

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 28th DAY OF MARCH 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: Josh Case . . . . . Energy Capital Group  
Brooks Jackson . . . . . West Millard Recreation  
Bart Whatcott . . . . . East Millard Swimming Pool  
Nathan Porter . . . . . East Millard Recreation  
Travis Kyhl . . . . . Six County Association of Government (AOG)  
Nathan Anderson . . . . . Union Pacific Rail Road (UPRR)  
Dana Jordan . . . . . Chronicle Progress  
Steven LeBaron, Duane & Martha Howlett . . . . . Citizens  
Lynette Madsen, Angie McPhail & Karen Jordan . . . . . County Auditor's Office  
Mike & Joyce Barney . . . . . Sunset View  
Dent Kirkland . . . . . Delta City  
Tiffany James & Steve Snelgrove . . . . . Magnum  
Pat Manis . . . . . County Assessor  
Margene Stevens . . . . . Deputy County Assessor  
Rozanne Stuckey & Arlene Bartholomew . . . . . American Legion Auxiliary  
Connie Hansen . . . . . County Recorder  
Deric Despain . . . . . USU Extension  
David Peterson . . . . . Millard County Raceway  
Kevin Morris, Bill Lister & Rick Bublitz . . . . . West Millard Maintenance  
Deb Haveron . . . . . County Tourism  
Sheri Dearden . . . . . County Treasurer  
Mike Holt & Kevin Orton . . . . . Fillmore City  
Gary Bishop . . . . . BLM

Note: Not all agenda items were followed in order.

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 MARCH 7, 2017, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 7, 2017, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of March 7, 2017, as corrected.

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

Clerk Rowley stated that Auditor Gehre reviewed the minutes and indicated that there was an error found on page 8, regarding the wages for Micky Robison, East Millard Maintenance Custodian; it was stated in the meeting that Ms. Robison's wages would be increased by \$2.39 per hour, but will actually increase by \$3.39 per hour.

## FOLLOW UP ACTION ITEMS FROM MARCH 7, 2017

Commissioner Jackson expressed appreciation to Brandon Winget, County Road Supervisor, for providing a trailer and delivering the food for the food bank. He also expressed appreciation to the Boy Scouts for a great project.

Commissioner Jackson said that the power pole that was found laying down at the outdoor arena with only wires holding it up, has been temporarily fixed. He said that eventually all of the poles there will need to be fixed.

Clerk Rowley said that an error was found in the minutes from February 21, 2017, on page 6; the bid amount for Re-Plastering with Cool Blue Silica Quartz Diamond Brite was in the amount of \$54,055.00, but was listed in the minutes as \$54,005.00. These minutes will be amended and re-posted.

## DISCLOSURE STATEMENTS

Disclosure statements were submitted for the following employees:

Brent J. Bennett

Nathan Porter  
Debra Ann Arnold

#### BID OPENING FOR ROAD OIL FOR THE COUNTY ROAD DEPARTMENT

Deputy Auditor Madsen opened the following bids:

- Western Emulsions: \$349.00 per ton for LMCRS-2 Oil (\$304.00 per ton plus \$45.00 per ton for delivery)

Commissioner Jackson made a motion to receive 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.

#### DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE ALLOWANCE AND A CREDIT CARD FOR BROOKS JACKSON, WEST MILLARD RECREATION

Commissioner Draper made a motion to approve a cell phone allowance, in the amount of \$60.00, and a credit card with a limit of \$1,500.00, for Brooks Jackson, West Millard Recreation.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR BATES FAMILY RANCH, LLC, OWNER - JERALD C. BATES

A business license application was presented for Bates Family Ranch, LLC, Owner - Jerald C. Bates, a rustic cabin renting, ranch activities and tours of the local area business. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Bates Family Ranch, LLC, Owner - Jerald C. Bates.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF PRIORITIZING THE CIB LIST

Travis Kyhl, Six County AOG, reminded the commissioners that the deadline for prioritizing the CIB list is April 3, 2017.

Commissioner Draper said that he talked with Hinckley Town regarding its project for a backup power supply for water facility. He said that there is currently no backup power for a well that over 1,000 people rely upon. He stated that in his opinion, the water projects should be addressed first.

