

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF FEBRUARY 2016
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson County Attorney
Lesli Shields Deputy County Clerk

EXCUSED: Marki Rowley County Clerk

ALSO PRESENT: Sheri Dearden County Treasurer
Brandy Grace County Auditor
Pat Manis County Assessor
Kevin Bunnell, Kody Jones, Riley Peck and Lynn Zubeck DWR
Lindsay Mitchell MCSO
Jed Memmott Scipio Town Mayor
Dan Davis Eagle Landing
Kevin Morris West Millard Recreation
Amanda Allen Chronicle Progress

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 Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper 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. Commissioner Draper excused Clerk Rowley from today's meeting.

APPROVAL OF JANUARY 19, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 19, 2016, were

presented for consideration and approval. Commissioner Withers made a motion to approve the minutes of January 19, 2016, as presented.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 19, 2016

Commissioner Roper said that the meeting that was scheduled for January 27, 2016, with West Millard Recreation, West Millard Maintenance, East Millard Recreation and Attorney Richard Waddingham had to be cancelled and will need to be rescheduled.

Commissioner Roper said that he talked with Brandon Bartholomew, Natural Impressions; he would like to meet and go over the figures to finish the remodel of the Main Street Courthouse.

Attorney Finlinson said that he needs the new specifications so he can prepare a Phase II contract.

Commissioner Roper will meet with Mr. Bartholomew and get the specifications.

DISCLOSURE STATEMENTS

There were none.

DISCUSSION AND POSSIBLE APPOINTMENT OF A MEMBER TO SERVE ON THE MEDA BOARD TO REPLACE GORDON PORTER

Commissioner Roper said that an advertisement has been in the paper for almost a week and there has not been any response at this point.

Commissioner Roper said that there are three people, John Finlinson, Roger Kilpack and Kurt Sorensen, willing to serve that were recommended to him.

It was decided to let the advertisement run the full week and make a final decision at the next commission meeting.

Commissioner Roper made a motion to table this agenda item.

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

APPROVAL OF A FIDELITY BOND OR THEFT OR CRIME INSURANCE ON ALL COUNTY OFFICIALS AS A GROUP, RATHER THAN INDIVIDUALLY, BY PRESCRIBING THE AMOUNT OF SAID GROUP FIDELITY BOND OR THEFT OR CRIME INSURANCE FOR ALL COUNTY OFFICIALS, INCLUDING THE MILLARD COUNTY TREASURER, AND APPROVING THE PREMIUM FOR SAID BOND OF INSURANCE FOR ALL OFFICIALS

Attorney Finlinson said that by statute, Elected County Officials and their Chief Deputies have to be bonded. He said that this is a blanket bond and the County pays a premium to Utah

Counties Indemnity Pool (UCIP) for this coverage.

Later, Attorney Finlinson said that UCIP provides this as a portion of the larger liability premium and is subject to a 2-3% annual increase.

Commissioner Roper made a motion to approve a fidelity bond or theft or crime insurance on all County Officials as a group, rather than individually, by prescribing the amount of said group fidelity bond or theft or crime insurance for all County Officials, including the Millard County Treasurer, and approving the premium for said bond of insurance for all officials.

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

Later, Auditor Grace explained that the County has excess crime coverage as part of the County's blanket policy, which includes \$250,000.00. The premium of \$877.00 that was added on to the overall Property and Liability Policy bought the County another \$2,250,000.00 in crime coverage, for a total of \$2,500,000.00.

APPROVAL OF THE PAYMENT IN LIEU OF TAXES (PILT) - KEVIN BUNNELL, DIVISION OF WILDLIFE (DWR) REGIONAL SUPERVISOR

Kevin Bunnell, DWR Regional Supervisor, presented the PILT payment in the amount of \$9,266.00 and introduced his staff, Lynn Zubeck; Waterfowl Biologist at Clear Lake, Kody Jones; Conservation Officer and Riley Peck; Biologist.

Mr. Peck gave the commission an update on the Big Horn Sheep that were released a few weeks ago. He said that they have already grouped up with the sheep that had been released in previous years.

Mr. Peck said that of the 49 released a few weeks ago, 24 had collars on them, and there are 16 collars on sheep released in previous years.

Mr. Peck said it is quite a process to find the ewes to see if they are reproducing, but he said he was able to find 13 ewes, 9 of which had lambs; they are pleased with these numbers.

