

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 20th DAY OF JULY 2015  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers ..... Chairperson  
Alan M. Roper ..... Commissioner  
Dean Draper ..... Commissioner

Richard Waddingham ..... Deputy County Attorney  
Marki Rowley ..... County Clerk  
Lesli Shields ..... Deputy County Clerk

Excused: Pat Finlinson ..... County Attorney

ALSO PRESENT: Lindsay Mitchell ..... County Sheriff's Office  
Bart Whatcott ..... East Millard Recreation  
Deb Haveron ..... County Tourism  
Jane Beckwith ..... Topaz Museum  
Hannah Jones ..... Chronicle Progress  
Kevin Morris ..... West Millard Maintenance  
Steve Styler ..... Waddingham & Associates, P.C.  
Russell Olsen, Auditor ..... Larson & Company  
Bailey & Wanda Crabb ..... Citizens  
Robert Dekker ..... County Sheriff  
Brandy Grace ..... County Auditor  
Sheri Dearden ..... 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 Roper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

## APPROVAL OF JULY 7, 2015, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 7, 2015, were presented for consideration and approval. Commissioner Draper made a motion to approve the minutes of July 7, 2015, as presented.

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

## FOLLOW UP ACTION ITEMS FROM JULY 7, 2015

Commissioner Roper reported that Oak City Town Mayor, Kenneth Christensen, is interested in implementing the new 0.25% transportation tax this year and would like to see it on the ballot.

Commissioner Roper said that Wayne Jackson, Military Liaison, gave him the paperwork to submit a request for a helicopter and/or fly over during the Millard County Fair. He was told that it is too late for the request to be granted this year, but he will submit the request form for next year's fair.

Commissioner Roper reported that the banquet held for the ten residents that received citizenship went well. Representative Merrill Nelson, Bette Arial, a representative for Senator Mike Lee, a representative for Congressman Chris Stewart, Fillmore City Mayor, Eugene Larson and local church leaders were all in attendance to show their support.

Commissioner Draper said it was mentioned at the last commission meeting that there was a chicken operation in the Sutherland area with a high mortality rate. It was found that the high mortality rate was directly tied to a feed problem.

## RATIFY THE APPROVAL OF A \$500.00 DONATION TO SUPPORT COMMISSIONER BILL COX'S CAMPAIGN FOR NATIONAL ASSOCIATION OF COUNTIES (NACo) SECOND VICE-PRESIDENT

Commissioner Draper made a motion to ratify the approval of a \$500.00 donation to support Commissioner Bill Cox's campaign for NACo's Second Vice-President.

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

## APPOINTMENT OF INTERIM SUCCESSORS

The following offices submitted interim successors:

- Auditor's Office
- Road Department
- Assessor's Office
- Landfill Department

Commissioner Roper made a motion to accept the interim successors as presented.  
Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENT(S) - LINDSAY MITCHELL

Ms. Mitchell presented an ambulance abatement application from Peter Hovenden.

Commissioner Roper made a motion to abate 60% of Mr. Hovenden's ambulance bill, as long as he makes monthly payments to pay off the remaining balance. If a payment is missed, the agreement will be void and the entire amount will be due.

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

Ms. Mitchell presented an ambulance abatement application from Marilou Heath.

The commissioners discussed abating a portion of the ambulance bill based on the household income and family size at the time the expense was incurred.

Attorney Richard Waddingham said that the State guidelines for poverty level is based on the current household income and family size.

Commissioner Draper recommended the County treat this as a special situation since Ms. Heath is on a fixed income.

Commissioner Draper made a motion to abate 50% of Ms. Heath's ambulance bill and to set up a monthly payment plan to pay the remaining balance.

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

#### REPORT ON THE TOPAZ MUSEUM - JANE BECKWITH

Ms. Beckwith said that since opening the Topaz Museum on January 13, 2015, about 1500 people have visited the museum and only a few small advertisements have been run in the Salt Lake Tribune and the Deseret News.

Ms. Beckwith said the museum is currently in the process of hiring an Executive Director. She said they have had some major setbacks with the permanent exhibit, but are now starting to think about the grand opening.