The commissioners briefly discussed the projects and prioritized them in the following order:

1. Hinckley Town, Backup Power Supply for Water Facility

2. Scipio Town, New Well
3. Lynndyl Town, Purchase Municipal Water Assets
4. Kanosh Town, Water Project
5. Delta City, Sewer Master Plan & Main Street Sewer
6. Millard County, County Jail Remodel
7. Holden Town, Wildland Fire Storage Building
8. Oak City, Road Project
9. Hinckley Town, Bulk Water Fill Station
10. Lynndyl Town, New Fire Station

Commissioner Draper made a motion to approve prioritizing the CIB List in the order itemized above.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-03-28, 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 CHANGING COMPENSATION RATES FOR POSITIONS WITHIN THE EAST & WEST MILLARD RECREATION DEPARTMENTS (SWIMMING POOL)

Commissioner Withers said that the competitiveness of wages for early morning supervisors at the swimming pools has been discussed several times in the last few months.

Brooks Jackson, West Millard Recreation, said that there are several supervisors in the West Millard Recreation Department who have been with the County for several years, one of which has not had a raise since 2008, and another who he said does not take as many shifts because she can make more money doing hair. He said that in order to hire and keep competent employees, something needs to be done to compensate them adequately.

Mr. Jackson said that these supervisors typically start at \$8.30 per hour. He said that he would like to raise the starting wages closer to \$10.00 per hour up to \$12.00 per hour. He said that he has 5 employees that this would affect.

Deputy Auditor McPhail said that there are actually 11 supervisors in West Millard and 10 supervisors in East Millard that would be affected by this change.

Mr. Jackson stated that while there are 11 supervisors in West Millard, there are only 5 that work regularly. He stated that these supervisors are all CPR trained and First Aid certified.

Nathan Porter, East Millard Recreation, said that he has a few supervisors who have been with the County for about 20 years. These employees take on several responsibilities, including managing the facility, keeping the patrons safe, managing the high school lifeguards and managing all recreation registrations when he is not there, all for only \$8.30 per hour. He agreed that in order to hire and keep competent employees, something needs to be done to compensate them adequately.

Deputy Auditor McPhail said that there are 2 employees that are Certified Training Instructors who are currently at a Grade 5, both of which have been with the County for several years. She then reminded the commissioners that the Shift Supervisors are currently at a Grade 3 and Shift Supervisor Water Safety Instructor (WSI), are currently at a Grade 4. She said that Auditor

Gehre previously stated that she was comfortable moving them to a Grade 4 or Grade 5, however it is not a huge increase in wages. She noted that it is important to stay within the current working budget with whatever increases are decided.

Mr. Jackson and Mr. Porter confirmed that they have budgeted for this increase in the current adopted budget.

The commissioners briefly discussed which grade designations they are comfortable with.

Attorney Finlinson stated that the employees would keep their various step designations for their years of service, this resolution would only change the grade designations.

Upon arriving at a consensus, Attorney Finlinson typed the resolution to reflect the discussion and decision made by the commissioners, and circulated the printed resolution to the commissioners for approval.

Commissioner Draper made a motion to approve Resolution 17-03-28, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (Adopting the Millard County Step & Grade Schedule) by changing the grade designations for personnel within the East & West Millard Recreation Departments (Swimming Pools) from Grade 3 to Grade 7, Grade 4 to Grade 8 and Grade 5 to Grade 9.

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 FUNDING FOR THE AMERICAN LEGION LADIES AUXILIARY GIRLS STATE (EAST SIDE) - ARLENE BARTHOLOMEW

Arlene Bartholomew, President of the East Millard American Legion Ladies Auxiliary, said that they have 4 girls plus 2 alternatives who would like to go to Girls State in Logan, Utah. She said that the cost is \$350.00 per girl to go to Girls State; she asked for any help that the County could give to get these girls there. At Girls State, the girls will learn about the government, the flag, how to conduct meetings and many other things. She said that she feels it is a worthwhile opportunity for these girls.

