

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 18th DAY OF APRIL 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: Brian Hahn . . . . . Smith Hartvigsen, PLLC  
Scott Barney . . . . . MEDA Coordinator  
Brian Whipple, Farrel Marx & Richard Anderson . . . . Central Utah Counseling  
Richard Jacobson . . . . . County Sheriff's Office  
Angela McPhail . . . . . Deputy County Auditor  
Bonnie Gehre . . . . . County Auditor  
Sheri Dearden . . . . . County Treasurer  
Pat Manis . . . . . County Assessor  
Dana Jordan . . . . . Chronicle Progress  
Josh & Kristie Case . . . . . Energy Capital Group (ECG)  
Craig Bartholomew, Marlow Mace & Byron Fellows . . . . . American Legion

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 that in the Federalist Papers, James Madison made a statement that the founding fathers were diligent in protecting their liberties and that whenever a bad law was passed, they understood what it was like to live under one and went to great lengths to eradicate it. Once it had opportunity to operate, it set a precedent, and removing the precedent was a nearly impossible task. Commissioner Draper said that the commissioners do their best to try and consider everything so it

won't set a bad precedent with the actions taken. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### APPROVAL OF APRIL 4, 2017, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 4, 2017, were presented for consideration and approval. Following review, Commissioner Draper made a motion to approve the minutes of April 4, 2017, as presented.

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

#### FOLLOW UP ACTION ITEMS FROM APRIL 4, 2017

Commissioner Draper explained that the County Planner/Building Inspector position grade designation approved at the last meeting was established at a grade 25, for the combined position and is a lower wage than the two positions when separate.

Commissioner Withers mentioned that there will also only be one set of benefits instead of two, with the combined position.

#### REVIEW OF ANNUAL INDEPENDENT AUDIT - CENTRAL UTAH COUNSELING CENTER

Brian Whipple, CEO, Farrel Marx, Business Manager, and Richard Anderson, Chief Information Officer, presented the annual Central Utah Counseling Center (CUCC), Independent Audit prepared by Kimball & Roberts.

Mr. Marx briefly discussed the main points of the audit, including opinion, cash flow, cash reserves, assets and operating expenses. He stated that salaries and fringes are the major expense.

Mr. Marx said that it is the responsibility of the County to provide mental health treatment. He stated that last year, there was approximately \$300,000.00 spent in State hospitalizations; however, this year that number will be closer to \$600,000.00. He said that they are hopeful that this is just an anomaly and will not continue. He said that there is money in the reserve that will cover this unexpected expense. He said that there is one residential facility in Nephi, one in Mount Pleasant and two in Richfield.

Mr. Marx reminded the commission that without the 20% County contribution match, the State funds and Medicaid funds would not be granted.

Commissioner Draper asked if the residential facilities in Nephi, Mount Pleasant and Richfield were in lieu of going to the State Hospital.

Mr. Whipple said that if a patient can not be managed at one of the residential facilities, they would be sent to the State Hospital for long term care.

Mr. Anderson noted that the Nephi facility is the facility that is first in line for Millard County residents.

Mr. Marx said that it is the Auditor's opinion that CUCC is in compliance.

Mr. Whipple briefly discussed changes in Legislature. He said that every year they have asked for \$6.4 million of ongoing funds to help the system, and every year, the Legislature kept it

as one-time funding. He said that because of this, they just kept getting behind on funds. This year, the Legislature moved the \$6.4 million to ongoing funds as well as an additional \$5 million of new funds. This has made the system more stable in regards to Medicaid funding.

Mr. Whipple briefly discussed the Intergenerational Poverty (IGP) push that has come through Legislature. He said that CUCC received additional funding from IGP and have been able to hire therapists and case managers who go into the schools to provide services in the Six County area. He said that the school districts are pleased to see these services coming in. He said that if a child referred for services through IGP is on Medicaid, they can use Medicaid funds instead of the IGP funds.

Mr. Whipple briefly discussed the changes in legislation in regards to the Justice Reinvestment Initiative (JRI). He said that the Legislature is funding additional money for treatment services, but those services must be applied for by a competitive bid process. He will contact the County Sheriff's Office and County Attorney's Office to see if they want to sign a letter of support regarding this. He stated that these new funds will not require a county match.

#### AWARD OF CONTRACT FOR SUNSET VIEW GOLF COURSE CLUBHOUSE CONSTRUCTION

Commissioner Withers said that the commissioners have reviewed all of the bids, which are all way over budget.

Attorney Finlinson advised the commissioners to either award the bid to the lowest bid and be over budget or reject all bids and re-start the process.