Commissioner Withers asked Ms. Beckwith if there was any progress with Block 42. She said there has been no progress, the equipment and trailer houses are still there and it is an eyesore to the museum.

Commissioner Roper said it has been over a year since he has talked to the owner of Block

42 and he will get back in contact with him.

Commissioner Roper stated that Ms. Arial, a representative from Senator Lee's office, will be coming to Millard County on July 29, 2015, and will be visiting the Topaz Museum with the commissioners at that time.

Ms. Beckwith stated that the State Historical Society has taken an interest in the Topaz Museum. She said when the museum is complete, it will be one of the premier museums in the state.

Ms. Beckwith thanked the commissioners for their help in the past and asked to keep the channels of communication open in the future.

#### REPORT ON THE NATIONAL ATV JAMBOREE - BART WHATCOTT

Mr. Whatcott reported that the National ATV Jamboree was a huge success this year. He said that three years ago, they hit the lowest registration of riders in 28 years at 138 riders; two years ago, registration was at about 139; last year it was up to 153 registered riders. He said that this year they did more aggressive advertising and had 200 registered riders.

Mr. Whatcott said that as of today, the jamboree grossed \$14,370.99. He said there were some great vendors this year who have already expressed an interest in coming back next year.

Mr. Whatcott said they are going through the after action items now and will be able to report what people spent at local merchants the week of the jamboree. He said there is an After Action Meeting scheduled July 30, 2015. Toyo Tires will be in attendance and they will make a presentation on how they would like to be involved next year.

Mr. Whatcott said that the venue was held at the Outdoor Arena this year. He said it worked well there, however, tables and chairs had to be borrowed from three different entities in the area and they ran out of seating at one point. He said that the Recreation Department would like to budget for tables and chairs next year, to be kept at the Outdoor Arena. He said this issue has come up for other events as well, and since they are advertising for events to be held at the Arena, he feels it would be a good idea to have tables and chairs kept there.

Later, Commissioner Draper asked for an age breakdown on registered riders at the ATV Jamboree to be brought back at a future commission meeting.

Mr. Whatcott said it was brought to his attention that there was a person in a wheelchair that was unable to get out of the building at a 4-H event held at the Outdoor Arena. There is an ADA compliant door handle, but it is broken. After looking closer at the building, he found that the grandstands, restrooms and concessions area are not ADA compliant.

Mr. Whatcott said there is another 4-H event August 22, 2015. He will get the door fixed and get a price on cement to bring the arena ADA compliant.

Commissioner Roper asked if the water truck was fixed because the Screaming Eagle Raceway would like to use it in August. Mr. Whatcott said it is being fixed right now and it will cost \$550.00-\$600.00 to fix it.

Commissioner Withers stated that non-county employees are not allowed to use County equipment and usually County employee would volunteer to run the equipment.

#### REVIEW AND POSSIBLE APPROVAL OF A CONTRACT BETWEEN MILLARD COUNTY

## TOURISM AND OFFICIAL BEST OF SPECIAL - DEB HAVERON

Ms. Haveron said the Tourism Committee decided to promote rock hounding with the Official Best of Utah 2015 Special, since it is unique to Millard County. She said the segment will be two minutes long and will focus on the trilobites, but will also tie in the history of the area, including the Territorial Statehouse Museum and the Topaz Museum. They will also mention the Snow Goose Festival, the Arts Festival, the Days of the Old West Rodeo and the Tourism website, as time permits.

Commissioner Draper asked if they would go onto public lands for the trilobites or go to the commercial entity, U-Dig Fossils.

Ms. Haveron stated that U-Dig Fossils would be making a presentation, but the owner would also mention the public lands.

Commissioner Draper stated that he does not agree with County money being used to promote a commercial entity, solely.

Ms. Haveron said the segment will promote U-Dig Fossils to a point, however, it will most likely also bring tourists into the County that typically stay and use hotels and restaurants.

Ms. Haveron said that before production starts, the County can make changes to the presentation, as needed, and any issues can be addressed at that time.