Mr. Bunnell said that he is aware of the issues with the turkeys and deer in the County. He said that Mr. Peck is working hard to resolve these issues.

Mr. Peck said that he has moved 367 turkeys out of Millard County. They are being moved to Notch Peak and Southeastern Utah. He said that traps are still set and they will continue to be trapped and moved.

Mr. Bunnell said that they are working on getting a drop net to get larger numbers of turkeys. Lethal removal is the last course of action. He added that in the spring, once the deer move up into the mountains, the DWR will also use lethal removal to take care of the stragglers that stay in town.

Mr. Bunnell said that water is a perpetual concern, particularly at Clear Lake.

Mr. Zubeck said that he is hopeful that with the heavy snowfall this winter, Clear Lake will be in good shape this year. He is working on several projects there and it is a great tourism spot.

He invited the commissioners to come out to Clear Lake.

Commissioner Draper asked if the State Engineer has been notified about the concerns with the declining levels of water.

Mr. Zubeck said that he is in constant contact with the Division of Water Rights.

Commissioner Withers thanked the DWR for all that they do for Millard County. He said that it is great to hear that the wildlife is doing so well in the State.

Commissioner Withers asked what the elk population is from the count that was done recently.

Mr. Peck stated that the population estimate is 1,500 and they are pleased with the distribution of elk.

Mr. Bunnell expressed his appreciation to the commission for all its support

DISCUSSION REGARDING AN ISSUE AT THE SCIPIO LANDFILL - DAN DAVIS, EAGLE LANDING

Dan Davis, Eagle Landing, and Jed Memmott, Scipio Town Mayor, presented the commission with a handout.

Mr. Davis said that he received a bid from Holt Waste for waste removal, which came out to be \$1,610.00 per month. He is currently paying approximately \$700.00 per month for waste removal. He said that it is not feasible for his business to pay \$900.00 more per month.

Mr. Davis said that Eagle Landing has bought a cardboard compactor, which should cut their trash down by half. However, Eagle Landing has approximately 5-10% growth per year, so this is not going to be a permanent solution. He said approximately 8 yards of trash is dumped per day from Eagle Landing.

Commissioner Withers stated that the County picks up the trash in Scipio four times per week and that may need to change to six times per week. He said that the County should look into putting an additional dumpster at the transfer station as well.

Mr. Davis said that he is happy to pour a concrete pad and build a fence if the County would rather place a dumpster on site.

Commissioner Withers expressed his concerns with adding a dumpster on site.

Commissioner Roper expressed his appreciation to Eagle Landing for the tax base it has brought to the County and for its willingness to correct this concern.

Mayor Memmott agreed that an additional dumpster at the transfer station and increasing the pick up schedule would be beneficial. He said that increasing the pick up days might be sufficient for this year, and suggested adding an additional dumpster into next year's budget. He said that the busy season starts in May.

The commissioners agreed to meet with John Higgins, Landfill Supervisor, to inform him of this discussion and to get his input on this situation.

Commissioner Withers asked Mayor Memmott if the town has found a place to dispose of large debris yet.

Mayor Memmott said that the town is still working on that, but he is hopeful they will find somewhere before the Spring clean up.

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

Ms. Mitchell presented an ambulance abatement application from Joyce Peterson. She said that she will clarify with Ms. Peterson if the family size is two or five.

Commissioner Roper made a motion to abate 60% of Ms. Peterson's ambulance bill if the family size is two or 100% of the ambulance bill if the family size is five. A monthly payment plan will be set up to pay the remaining balance.

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

Ms. Mitchell presented an ambulance abatement application from Rosa Rogers.

Commissioner Withers made a motion to abate 60% of Ms. Rogers ambulance bill. A monthly payment plan will be set up to pay the remaining balance.

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

Ms. Mitchell presented an ambulance abatement application from Enrique and Monica Villegas.

The commissioners discussed the special circumstances of this application.

Commissioner Withers made a motion to abate 30% of Mr. and Mrs. Villegas' ambulance bill because of the unique situation. A monthly payment plan will be set up to pay the remaining balance.

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

Ms. Mitchell will see if the Poverty Level Guideline worksheet has been updated and provide a copy to the commission.

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

Commissioner Withers said that he received the requested maintenance invoices from Oak City Irrigation Company from the two years before the fire. In 2012, \$2,800.00 was spent on maintenance and \$5,500.00 in 2013.

