

AMENDED MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 21st DAY OF FEBRUARY 2017
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers Chairperson
Dean Draper Commissioner
Wayne Jackson Commissioner

Pat Finlinson County Attorney
Marki Rowley County Clerk
Lesli Shields Deputy County Clerk

ALSO PRESENT: Dana Jordan & Shellie Dutson Chronicle Progress
Travis Kyhl Six County Association of Government (AOG)
Deb Haveron County Tourism
Kevin Morris & Rick Bublitz West Millard Recreation
Bart Whatcott East Millard Recreation
Klint Penney East Millard Maintenance
Connie Hansen County Recorder
Sheri Dearden County Treasurer
Bonnie Gehre County Auditor
Angie McPhail Deputy County Auditor
Todd Macfarlane, Heather Moody, Alan Roper & Robert Smith 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 Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF FEBRUARY 7, 2017, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 7, 2017, were

presented for consideration and approval. Following review, Commissioner Jackson made a motion to approve the minutes of February 7, 2017, as presented.

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

FOLLOW UP ACTION ITEMS FROM FEBRUARY 7, 2017

Commissioner Withers said that he and Brandon Winget, County Road Department Supervisor, looked at Crystal Peak Road. The next step in the process is to talk to the BLM regarding the Environmental Impact Statement (EIS).

Commissioner Draper reminded the public that Peak Minerals has asked the County to chip seal Crystal Peak Road.

DISCLOSURE STATEMENTS

Disclosure statements were submitted for the following employees:

Robert Dekker
Lindsay Mitchell

RATIFY THE APPROVAL OF AN INDIGENT BURIAL APPLICATION FOR CAROLE LEATHAM

Commissioner Withers said that he received a phone call a few weeks ago regarding an indigent burial for Carole Leatham. Two commissioners gave the approval at that time; therefore, it will need to be ratified today.

Commissioner Jackson briefly discussed two veteran indigent burials at the Fillmore City Cemetary that he will follow up regarding getting VA benefits for those burials.

Commissioner Draper made a motion to ratify the approval of an indigent burial application for Carole Leatham, in the amount of \$1,560.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR CHAVIRA TREE TRIMMING, OWNER - OSCAR CHAVIRA

A business license application was presented for Chavira Tree Trimming, Owner - Oscar Chavira, mobile tree trimming business. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Chavira Tree Trimming, Owner - Oscar Chavira.

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

Commissioner Draper said that all of the limbs in this tree trimming business will be chipped and taken to the County Landfill. John Higgins, Landfill Supervisor, will use the chips for groundcover, rather than throwing them into the pits.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR MEADOW AND MAGNOLIA, OWNER - VICTORIA TUTTLE

A business license application was presented for Meadow and Magnolia, Owner - Victoria Tuttle, a women's online boutique business. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Meadow and Magnolia, Owner - Victoria Tuttle.

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

DISCUSSION REGARDING PRIORITIZING THE CIB LIST - TRAVIS KYHL, SIX COUNTY ASSOCIATION OF GOVERNMENT (AOG)

Mr. Kyhl briefly discussed the CIB policies and procedures. He stated that the CIB list is due at the end of the month. CIB has mandated that projects are not carried over every year and they only want the 1 year list. CIB has also asked for the 1 year list to be realistic.

Mr. Kyhl said that the CIB list is prioritized on the County level and the commissioners are responsible for prioritizing that list. He asked if the commissioners and the jurisdictions can meet in March to prioritize the list. The commissioners briefly discussed dates for this meeting.

DISCUSSION OF PROPOSALS AND AWARD OF CONTRACT FOR RESOURCE MANAGEMENT PLAN (RMP)

Commissioner Draper stated that because of some problems the County had with its Purchasing Policy, the award of contract for the RMP was vacated by the Commission. He said that the RMP is mandated by State Legislature and must be completed by September 2017. Millard County issued a Request for Proposal (RFP), August 31, 2016; 3 proposals were submitted from Beehive Enterprises, Epic Engineering and Todd Macfarlane. He said that Millard County appropriated \$25,000.00 for the RMP; therefore, the RFP was not a competitive bid.