Commissioner Roper made a motion to approve a contract between Millard County and Production Company for Official Best of 2015 Special, in the amount of \$3,975.00.

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

## DISCUSSION OF MSDS CUSTODY LOCATIONS IN MILLARD COUNTY

Clerk Rowley said that Attorney Finlinson asked for this agenda item to be tabled until he will be present to discuss it.

## DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 15-07-20, A TEMPORARY LAND USE ORDINANCE FOR POULTRY OPERATIONS IN MILLARD COUNTY

Deputy County Attorney Richard Waddingham discussed the terms and requirements of the temporary land use ordinance for poultry operations in Millard County. He reviewed the language in Section 3 of Ordinance 15-07-20 with the commission and stated that a temporary land use ordinance could arguably be retroactive under the County's health, safety and welfare provisions, even after an application pertaining to the same subject matter is filed.

Attorney Waddingham said State law says this temporary land use ordinance will be in effect for no more than 6 months, but it can be terminated prior to 6 months if desired. He stated that this land use ordinance is only applicable to commercial operations.

Attorney Waddingham stated that there are no current applications for a poultry processing facility.

Steve Styler, Waddingham & Associates, excused Scott Patton, Delta Egg Farm/Cal-Maine Foods, as he could not attend today. He said he has reviewed the ordinance and finds it satisfactory.

Attorney Styler said that with the egg shortage right now, there may be a need for expansion. He said that right now the Delta Egg Farm has about 980,000 laying hens and the current Conditional Use Permit (CUP) states that they are allowed up to 1,500,000. He said the Delta Egg Farm has been in contact with Sheryl Dekker, Planning and Zoning, and it has been decided that the possible expansion falls under the current CUP and no other applications or permits have to be filed.

Attorney Waddingham stated that this ordinance only governs the application for a new poultry operation, it does not govern an entity that is existing there and what that entity is entitled to do under its CUP.

There was a discussion on if the temporary land use ordinance should be with a 5 mile radius as presented or with a 6.21 mile radius as per the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), red book guidelines for quarantine zones. It was decided to keep the ordinance as presented, with a 5 mile radius.

Commissioner Roper made a motion to adopt Ordinance 15-07-20, establishing a temporary Land Use Regulation for poultry processing facilities or operations in Millard County.

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 APPOINTMENT OF A MEMBER TO SERVE ON THE MILLARD COUNTY HOUSING AUTHORITY BOARD

Commissioner Roper made a motion to appoint Robert Reidhead to serve on the Millard County Housing Authority Board.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF APPOINTING A CURRENT MEMBER TO SERVE AS VICE-CHAIR ON THE MILLARD COUNTY HOUSING AUTHORITY BOARD

Commissioner Roper said he will talk to the Board about appointing a current member to serve as Vice-Chair and will bring that name back at a future commission meeting.

#### DISCUSSION AND POSSIBLE RE-APPOINTMENT OF LON JACKSON, REX STANWORTH AND CRAIG BARTHOLOMEW TO SERVE ON THE MILLARD CARE & REHABILITATION (MC&R) BOARD

Commissioner Draper made a motion to re-appoint Lon Jackson, Rex Stanworth and Craig Bartholomew to serve on the MC&R Board.

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

#### DISCUSSION AND POSSIBLE RE-APPOINTMENT OF CASANDRA ENGLAND TO SERVE AS A BOARD MEMBER AND SECRETARY ON THE SPECIAL SERVICE DISTRICT #8

## BOARD

Commissioner Roper made a motion to re-appoint Casandra England to serve as a board member and as Secretary on the Special Service District #8 Board.

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

## DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR WARDLE & SON, OWNER - JASON K. WARDLE

A business license application was presented for Wardle & Son, Owner - Jason K. Wardle, a handyman service, including concrete slabs.

At the previous commission meeting the commissioners asked Clerk Rowley to get clarification on a note that was written on the application. She said that as per Derrell Owens, County Building Inspector, for a handyman business, each job has to be \$1,000.00 or less and Mr. Wardle has been made aware of this.

After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for Wardle & Son, Owner - Jason K. Wardle.