Commissioner Withers agreed that Girls State is a great program. He said that the West Millard Ladies Auxiliary came a few weeks ago and the Commission approved funding \$200.00 per girl to attend Girls State.

Commissioner Draper asked Ms. Bartholomew if there is a mechanism in place for these girls to earn money for Girls State.

Ms. Bartholomew said that the girls work with the communities they live in and help with programs, like the Christmas celebration and Easter Egg Hunt. She noted that the lowest GPA is 3.79 for these girls. She said that the Auxiliary does not provide any money to the girls for the program and the girls are responsible for getting their own transportation to Logan.

Commissioner Draper asked if there is an indigent situation with any of the girls.

Ms. Bartholomew said that there are 3 girls who may be in an indigent situation, but the families feel this program is important and do what they can to get the money raised.

Commissioner Jackson made a motion to approve funding for the American Legion Ladies

Auxiliary Girls State (East side) in the amount of \$200.00 per girl.

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

Commissioner Jackson asked for the girls to report to the Commission when they return.

#### DISCUSSION AND POSSIBLE APPROVAL OF THE ANNUAL COOPERATIVE AGREEMENT BETWEEN MILLARD COUNTY AND UTAH STATE UNIVERSITY (USU) EXTENSION - DERIC DESPAIN

Dr. Despain presented the annual cooperative agreement with USU, with a total operating budget in the amount of \$150,145.00, for Extension Services.

Attorney Finlinson said that there were a few changes that added precision to the agreement, but the terms are the same.

Commissioner Jackson made a motion to approve the annual cooperative agreement between Millard County and USU for Extension Services.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF AMENDMENT OF SUNSET VIEW ESTATES SUBDIVISION, PLAT B - JOYCE BARNEY FOR SDSC ENTERPRISES, LLC. APPLICATION #Z-2016-030

Joyce and Mike Barney presented the amendment of the Sunset View Estates Subdivision, Plat B. She said that this was previously signed and recorded, however, Recorder Hansen asked for it to be revised.

Commissioner Draper said that this application was submitted to the Planning Commission, who forwarded a favorable recommendation that it be approved by the Board of County Commissioners.

Commissioner Jackson made a motion to approve an amendment of Sunset View Estates Subdivision, Plat B.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF PLAT I, FOR SUNSET VIEW ESTATES SUBDIVISION - JOYCE BARNEY FOR SDSC ENTERPRISES, LLC. APPLICATION #Z-2017-003

Commissioner Draper said that this application was submitted to the Planning Commission, who forwarded a favorable recommendation that it be approved by the Board of County Commissioners.

Commissioner Draper made a motion to approve Sunset View Estates Subdivision, Plat I. Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

#### DISCUSSION AND APPROVAL OF PROPERTY TAX AGREEMENTS, SETTLEMENTS OR DEFERRALS - TREASURER DEARDEN

Treasurer Dearden said that there were three agreements for Travis Zufelt that were approved at the last commission meeting. However, when the agreements were signed, she mistakenly printed a duplicate for Parcel #D-862 and did not receive a signature on Parcel #D-863. She requested the signature on the correct document.

Treasurer Dearden presented an application for settlement and/or deferral of property tax for Jose Salazarno, Parcel #D-949-9, for the Mi Rancherita Café in Delta. She said that this parcel was on the tax sale list in 2012. Mr. Salazarno paid the real property taxes in March 2013, but later that fall he did not pay the personal property tax, so it was attached to the real property tax. She explained that personal property tax is billed on the prior year rate, so although it was 2013 tax, it was attached to the 2012 taxes. She recommended for this parcel to be removed from the tax sale for this year, since it is actually 2013 taxes, then if it is still not paid next year it would go to tax sale.

Commissioner Jackson made a motion to remove Parcel #D-949-9 from the 2017 tax sale. Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF A PROPERTY TAX REFUND DUE TO ASSESSOR'S CLERICAL ERROR

Assessor Manis presented a letter from taxpayer Aaron Nelson, for Parcel #BRM-1-1. He said that in 2015, this subdivision received a value increase from \$5,000.00 to \$10,000.00. Due to a data entry error, Parcel #BRM-1-1 was entered in at \$50,000.00, rather than \$10,000.00, which is a difference of approximately \$400.00 in taxes.

