSPECTIONS PLAN SERVICES CONTRACT WITH SUNRISE ENGINEERING - MARK HUNTSMAN

Commissioner Withers explained that at the last commission meeting, Mark Huntsman, Senior Vice President of Sunrise Engineering, gave the commissioners a proposal for a new contract for providing on-call services to Millard County.

Attorney Finlinson said he reviewed the contract and did not find any legal concerns with it.

Commissioner Draper said that the inspection rates appear reasonable, but he does not agree with the mileage reimbursement Sunrise Engineering is asking for. He would like for the commissioners to talk to Mr. Huntsman and negotiate that part of the contract.

Commissioner Roper will contact Mr. Huntsman to see if this contract is negotiable.

Commissioner Draper asked Attorney Finlinson if this contract would be subject to bid. Attorney Finlinson said it would fit within the exceptions of the procurement code based on the scope and value and would not have to bid out.

DISCUSSION AND INFORMATIONAL MEETING REGARDING THE COSMIC RAY PROJECT

Dr. Kai Martens, Professor at the University of Tokyo and University of Utah, and Robert Cady, Department of Physics at the University of Utah, presented the commission with a handout and a map, which they explained to the public.

Dr. Martens said that last year, for the first time in five years of data, the sky that has been measured here may hold the key to understanding where cosmic rays come from. He is hoping that the County will allow them to extend the area further and install additional detectors. Dr. Martens explained that having one continuous patch of detectors is very important to keep the communications up.

Dr. Martens said that over the last eight years, access to an individual counter averages about four times and they are ordered by the BLM to access them by foot or horseback from the nearest road. He said they receive public funding from the National Science Foundation in the USA and Japan and cannot pay rent, so they avoid installing detectors on private land.

Dr. Martens stated that there will be an article in the local newspaper about the Cosmic Ray Project. He later stated that his email address is at the bottom of that article and he is happy to take questions by email.

Mr. Cady said that the University of Utah held a press release June 14, 2015, at 9:00 p.m..

Mr. Cady explained that the detectors can be moved, if needed and that is usually done by helicopter. He also said that once the project is approved, it takes over three years until completion.

Dr. Martens explained that the Japanese schedule is about three years, however, there are several things that are out of their control, so it could take much longer.

Commissioner Draper stated that it is a great thing that Millard County is on the World's stage for Astrophysics.

PUBLIC HEARING TO CONSIDER A PETITION TO VACATE A CERTAIN MILLARD COUNTY ROAD IN DESERET, UTAH, AND REMOVE SAME FROM AN OFFICIAL MILLARD COUNTY PLAT/MAP

Commissioner Roper made a motion to enter into a public hearing to receive public comment on a petition to vacate a certain Millard County Road in Deseret, Utah, and remove same from an official Millard County Plat/Map.

Commissioner Draper **SECONDED** the motion. The voting was unanimous and the motion carried. The public meeting began at 11:15 a.m..

Present were: Treasurer Dearden, Auditor Grace, Sheriff Dekker, Forrest Roper, Wayne Jackson, Hannah Jones, Dr. Kai Martens, Robert Cady, Alan Dewsnup, Marla Dewsnup Denbow and Kerry Denbow.

Attorney Finlinson certified that all notices have been posted, mailed, sent and published as required to vacate this road. He said the legal description of the road is in the ordinance and he has highlighted the portion of the road that will be vacated.

There were no other comments made.

Commissioner Draper made a motion to go out of the public hearing.

Commissioner Roper **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:17 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 15-06-16. AN ORDINANCE OF THE MILLARD COUNTY COMMISSION VACATING A CERTAIN MILLARD COUNTY ROAD IN DESERET, UTAH, AND REMOVING SAME FROM AN OFFICIAL MILLARD COUNTY PLAT/MAP

Attorney Finlinson noted that there was an error in the language on the agenda that was posted. The language read as Ordinance 15-06-09, but should have read as Ordinance 15-06-16.

Commissioner Draper made a motion to adopt Ordinance 15-06-16, an ordinance of the Millard County Commission vacating a certain Millard County Road in Deseret, Utah, and removing same from an official Millard County Plat/Map.