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

## DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ELEVATED ADVENTURE COMPANY, LLC, OWNERS - ALEX STOY & TINA NARDI

A business license application was presented for Elevated Adventure Company, LLC, Owners - Alex Stoy and Tina Nardi, a boutique adventure guiding company; customizing trips all around Utah to showcase the diverse landscape and outdoor opportunity. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Elevated Adventure Company, LLC, Owners - Alex Stoy and Tina Nardi.

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

## DISCUSSION AND POSSIBLE APPROVAL OF HIRING ATTORNEY MARK WARD FOR PREPARATION OF THE RESOURCE MANAGEMENT PLAN (RMP)

Commissioner Draper said at the last commission meeting he was assigned to contact other counties in the State to see who they are using to help prepare their RMP. He said he contacted about 2/3 of the counties in the State and several of them had received offers from Mark Ward, Utah Association of Counties (UAC) Attorney, to help prepare their RMP.

Commissioner Draper said that the Utah Public Lands Policy Coordinating Office (PLPCO) recommended that each county put forth a Request for Qualifications (RFQ) to see if there are other providers. PLPCO has a form available to help with advertising for the RFQ.

The commissioners agreed with that recommendation and will to send out the RFQ to see if there is anyone qualified in the County to help prepare the RMP.

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

This agenda item was tabled.

## PRESENTATION OF THE 2014 INDEPENDENT AUDIT

Russell Olsen, Larsen & Company Auditor, presented the 2014 Independent Audit. He reviewed and explained the Independent Auditor's Report, the Government Auditing Standards Report and the State Compliance Report. He said his opinion is that the County is in compliance with respect to the State requirements.

Mr. Olsen also explained the Single Audit Report which gives an opinion on internal controls over federal funding, specifically NRCS fire money. Everything was found to be in order.

Mr. Olsen also went over the management letter renamed "communication to those charged with governance" where findings or issues important enough to present are reported. There were no significant findings or issues in this audit to report.

Mr. Olsen expressed his appreciation to Auditor Grace and Treasurer Dearden for their cooperation throughout the audit.

The commissioners also expressed their appreciation to Auditor Grace and Treasurer Dearden.

## DISCUSSION REGARDING ADDING FUNDS TO THE SHERIFF'S OFFICE BUDGET FOR PUBLIC SAFETY AT THE GUNNISON BEND RESERVOIR

Sheriff Dekker asked for this agenda item to be tabled. He said he has increased patrols in the area as requested and he does not think that the budget needs to be opened right now. He said there have been some recommendations on changing the signs at the park and he will talk to maintenance about that. He would like to address this issue again at the end of the year, if necessary.

## DISCUSSION AND POSSIBLE APPROVAL OF AMENDING THE REQUIREMENT FOR COUNTY COMMISSIONERS TO APPROVE STEP AND GRADE AND PROMOTIONS

Sheriff Dekker said it is his opinion that, as an elected official, he should be able to approve step and grade scale pay raises and promotions. The current policy requires signatures from two commissioners which he finds unnecessary.

Commissioner Withers agreed, but added that the commissioners would like to know of promotions when they happen.

Auditor Grace said a resolution would have to be created to amend the current policy. She will talk to Attorney Finlinson about writing the resolution for the next commission meeting.

## DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) FOR AMBULANCE SERVICES WITH OTHER COUNTIES

Sheriff Dekker explained that the MOU for ambulance services will be an updated inter-local



agreement between Millard County, Milford City, Scipio City, Sevier County, Juab County, Beaver County and White Pine County. The MOU states that each County/City is responsible for their own expenses for ambulance services when assistance is needed in other counties.

Clerk Rowley stated that Attorney Finlinson informed her that he has reviewed the MOU.

Commissioner Draper made a motion to approve a MOU for Ambulance Services between Millard County, Milford City, Scipio City, Sevier County, Juab County, Beaver County and White Pine County.

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

Commissioner Roper and Sheriff Dekker discussed the renovation of the jail.

Commissioner Roper said that the Community Impact Board (CIB) told him that if the renovation was considered an emergency it could possibly be done this year.