Assessor Manis said that the taxpayer did not call when the notice of valuation was sent nor when the tax notice was sent. Because of the time frame, this is now considered a tax adjustment. He said that Mr. Nelson called April 11, 2016, and the values were corrected for 2016, but the values could not be corrected for 2015 because of the time frame. Mr. Nelson has requested for the commissioners to approve correcting this error for the 2015 taxes.

Treasurer Dearden stated that Mr. Nelson has not paid the 2015 or 2016 taxes on this parcel because of the error; however, he is current on his other parcels. The amount that would be adjusted is \$412.52.

Commissioner Jackson made a motion to adjust the 2015 tax on Parcel #BRM-1-1, reducing it by \$412.52.

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

Treasurer Dearden said that this tax adjustment will be posted for 10 days and then sent to the Tax Commission.

PUBLIC HEARING FOR ZONE CHANGE - APPLICATION #Z-2017-002 ON A ZONE CHANGE FROM RF/AG20 (RANGE & FOREST/AG20) TO HEAVY INDUSTRIAL (HI) FOR PROPERTY LOCATED APPROXIMATELY SOUTHEAST OF SAWTOOTH NGL'S & IPP, NEAR THE INTERSECTION OF JONES ROAD AND BRUSH WELLMAN ROAD, 10 MILES NORTH OF DELTA, UT, FOR THE PURPOSE OF SUPPORTING THE DEVELOPMENT OF THE WESTERN ENERGY HUB BY MAGNUM HOLDINGS, LLC, AND ITS AFFILIATES. PETITIONER - MAGNUM HOLDINGS, LLC. OWNER - MAGNUM HOLDINGS, LLC, AND SCHOOL TRUST LANDS (SITLA). 1,362.692 ACRES.

Commissioner Draper made a motion to enter into a public hearing for the purpose of a zone change on Application #Z-2017-002, from RF/AG20 to HI, for property located approximately Southeast of Sawtooth NGL's & IPP, near the intersection of Jones Road and Brush Wellman Road, 10 miles North of Delta, UT, for the purpose of supporting the development of the Western Energy Hub by Magnum Holdings, LLC, and its affiliates. Petitioner - Magnum Holdings, LLC. Owner - Magnum Holdings, LLC, and SITLA. 1,362.692 acres.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:15 a.m..

Present were: Dent Kirkland, Lynette Madsen, Deb Haveron, David Peterson, Kevin Morris, Rick Bublitz, Bill Lister, Josh Case, Dana Jordan, Steven LeBaron, Mike Holt, Kevin Orton, Nathan Anderson, Tiffany James, Steve Snelgrove, Duane & Martha Howlett

Tiffany James, Magnum Executive Vice President of Development, presented a power point regarding the Heavy Industrial (HI) re-zoning request. She said that Magnum's Western Energy Hub will be developing 7 businesses, the first of which was commercialized and sold in 2015 to a publicly traded company, Sawtooth NGL Storage Caverns. She explained that all 7 businesses deal with the energy storage or generation for the development or sales of salt.

Ms. James briefly discussed the parcels that Magnum is asking to be re-zoned from RF/AG20 to HI. Magnum believes that the re-zoning is consistent with the County goals as well as meets the County requirements:

- Expansion of Industrial Land, while at the same time not diminishing agricultural land uses.
- Development of Natural Resources, this is the only "Gulf-Style" salt dome in the Western U.S..
- Positive Economic Impact, including additional full-time jobs with benefits, with a preference for local candidates; long term tax revenue increase during operations; SITLA royalties provides direct benefit to Millard County school children.
- Compliments the rural setting and character of the community.

Ms. James said that the Western Energy Hub is a significant asset for the State of Utah, Millard County, and Magnum.



Duane Howlett, Howlett Farms/Lonetree Ranch, said that his farm is the closest to this project and he expressed concerns with the large ponds of salt water to the north of his property. He asked for assurance that the ponds are sufficiently contained. He added that the growth in the County is great, he just wants assurance that the ponds are secure. He asked for there to be ongoing dialogue with Magnum in the future.