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

PUBLIC INPUT

Wayne Jackson, Military Liaison, said the American Legion State Convention was a success and the State Commander, Paula Stephenson, asked him to thank Millard County for its support to veterans and veterans programs.

OTHER BUSINESS

Commissioner Draper said the last severe storm formed the “Cropper Lane Lake” again. Commissioner Withers will check with the Road Department, but he thinks it is on the docket to get fixed in August.

Commissioner Draper said he received an email from the United State Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) regarding the study of the avian flu. He said the executive summary says that environmental factors may play a part in transmitting the avian flu with a possibility of the virus being transmitted through the air. This is preliminary data and is not conclusive.

Commissioner Withers said the Planning Commission is looking for direction from the commissioners on this issue. The next Planning and Zoning meeting is scheduled for July 1, 2015.

Attorney Finlinson said if the commissioners are considering a moratorium it would require an ordinance and it would be a good idea to hold a public hearing. He said a moratorium is a very drastic emergency measure and a moratorium cannot be in place just to protect a business, there has to be a bigger reason.

Commissioner Draper said he feels that there are no grounds to move forward with a moratorium at this time.

Attorney Finlinson said he thinks the County would be justified in approving a moratorium if it follows the procedural steps, including a public hearing.

Commissioner Roper said he thinks it would be a good idea to have Planning and Zoning come up with some guidelines as far as limitations and space between poultry businesses.

The commissioners agreed not to pursue a moratorium on poultry businesses at this time.

Commissioner Draper said that each county in the State was asked to do a Resource Management Plan (RMP) to assess the different things in its county. He has been working on the RMP and going through the NRCS County Assessment from 2013.

Commissioner Roper said there was a discussion at the last commission meeting regarding the possibility of raising the sales tax by 0.25%. In talking to some of the mayors in the County he found that:

- Oak City Town Mayor, Kenneth Christensen, said they are still looking into it.
- Delta City Mayor, Gayle Bunker, is not interested this year, although he would like to see it

on the ballot and have the citizens vote on it.

- Scipio Town Mayor, Jed Memmott, is against it.
- Holden Town Mayor, James Stephenson, will be discussing this June 17, 2015, at the City Council Meeting.
- Fillmore City Mayor, Eugene Larsen, has not given an answer yet, but Kevin Orton, Fillmore City Recorder, told him it is not looking too positive for this year.
- Meadow Town Mayor, Lynette Madsen, said no.
- Kanosh Town Mayor, Earl Gardner, would like more information.

Commissioner Roper said he thinks it will probably be on the ballot this year in Salt Lake County and Weber County. He thinks the public needs to be informed about this tax and be allowed to vote on it.

Clerk Rowley said that if it is put to a vote this year, it would require a special election because the County does not have an election scheduled this year. She said the cost of the election would be cheaper if the County were to do it all by mail.

Commissioner Roper said there is a meeting scheduled at the Main Street Courthouse with Dr. Ken White, Vice President of Extension/4-H on June 19, 2015, at 12:00 p.m..

Commissioner Withers said that Karen Banks was hired as the full-time 4-H Director in Delta and there will be an announcement soon for hiring a part-time 4-H Director in Fillmore.

Commissioner Roper said there is a meeting scheduled in the commission chambers on June 23, 2015, at 10 a.m., with local officials and Dominion Power, who purchased Juwi's Pahvant Phase I.

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

Commissioner Roper will be attending a mental health retreat to tour the facilities and projects June 17, 2015, in Nephi, Utah.

Commissioner Withers said the Days of the Old West Rodeo in Delta was held June 11 through June 13, 2015. All three commissioners participated in the grand entry each night. He said the rodeo was well attended and very enjoyable.

Commissioner Withers said the Youth Golf Program in Delta has started. They had 79 youth show up and had to expand the classes to accommodate all of them.

Commissioner Withers said at the last commission meeting, he reported about the issues with the transfer station in Scipio and the debris there. Brandon Winget, Road Department Supervisor, was able to get a loader to the transfer station and clean up the debris.

Commissioner Withers expressed his appreciation to the Road Department, Maintenance Department and the Sheriff's Office. He said that Millard County has great employees and great citizens.

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 11:42 a.m..

Attest: _____

Approved: _____