Commissioner Draper presented a written statement with his findings regarding awarding the contract for the RMP. He then read the statement. See attached Exhibit "A".

Commissioner Jackson made a motion to award the contract for the RMP to Beehive Enterprises, in the amount of \$25,000.00.

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

Commissioner Draper briefly commented on the 3 proposals. He said that Epic Engineering offered legal services and other services that would be advantageous in preparing an RMP. He said

that Mr. Macfarlane was also able to provide these services, with his background as an attorney. The proposal by Mr. Macfarlane showed that he had experience; however, Beehive Enterprises had more experience.

DISCUSSION REGARDING COMPENSATION FOR EMPLOYEES WHO GET CALLED TO WORK ON CERTAIN HOLIDAYS

Commissioner Withers said that he has had concerns for certain employees that provide snow removal for the public on Christmas Eve, Christmas Day, New Year's Eve and New Year's Day. He said that the way the pay scale is set up, the County does not adequately compensate these employees for their time.

Attorney Finlinson said that he would need to research the Fair Labor Standards Act and the Utah State Wage Hour Law. He said that he spoke with former Auditor Grace regarding this and she stated that compensation was factored into the pay scale when it was restructured.

Commissioner Withers stated that no one came to him asking for this, it has been an ongoing concern of his for several years.

Commissioner Jackson agreed that those employees should be compensated.

Commissioner Draper said that he thinks this is a budgeting issue and overtime is the quick answer to this.

Auditor Gehre said that if the employee works overtime, they do receive overtime. However, with a holiday in the work week, the employee may not get overtime, as an employee must have 40 physical work hours to receive overtime.

Auditor Gehre reiterated that the employees that are called out for snow removal are receiving consideration every day of the year, based on the way the Step & Grade was set up initially.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-02-21, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 13-01-22 (ADOPTING MILLARD COUNTY'S STEP & GRADE POLICY) BY COMBINING POSITIONS WITHIN THE PLANNING & ZONING DEPARTMENT AND THE BUILDING INSPECTION DEPARTMENT

Attorney Finlinson said that the grade is designated at 20 and the step will be determined by the experience of the person hired for the position.

Commissioner Draper made a motion to approve Resolution 17-02-21, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (adopting Millard County's Step & Grade Policy) by combining positions within the Planning & Zoning Department and the Building Inspection Department, with a grade designation of 20.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-02-21A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH,

ADOPTING A POLICY GOVERNING CHANGES OF ADDRESS ON PROPERTY RECORDS AND TAX NOTICES

Attorney Finlinson asked for this agenda item to be tabled so that he will have more time to prepare the resolution.

Commissioner Jackson 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 A CONTRACT REGARDING UTAH RETIREMENT SYSTEMS (URS) BENEFIT PROTECTION FOR TIER 2 EMPLOYEES

Auditor Gehre said that any employee hired after July 1, 2011, is considered a Tier 2 employee with URS. This contract covers Worker's Compensation and Long Term Disability for the Tier 2 employees. She said that there have been no changes to the contract from last year.

Commissioner Jackson made a motion to approve a contract regarding URS benefit protection for Tier 2 employees.

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

DISCUSSION AND POSSIBLE APPROVAL OF A SOCIAL MEDIA SPECIALIST POSITION

Deb Haveron, Tourism, said that the Tourism Board is in full agreement that it needs someone to handle the social media portion of advertising.

Heather Moody presented a handout regarding her research for a Social Media Manager job description and responsibilities, then briefly discussed it.

Shellie Dutson, Chronicle Progress, presented an idea for a Millard County phone app. She said that the newspaper does not want to be in competition with Tourism.

Ms. Haveron stated that Tourism does not have the intent of competing with the Chronicle. She said that this position has not been budgeted for this year.