Ms. James said that Magnum no longer owns the ponds in question, however, they did design them. She briefly explained the closed system that was designed for these ponds. She also offered to provide the appropriate contact information for Sawtooth and Magnum to Mr. Howlett, if he would like further information.

Steve Snelgrove, Magnum Vice President of Regulatory Affairs, stated that these ponds are regulated by the Division of Water Rights and the Division of Water Quality.

There were no other comments made.

Commissioner Jackson made a motion to close the public hearing.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:33 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 17-03-28, AN ORDINANCE FOR A MAP ZONE CHANGE APPLICATION #Z-2017-002 FROM RF/AG20 TO HI FOR PROPERTY LOCATED APPROXIMATELY SOUTHEAST OF SAWTOOTH NGL'S & IPP, NEAR THE INTERSECTION OF JONES ROAD AND BRUSH WELLMAN ROAD, 10 MILES NORTH OF DELTA, UT, FOR THE PURPOSE OF SUPPORTING THE DEVELOPMENT OF THE WESTERN ENERGY HUB BY MAGNUM HOLDINGS, LLC, AND ITS AFFILIATES. PETITIONER - MAGNUM HOLDINGS, LLC. OWNER - MAGNUM HOLDINGS, LLC, AND SCHOOL TRUST LANDS (SITLA). 1,362.692 ACRES.

Commissioner Draper said that this proposed zone change was submitted to the Planning Commission, who forwarded a favorable recommendation that it be approved by the Board of County Commissioners.

Commissioner Draper made a motion to adopt Ordinance 17-03-28, an ordinance of the Board of County Commissioners of Millard County, UT, for a map zone change Application #Z-2017-002 from RF/AG20 to HI for property located approximately Southeast of Sawtooth NGL's & IPP, near the intersection of Jones Road and Brush Wellman Road, 10 miles North of Delta, UT, for the purpose of supporting the development of the Western Energy Hub by Magnum Holdings, LLC, and its affiliates. Petitioner - Magnum Holdings, LLC. Owner - Magnum Holdings, LLC, and SITLA. 1,362.692 acres.

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

Commissioner Withers expressed appreciation to Magnum for the relationship it upholds with both the County and the public.

**PUBLIC HEARING FOR THE PURPOSE OF OPENING THE MILLARD COUNTY BUDGET FOR THE 2017 YEAR AND RECEIVE BOTH WRITTEN AND ORAL COMMENT FROM THE PUBLIC THE CREATION OR AMENDMENT OF AN ACCOUNT/DEPARTMENT WITHIN THE GENERAL FUND TO FUND AND OPERATE THE MILLARD COUNTY RACEWAY AND THE TRANSFER OF UNENCUMBERED FUNDS OR UNEXPECTED APPROPRIATION BALANCES BETWEEN DEPARTMENTS WITHIN THE SAME FUND**

Commissioner Jackson made a motion to enter into a public hearing for the purpose of opening the 2017 Millard County Budget and receive both written and oral comment from the public regarding the creation or amendment of an account/department within the general fund to fund and operate the Millard County Raceway and the transfer of unencumbered funds or unexpected appropriation balances between departments within the same fund.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:36 a.m..

Present were: Deb Haveron, Dent Kirkland, Angie McPhail, Lynette Madsen, David Peterson, Recorder Hansen, Treasurer Dearden, Kevin Morris, Bill Lister, Rick Bublitz, Josh Case, Assessor Manis, Dana Jordan, Steven LeBaron, Kevin Orton, Mike Holt, Gary Bishop, Nathan Anderson and Karen Jordan

Attorney Finlinson said that he needs to know if a new account is to be created or if an existing account will be amended for the Millard County Raceway. He also stated that this public hearing addresses two separate agenda items.

Deb Haveron, Tourism, presented the expected income and budget for the Millard County Raceway to the Commission. She said that so far, there is \$26,740.00 committed in sponsorships.

Kevin Morris, West Millard Maintenance, said that there are over 50 businesses committed to sponsor the Millard County Raceway. He stated that the projected income is conservative and the budget is on the high side.

Ms. Haveron said that since the raceway started 5 years ago, public interest has increased each year.