Commissioner Draper said that he has received several phone calls since the newspaper did a story on the possible approval of emergency funding.

The commission discussed several issues that stemmed from those phone calls.

Attorney Finlinson reminded the commission that if the County provides emergency funding it would be considered a gift. He said the State Statute that authorizes assistance to non-profit entities is Title 17, Chapter 50, Section 303; in 2014 it amended it saying that a County may appropriate money to a non-profit entity if the assistance contributes to the safety, health, prosperity, moral well being, peace, order, comfort or convenience of county residents.

Attorney Finlinson suggested the commission make a clear record of the efforts made since the fire.

Commissioner Roper reminded the commission that the damage was on Forest Service ground, it was not the fault of the Oak City Irrigation Company.

Commissioner Withers reminded the commission that this is not the first time the County has helped a community within the County; giving several examples of such. He said this would most likely be the first time giving monetary contribution to a non-profit entity.

Commissioner Draper noted that in the examples given, a disaster was taking place at the time the County helped and this situation is quite different in that they are asked for compensation after the fact. He stated that he does not feel it is up to the County to pay this invoice.

Commissioner Withers stated that Millard County was the signor on the grant from the NRCS.

Commissioner Roper stated that Millard County is very fortunate to have a great tax base with an emergency fund that could help alleviate this situation.

Commissioner Withers made a motion to appropriate monetary assistance of 75% of the total invoices to Oak City Irrigation, a non profit entity, in the amount of \$50,000.00.

Commissioner Roper SECONDED the motion. Commissioner Draper OPPOSED the motion. The motion passed by majority vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-02-02, A RESOLUTION ADOPTING THE EQUESTRIAN PARK POLICY

Attorney Finlinson said that the resolution has been prepared but will need a copy of the policy to go with it. Bart Whatcott, East Millard Recreation, will need to provide the policy to attach to the resolution.

Commissioner Roper made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-02-02A, A RESOLUTION ADOPTING THE SIX COUNTY ASSOCIATION OF GOVERNMENTS (AOG), MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN FROM SEPTEMBER 4, 2015

Attorney Finlinson said that this resolution is the same as the one passed at the last commission meeting, but it references the correct mitigation plan. He has referenced the website for the disaster mitigation plan in the resolution. He said that this resolution enables the County to access funding if the need arises.

Commissioner Withers made a motion to approve Resolution 16-02-02A, a resolution adopting the Six County AOG, Multi-Jurisdictional Hazard Mitigation Plan from September 4, 2015.

Commissioner Roper SECONDED the motion. Deputy Clerk Shields 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.

PUBLIC HEARING OF THE LOCAL BUILDING AUTHORITY OF MILLARD COUNTY FOR THE PURPOSE OF RECEIVING INPUT FROM THE PUBLIC REGARDING THE ISSUANCE OF LEASE REVENUE BONDS AND ANY POTENTIAL ECONOMIC IMPACT TO THE PRIVATE SECTOR FROM THE CONSTRUCTION OF THE PROJECT TO BE FUNDED BY THE BONDS (PUBLIC HEALTH BUILDING)

Commissioner Withers made a motion to enter into a public hearing of the local building authority of Millard County for the purpose of receiving input from the public regarding the issuance of lease revenue bonds and any potential economic impact to the private sector from the construction of the project to be funded by the bonds (Public Health Building)

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:38 a.m..

Present were: Amanda Allen, Kevin Morris, Auditor Grace, Treasurer Dearden and Assessor Manis.

Auditor Grace asked if a penalty would be assessed if the bond is paid off early.

Attorney Finlinson said that he has been given the assurance that there is not a pre-payment penalty.

Ms. Allen asked if the construction of the Public Health Building is complete.

Attorney Finlinson answered that the Public Health Building is complete and fully functioning.

Commissioner Roper made a motion to close the public hearing.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:39 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-02-02B, A RESOLUTION AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY RE-NAMING THE MAINTENANCE ASSISTANT II TO MAINTENANCE MECHANIC

Attorney Finlinson said that this resolution will actually create a new position in the Maintenance Department. The new position will be Maintenance Mechanic and will be a Grade 12 on the step and grade scale.

Kevin Morris, West Millard Maintenance, said that he has already interviewed candidates for this new position, he is just waiting for this resolution to be approved before hiring.