Sheriff Dekker said he believes the renovation is an emergency and will forward the estimated costs to the CIB. He stated that while renovations are going on, they will have to lower State inmates, which will effect his income.

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Auditor Grace and Treasurer Dearden stated that there is still no contract in place for the Main Street Courthouse renovation. They said the carpet was originally supposed to be installed this weekend.

Auditor Grace said it would be best for the renovations to be completed before critical times in both offices in the fall.

Commissioner Roper will contact Attorney Finlinson about the contract.

Commissioner Withers said he received a phone call from the Golf Pro, Todd Mullen. Mr. Mullen has tenured his resignation at the Sunset View Golf Course and will be moving to Richfield to run the Richfield City Golf Course.

Commissioner Withers said the process will begin to look for a new golf pro to run the golf course. He said there is a meeting with the Golf Committee tonight at 7:00 p.m at the Golf Course Clubhouse.

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

Commissioner Roper said that the Utah Rural Summit is August 6 and 7, 2015, in Cedar City, Utah.

Commissioner Roper said the commissioners will be meeting with Governor Gary Herbert at 11:00 a.m. on August 6, 2015, in Parowan, Utah.

Commissioner Roper said there will be a meeting on July 29, 2015, with Senator Lee's staff, at the Topaz Museum at 10:00 a.m..

Later, Commissioner Roper said that Senator Lee's staff will have a mobile office on Wednesday July 29, 2015, from 1:30 to 2:30 p.m., in commission chambers in Fillmore. The community is invited to come share any concerns or comments for the staff to give to Senator Lee.

Commissioner Roper reported that the new 4-H Assistant Director in Fillmore is Jamie Lyn Hair.

Commissioner Roper said there is a meeting today with representatives for both Senator Hatch and Congressman Stewart at the Intermountain Power Plant (IPP) for an update on economic development. After the meeting they will tour Magnum from 2:00 p.m. to 3:00 p.m..

Commissioner Roper said the commissioners also have a telephonic meeting at 3:00 p.m today with Six County Association of Governments (AOG).

Commissioner Roper reported on the Miss Millard Pageant that was held July 18, 2015. Miss Millard is Mariah Rasmussen, First Attendant is Amanda Dalton and Second Attendant is Yesenia Nieves. Miss Millard Outstanding Teen is Pyper Mathews, First Attendant is Kamille Christensen and Second Attendant is Sara Komarek. Junior Miss Millard is Janaya Pardo and Little Miss Millard is Kate Jackson.

Commissioner Roper asked Clerk Rowley to send letters of congratulation to all the participants of the pageant and letters of appreciation to the Pageant Board.

Commissioner Roper said that the commissioners have been invited to meet with the BLM on August 3, 2015, for a full day field trip. The BLM is starting to work on the Environmental Impact Statement (EIS) with peat minerals.

Commissioner Roper stated that he has been asked to be on the Board of Directors for the All American Ranch, which is a group that is trying to start a farming operation to help veterans and their families. He will talk to Attorney Finlinson to make sure there is no conflict of interest for him to be on that board.

Commissioner Roper said it was brought to his attention by Kent Crapo about a fence at the landfill that was caved in a few years ago when a road was pushed. There is now debris where the fence should be and they are unable to pound fence posts. Mr. Crapo suggested that the County fix the fence since the damage happened while pushing a County road.

Commissioner Roper said the jail inmates could possibly do the labor. He will talk to Phil Lovell, Landfill, to look at the damaged area and decide how to fix it.

Commissioner Draper said that he and Commissioner Withers met with Great Basin National Park this week regarding the former television facilities there that they want removed.

Commissioner Withers said the park is actually in White Pine County. He will talk to Sheriff Dekker to see if his office can use anything there. If not, they will have the White Pine Commissioners look in to the legalities of removing the facilities.

Commissioner Roper stated that the Millard County Fair will be on August 5 to August 8, 2015. He said the commissioners have been assigned to cook something at the fair.

#### 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 Roper made a motion to adjourn the meeting.

Commissioner Draper SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:01 p.m..

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

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