Commissioner Draper asked why they are asking for a new account to be created within Fund 75.

Ms. Haveron said that it will be similar to the ATV Jamboree, it will make it easier to track where money is spent for a specific event.

Commissioner Withers asked who is responsible for Fund 75.

Ms. Haveron said that Fund 75 is under Tourism, so she is responsible for it. The fund balance in Fund 75 is currently \$178,582.01. She said that both the TRT and the Restaurant tax did better than anticipated, which is why the fund balance is as high as it is.

David Peterson, Millard County Raceway, added that approximately 90% of the racers come from outside the County and approximately 70% of the fans come from outside the County as well. Restaurants and motels will do really well when the races are going on.

Mr. Morris said that one of the reasons why they are doing Friday/Saturday races is because people will likely stay over in the County and utilize the restaurants and motels in the area.

Deputy Auditor Madsen said that her office has received a bill from Utah Association of Counties (UAC), for centrally assessed litigation expenses from 2016 that exceeds the current budget of \$150,000.00 by \$13,327.00. She said that there is \$31,375.00 in unappropriated funds that can be moved to cover this unexpected expense.

There were no other comments made.

Commissioner Draper made a motion to close the public hearing.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:56 a.m..

The regular meeting reconvened.

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-03-28A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TO OPEN THE 2017 MILLARD COUNTY BUDGET FOR THE CREATION OR AMENDMENT OF AN ACCOUNT/DEPARTMENT TO FUND AND OPERATE THE MILLARD COUNTY RACEWAY

Commissioner Jackson made a motion to approve Resolution 17-03-28A, a resolution of the Board of County Commissioners of Millard County, Utah, to open the 2017 Millard County Budget for the purpose of creating an account within Fund 75 for the operation of the Millard County Raceway.

The motion was then stricken.

Upon arriving at a consensus, Attorney Finlinson typed the resolution to reflect the discussion and decision made by the commissioners, and circulated the printed resolution to the commissioners for approval.

Commissioner Jackson made a motion to approve Resolution 17-03-28A, a resolution of the Board of County Commissioners of Millard County, Utah, to open the 2017 Millard County budget for the purpose of creating an account within Fund 75 for the operation of the Millard County Raceway, with a total budget of \$116,800.00.

Commissioner Draper 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 17-03-28B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TRANSFERRING UNENCUMBERED OR UNEXPECTED APPROPRIATION BALANCES IN

## THE 2017 BUDGET BETWEEN DEPARTMENTS WITHIN THE SAME FUND

Treasurer Dearden remarked that there will be more invoices for centrally assessed litigation expenses.

Upon arriving at a consensus, Attorney Finlinson typed the resolution to reflect the discussion and decision made by the commissioners, and circulated the printed resolution to the commissioners for approval.

Commissioner Draper made a motion to approve Resolution 17-03-28B, a resolution of the Board of County Commissioners of Millard County, Utah, transferring unencumbered or unexpected appropriation balances in the 2017 budget between departments within Fund 10 for the purpose of funding centrally assessed taxation litigation expenses, in the amount of \$31,375.00.

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

## INTRODUCTION AND BRIEF SAFETY MESSAGE - NATHAN ANDERSON, DIRECTOR OF PUBLIC AFFAIRS, UNION PACIFIC RAILROAD

Nathan Anderson, Director of Public Affairs for Union Pacific Railroad (UPRR), apologized for the situation in the County where a train was parked on a road crossing for 20 hours, because of weather conditions and lack of crew availability. He said that the goal of UPRR is to not block crossings, its goal is to keep trains moving. He said that the operating managers are currently looking into the situation, as well as the County Sheriff's Office.

Mr. Anderson presented a power point presentation to the commissioners regarding the UPRR safety and signal systems. He stated that 94% of accidents are from risky driver behavior; every 3 hours a person or vehicle is struck by a train the United States. He addressed 3 important issues; enforcement, engineering and education.

Mr. Anderson briefly described how the signal systems work. He said that each crossing has a blue sign with a phone number and a unique identifying number that can be used if there is an issue with a crossing. He said that UPRR wants to help have safe rail crossings; if there is going to be an event that has cars or pedestrians crossing a railroad track or close by one, they want to know and to help it to be a safe event.