Commissioner Roper made a motion to approve Resolution 16-02-02B, a resolution amending Resolution 13-01-22 (adopting the Millard County step and grade scale) by creating a new position in the Maintenance Department as a Maintenance Mechanic.

Commissioner Withers SECONDED the motion. Deputy Clerk Shields 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.

Commissioner Draper said that five candidates have been interviewed and a decision has been made as to who to offer the position to. He asked Mr. Morris to extend an offer to that candidate.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-02-02C, A RESOLUTION OF THE MILLARD COUNTY COMMISSION ADOPTING THE INTERLOCAL AGREEMENT BETWEEN MILLARD COUNTY AND SPECIAL SERVICE DISTRICT NUMBER 8, FOR THE PURPOSE OF ADDRESSING TRANSPORTATION NEEDS

Attorney Finlinson explained that it was found that the County was operating on an expired agreement with Special Service District Number 8. He said that Deputy Attorney Richard Waddingham has been working on this new agreement. He explained that he had a few questions about this agreement.

Commissioner Withers made a motion to table this agenda item.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Treasurer Dearden said that she has received an email from Tom Peters requesting to schedule a meeting. She said that she forwarded that email to the commissioners.

Auditor Grace reminded the commission that through the Board of Equalization process, Sherman Stephenson and Stanton Lovell both appealed the decision made by the commission to the Tax Commission. The date for that has been scheduled for March 22, 2016, at 9:30 a.m. and 11:00 a.m., in Commission Chambers.

Auditor Grace said that regarding the Public Defender Contract; Aaron Paugh and Josh Nelson both called declining to send in an offer.

Attorney Finlinson said that Doug Nealey also let him know that he is not in a position to send in a proposal.

Attorney Finlinson briefly explained the details of the Public Defender Contract with Tate Bennett that has been discussed at a previous commission meeting and approved in the budget process. He feels that the County will be leading the way with this new approach to its Public Defender Contract.

Auditor Grace stated that this issue is one of the first items dealt with in legislation and feels that this will be beneficial for other counties.

Commissioner Withers expressed his appreciation to Attorney Finlinson for advising the commission on this issue.

Attorney Finlinson will have the contract ready for approval at the next commission meeting.

Commissioner Withers made a motion to authorize Auditor Grace to move forward with payments on the contract with Mr. Bennett that has been budgeted.

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

Commissioner Withers said that Max Wood will be retiring March 31, 2016. The position is currently advertised in the paper and the commissioners will be involved in hiring the new West Millard Recreation Supervisor.

Commissioner Withers said that Arden Crafts is retiring from the County Road Department so there is also an open position for a driver.

Commissioner Roper said that Daryl Owens' wife passed away and expressed condolences to him for his loss.

Commissioner Roper said that he received an engineer's estimate on the Records Building from Recorder Hansen and Zane Pentz, Sunrise Engineering.

Commissioner Roper said that Juwi Solar representatives would like to meet with the commission regarding justifying a Community Development Agency (CDA) for Phase III of their project.

Commissioner Draper said that there have been some developments with CDA's in Legislature and wondered if the meeting should wait until a decision has been made in legislation.

Commissioner Roper said that Juwi Solar would like to move forward with this project as soon as possible, if they can. He will talk to Juwi Solar to set up a meeting on February 16, 2016.

Commissioner Roper said that Scott Barney, MEDA Director, talked to the Millard County School District to see if they were interested in a presentation concerning how the CDA will affect the school district.

Commissioner Roper said that the Commissioners all went to Legislature Day and thought there were some good topics and information presented there. While there, they were able to meet with both Magnum and SITLA.

Commissioner Draper reported that he and Commissioner Roper attended a Public Lands Council meeting in St. George, to obtain information on the County Resource Management Plan (RMP).

Commissioner Draper also attended the Congressional Hearing in St. George. He said that Representatives Chris Stewart, Rob Bishop and Jason Chaffetz were all present. The purpose of the hearing was to discuss the BLM actions with the Washington County RMP that the BLM put together.

Commissioner Draper briefly discussed the possible legislation regarding re-defining the qualifications for justice court judges.

Commissioner Draper said that there is a phone conference for the Utah Clean Power Plant Stakeholder meeting today at 2:00 p.m..

Commissioner Draper said that he has a meeting with TransAmerica 401K, today at the same time as the GBS meeting, so he will have to be excused from the GBS meeting.

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 12:14 p.m..

Attest: _____

Approved: _____