Commissioner Withers said that he was under the impression that this was going to be a part-time position and it was in the budget already.

Ms. Haveron said that this has since evolved into a full-time position. She said that there is no way this position can be fulfilled with a part-time employee. She said that there is money in the fund balance, approximately \$172,000.00; the restaurant tax has performed better than originally thought.

BID OPENING FOR RESURFACING THE EAST MILLARD POOL

Auditor Gehre opened the following bids:

- Mid America Pool Renovation Inc.: \$43,215.00, Re-plastering with Lehigh White Portland Cement & Georgia

Limestone Pool Mix; or
\$54,055.00, Re-plastering with Cool
Blue Silica Quartz Diamond Brite; or
\$105.00 per location,
Replacement/Upgrade of Ceramic In-
Deck Depth Tile Markers to Current
Code Requirements - to one's with FT
lettering

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

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

AWARD OF CONTRACT FOR MAG CHLORIDE - COUNTY ROAD DEPARTMENT

Commissioner Jackson made a motion to award the contract for Mag Chloride to Dirtbusters in the amount of \$502,620.00.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was passed by a majority vote.

AWARD OF CONTRACT FOR CATTLE GUARD MATERIALS- COUNTY ROAD DEPARTMENT

Commissioner Draper made a motion to award the contract for cattle guard materials to Roper Lumber Ace Hardware, in the amount of \$24,430.20.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE INTERGENERATIONAL POVERTY GRANT AMENDMENT

Clerk Rowley said that a small correction had to be made to the grant; it originally listed the County as a contractor instead of a recipient.

Commissioner Jackson made a motion to approve the Intergenerational Poverty Grant amendment.

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

DISCUSSION AND POSSIBLE APPROVAL REGARDING THE EXTERIOR BRICK AND SOFFIT AT THE RECORDS BUILDING

Commissioner Jackson said that construction of the Records Building has started and the

footings are complete. He said it had been decided previously to wrap the building and let it sit until next year. He asked if it would be better to brick and soffit the building to protect it from the weather.

Attorney Finlinson said that the brick and soffit were excluded from the contract. The original invitation for bid will need to be looked at and may have to be re-bid depending on what the original invitation for bid says.

Treasurer Dearden said that she has not received the construction bond from the contractor. Commissioner Jackson will follow up with Natural Impressions regarding the construction bond.

Commissioner Jackson 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 REGARDING TAX SALE PROPERTY - ROBERT SMITH

Treasurer Dearden presented an application for settlement and/or deferral of property tax for Alberta E. Smith c/o Robert Smith, Parcel F-223, in the amount of \$2,724.03.

Mr. Smith said that his brother usually pays the taxes and he was unaware that this money was owed. He said that he can pay \$1,524.03 today and can pay the balance of \$1,200.00 by April 1, 2017, if the commissioners would allow an extension and remove the property from the tax sale.

Commissioner Draper made a motion to grant an extension on Parcel #F-223, to be paid in full by April 1, 2017. This parcel will not go to tax sale if it is paid in full by April 1, 2017.

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

Treasurer Dearden presented an application for settlement and/or deferral of property tax for Letha May Altwine, Parcel #D-635-1, in the amount of \$382.48, with penalties/interest in the amount of \$268.73. Ms. Altwine will pay the taxes if the County will waive interest/penalties.

Commissioner Draper made a motion to waive the penalties/interest for Letha May Altwine, Parcel #D-635-1, in the amount of \$268.73.

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

PUBLIC INPUT

Ms. Dutson asked a question regarding the business license for Meadow and Magnolia, an online boutique, regarding if sales tax is collected.

Attorney Finlinson and Treasurer Dearden briefly discussed this.

OTHER BUSINESS

The commissioners discussed changing the March 21, 2017, Commission meeting to March 28, 2017.

The commissioners briefly discussed scheduling a Council of Governments (COG), meeting March 9, 2017, at 7:00 p.m., to prioritize the CIB list and meet with the Division of Forestry & Fire.