Commissioner Draper asked Mr. Anderson about the water rights in Lynndyl Town that are owned by Union Pacific. He said that Union Pacific has initiated selling those water rights to Lynndyl Town. He asked about the policy of Union Pacific regarding selling those assets.

Commissioner Draper asked Mr. Anderson to encourage UPRR to consider donating the water rights.

Mr. Anderson stated that he has not been a part of those negotiations.

Commissioner Withers asked Mr. Anderson what to tell a constituent if they want certain safety measures added to a road crossing.

Mr. Anderson said that the road authority is responsible financially for all warning devices or safety measures on the road. The road authority would then enter into an agreement for maintenance.

## DISCUSSION REGARDING THE FILLMORE CITY AIRPORT PROJECT - FILLMORE CITY

Mike Holt, Fillmore City, said that Fillmore City will be upgrading the hangar, service and fueling areas of the airport. He said that the BLM has surplus planes that they want to station at the airport to support the area, for wildland fire purposes. He said that the plan is to keep 2 planes at the airport during fire season and if it works well, they will add 2 additional planes.

Mr. Holt said that this project will benefit the County, as it will keep fire costs down having the planes closer. He said that this is a \$275,000.00 project. He said that the Fire District has committed \$22,500.00 and asked for the County to commit an additional \$22,500.00 to the project. He said that the County can use this as in-kind service hours for the next 4 years.

Gary Bishop, BLM, said that the airplanes are single engine air tankers that carry 750 to 800 gallons of retardant. He stated that the BLM is committing \$96,000.00 to this project.

Commissioner Withers said that the Forest Service had proposed bringing C-130 airplanes to the Fillmore or Delta City airports a few years ago and asked if that project was still going to happen.

Mr. Holt said that the City has not heard back from the Forest Service regarding that proposed project.

Mr. Bishop stated that he had not heard of the C-130 project before today and has nothing to do with the project that is being discussed now. He said that the BLM has contracts for single engine air tankers and the Forest Service has contracts for the larger air tankers like the C-130. He said that the BLM has a lease on a 2 acre area on the North end of the airport for this project.

Mr. Holt briefly discussed what the project will entail. He said that the funding will resurface the asphalt apron to increase stability to meet the specifications, provide tie downs for the aircraft and to upgrade the hangar area for the planes.

Mr. Bishop said that last year on the Lower Ebbs Fire, the aircraft all came from Richfield because of the condition of the Fillmore City Airport. If the airplanes are stationed out of Fillmore, the planes can go out with full capacity.

Commissioner Withers asked if the Utah Air National Guard decides in the future to have their planes at the Fillmore City Airport, if that would affect this project.

Commissioner Jackson said that there are not any proposals from the National Guard at this time.

Mr. Holt said that Fillmore City has undeveloped acreage there to accommodate both the National Guard and the BLM if that were to happen in the future.

The commissioners briefly discussed which budget the money would come out of if it were to be approved.

Mr. Bishop said that the BLM is hopeful that the project will be completed by late June for the 2017 fire season.

Mr. Holt reminded the commissioners that this contribution would count as in-kind service with the Fire District.

This issue will be discussed further at a future meeting.

## CONVENE AS BOARD OF EQUALIZATION (BOE)

Commissioner Jackson made a motion to convene as a BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 12:49 p.m..

Assessor Manis briefly discussed an issue involving an owner of 999.09 acres in Millard County, Quality for Animal Life, Inc.. He said that this owner has enjoyed a tax exemption under charitable use since 1998. Due to information received through the Assessor's Association, he does not think that this owner meets the qualifications for a charitable tax exemption. The State qualification for charitable, educational or religious use tax exemption reads that the property must be owned by a non-profit entity and the land must be used exclusively for charitable, educational or religious use. He said that the owner's application states that the property use is for natural wildlife to roam; there are no fences and there is grazing on this property.

Assessor Manis said that he would like to remove this owner from tax exemption and make them taxable, as he does not believe that the property is used for charitable use. He said that the deadline to make the owner non-exempt is April 1. He briefly discussed the history of this owner's tax exemption in other counties in the State.

Commissioner Draper made a motion to consider the property owned by Quality for Animal Life, Inc., 999.09 acres in Millard County, as real property with no tax exemption.

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

Assessor Manis said that Deseret Heritage Park had a hearing a few years ago and received an exemption. At that time, they were asked to file a financial statement; 2 years later, they have still not filed that financial statement. The deadline to make the owner non-exempt is April 1.

Commissioner Withers will contact Deseret Heritage Park and find out why they have not filed the required documents.

Assessor Manis briefly discussed EGR Enterprises, who bought a building south of Mom's Fabrics that was previously used as a church. EGR will be using the property as a daycare and have not filed for exemption, therefore, the property no longer qualifies for exemption status.

Assessor Manis briefly discussed a spot in McCornick that a pivot goes around, where there is a small graveyard. He said that in the past, this has just been ignored. He said it may be useful to change the abstract code on this small piece of land so that it does not continue to go on exempt notice.

Assessor Manis said that the abstract codes for Flowell Electric, Questar Gas and Millard School District are wrong and need to be changed to centrally assessed.

Commissioner Jackson made a motion to give Assessor Manis authority to change the abstract codes for Flowell Electric, Questar Gas and Millard School District to centrally assessed.

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

Commissioner Draper made a motion to close the BOE.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended at 1:11 p.m..

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Deputy Auditor Madsen said that her office has received a letter of understanding from Larsen Accounting for the 2017 Independent Audit, in the amount of \$23,300.00.

Attorney Finlinson will review the letter and this issue will be discussed further at a future meeting.

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

Commissioner Jackson reported that there has been a flood at the Pahvant Senior Citizen Center. He said that there has been extensive damage in the kitchen area that will need to be repaired.

Commissioner Jackson said that he attended a meeting with the Authority Board. He said that mostly financial issues were discussed.

Commissioner Jackson said that there has been great participation with the Wellness Committee. He said that Mr. Porter has agreed to give a 25% discount off monthly fees and 25% off the activation fee to County employees to his gym, Fill-More-Fit.

Clerk Rowley noted that the Wellness Committee approached Mr. Porter regarding this discount before he was a member of the Wellness Committee.

Commissioner Jackson said that he met with the Intergenerational Poverty (IGP), at the State level, in Richfield, Utah. He said that he will be putting a book together that compiles all resource agencies.

Commissioner Jackson said that he attended a meeting with the Red Cross yesterday.

Commissioner Jackson reported that he attended the Local Emergency Planning Committee (LEPC), meeting with Lieutenant Jeff Gehre, County Sheriff's Office.

Commissioner Jackson said that he attended a meeting for the ATV Jamboree. They have a person in mind to take over for Bart Whatcott, but that will be decided by the Commission at a future meeting.

Commissioner Jackson said that he attended a Fire District meeting in Commissioner Draper's place. He said they discussed dropping the 5 dispatch areas in Utah down to 3 dispatch areas. He said that after the discussion, he does not think that it will change.

Commissioner Jackson said that the East Millard Pool resurfacing was completed a week early. The pool is being filled and warmed up. He said that the Mid-America Pool Renovations was great to work with and very professional.

Commissioner Draper said that there have been 8 applicants for the Planner/Inspector position. He said that a few of the applicants did not have 100% of the required qualifications, so he has been talking with Attorney Finlinson on how to proceed.

Commissioner Draper said that he and Commissioner Jackson attended the KSL Town Hall Meeting on March 20, 2017. He said that in his opinion, the meeting was scripted for a metropolitan areas viewpoint as to what the problems are in rural communities, rather than asking the rural community itself what its problems are. He said that he spoke with the news director after the meeting and told her that they missed the point of the reason for the town hall meeting. He said that the KSL Town Hall broadcasted on March 22, 2017.

Commissioner Draper briefly discussed President Trump's legislation overturning BLM Planning 2.0 and also the overturning of the ban on coal.

Commissioner Jackson said that there has been a situation with horses getting on the Regional Soccer Field. He said that he has addressed this issue and it will not happen again.

#### 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 1:27 p.m..



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

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