Commissioner Draper said that he attended the UAC Legislative Day last Thursday. He briefly discussed several topics of concern, including Juvenile JRI, the Solid Waste Bill and Assessor Qualifications.

Commissioner Jackson said that he attended a meeting with the Wellness Committee last Wednesday. He said that most departments are represented, but he would still like to get a representative from the County Road Department, West Millard Recreation, West Millard Maintenance and USU Extension to attend these meetings.

Commissioner Jackson briefly discussed possibly replacing the front and back of a structure at the East Millard Arena for equipment storage. He will ask for a proposal from East Millard Maintenance.

Commissioner Jackson said that there have been a few issues at the County Landfill that he is working on with John Higgins, Landfill Supervisor, and Attorney Finlinson.

Commissioner Jackson said that he will be setting up a meeting with the County Sheriff regarding CERT's finances.

Commissioner Jackson said that Colonel Smith did an Environmental Inspection on the property that Fillmore City gave to the Utah National Guard.

Commissioner Jackson said that he and Scott Barney, MEDA, will meet with Great Lakes Cheese regarding their future plans.

Commissioner Withers gave a brief update on Legislation that he and Commissioner Jackson attended.

Commissioner Withers said that Brooks Jackson has been hired as the new West Millard Recreation Supervisor. Nate Porter will train Mr. Jackson, then take over the duties as the East Millard Recreation Supervisor.

Commissioner Withers said that he met with Public Health last Thursday. He said that an application for a new Health Department Director for the Six County area will be advertised.

Commissioner Draper said that regarding the CIB list, Sheriff Dekker brought up the County Jail remodel, in the amount of approximately \$1 million. It would be a 50/50 match.

Treasurer Dearden said that money was set aside for this project.

Commissioner Draper will add this remodel to the 1 year CIB list.

Commissioner Withers briefly discussed the wages for early morning pool supervisors.

Angie McPhail, Deputy County Auditor, said that these employees are currently at a Step 3 or 4. Auditor Gehre feels comfortable moving these employees to a Step 4 or 5; however, it is not a huge increase in wages.

Commissioner Withers said that the pool supervisors are paid approximately \$8.00 per hour, yet referees and umpires are paid approximately \$15.00 per hour; there is a discrepancy between the two positions.

Deputy Auditor McPhail said that her office does not have a signed contract for Commercial Business Radio. They will not be paid until there is a signed contract.

Attorney Finlinson said that he has found the contract and will get it to the commissioners for signature.

Commissioner Withers said that Natural Impressions said that the County never paid for the doorknobs on the Commission Chambers door. The invoice is in the amount of \$144.03 and it's from October 2016. However, the contract is closed.

Commissioner Jackson said that Mr. Bartholomew said that former Commissioner Roper approved the invoice. He will follow up with former Commissioner Roper.

Attorney Finlinson said that if former Commissioner Roper approved the invoice, then it needs to be paid.

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

Attorney Finlinson said that he has spent quite a bit of time looking into issues with the landfill. He said he found an ordinance in the mid 90's that established the first rate structure at the landfill, which has been amended piece meal over several years since. He will continue to try to put the rate structure and history together.

Attorney Finlinson said that the RFP for the Sunset View Golf Course Clubhouse should be ready for advertisement this week. He said that it will include a mandatory meeting and the invitation for bid.

Attorney Finlinson said that the baseball situation that was discussed at the last Commission meeting will require a contract between the County and West Millard Baseball.

Clerk Rowley said that there are rumors that there may be a mid-term vacancy in Congress. If that turns out to be true, there will need to be a Special Election; which was not budgeted this year.

Clerk Rowley briefly discussed issues with HB230 which would require return postage to be paid on all by-mail ballots. This bill has been amended to remove that requirement.

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 Withers adjourned the meeting at 12:22 p.m..

Attest: _____

Approved: _____