Commissioner Draper made a motion to reject all bids submitted for the Sunset View Golf Course Clubhouse Construction.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR KERRY EKKER & TONY PEDERSEN, COUNTY SHERIFF'S OFFICE

Richard Jacobson, County Sheriff's Office, said that only Sgt. Tony Pedersen will need a credit card at this time.

Commissioner Jackson made a motion to approve a credit card for Tony Pedersen, County Sheriff's Office, with a limit of \$1,000.00.

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

#### DISCUSSION AND POSSIBLE APPROVAL TO AMEND THE CONTRACT BETWEEN ECG UTAH SOLAR 1, LLC, AND MILLARD COUNTY, FOR REIMBURSEMENT OF CDA CONSULTATION WORK PERFORMED BY LEWIS, YOUNG, ROBERTSON & BURNINGHAM

Scott Barney, MEDA Coordinator, asked for this agenda item to be tabled.

Attorney Finlinson said that this contract must be approved by the County Re-Development Agency (RDA), rather than the County Commission.

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 CONTRACTING WITH UTAH ASSOCIATION OF COUNTIES (UAC), FOR MANAGEMENT OF CENTRALLY ASSESSED LITIGATION

Treasurer Dearden said that the terms of the contract with County Services Support, Inc. (CSS), proposes to act in an advisory capacity regarding Centrally Assessed litigation, in the amount of \$2,000.00 for 2017. She said that litigation costs would be completely separate from this contract.

Attorney Finlinson said that in his opinion, contracting with CSS would be helpful to the County. He stated that Centrally Assessed properties are well defined in the County.

Treasurer Dearden said that in the past, UAC has acted on the County's behalf, but there is new legislation states that they can no longer act in that capacity.

Assessor Manis explained that there will be two committees, one 29 member committee and a second 10 member committee that will review the claims individually. Without membership in CSS, the County may not hear about an issue.

Treasurer Dearden said that the fee schedule is based upon the value of Centrally Assessed in the County and this is an annual contract.

Commissioner Draper made a motion to approve a contract with CSS, to act in an advisory capacity regarding Centrally Assessed litigation, in the amount of \$2,000.00.

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

Commissioner Withers asked which budget would be used for this payment.

Treasurer Dearden said there is enough money in the Centrally Assessed Budget to cover this expense.

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING SURPLUS SALE FOR COUNTY ROAD DEPARTMENT EQUIPMENT

Attorney Finlinson said that he researched this agenda item. State law authorizes counties to acquire and dispose of personal property. The County Ordinance broadly places discretion and authority for that disposal to the Purchasing Agent, which is the County Auditor. He said that property valued more than \$1,500.00 requires commission approval, but the policy by acquiescence, has authorized the Auditor to use the County website for all surplus sales.

Attorney Finlinson said that he could not find anything that prohibits limiting the surplus sale to only County residents. However, he advised that if the surplus sale is done in a different manner

than usual, that the commissioners make that policy change by legislative action. He pointed out that if the sale is limited to only Millard County, one resident may get a cheap piece of equipment, but if it is open, the return on it could benefit the whole County.

Commissioner Withers said that Brandon Winget, County Road Supervisor, asked if the surplus sale of Road Department equipment could be limited to Millard County residents, as it is the taxpayers who bought that equipment. He said that there is equipment that is no longer used that needs to be sold. He agreed that it would likely be better for the County as a whole, to not limit the surplus sale to only Millard County residents.

Commissioner Draper asked if Mr. Winget has checked with other departments that could possibly use the equipment.

Commissioner Withers said that Mr. Winget usually does that, but he will check with him to be sure.

Commissioner Draper made a motion to add all surplus sale items to the County website and sell them as usual.

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

#### DISCUSSION REGARDING CHANGING MILLARD COUNTY TO A “FENCED OUT” COUNTY, RATHER THAN A “FENCED IN” COUNTY

Commissioner Withers said that a group of ranchers from the Holden area asked him why Millard County is a fenced in area instead of fenced out area. He said that for some reason the law changed several years ago.

Attorney Finlinson said that all metropolitan areas are fenced in counties and most municipalities, within Millard County and the State, require livestock owners to control their livestock. He said that the County Ordinances in Public Safety requires livestock owners to fence their livestock in, except where open range is permitted. He said that open range is imposed by the highway authority.

#### DISCUSSION REGARDING REPAIRS TO THE ROOF OF THE AMERICAN LEGION POST 61 BUILDING - MARLOW MACE

Mr. Mace presented a letter to the commission from the American Legion Post 61 Commander regarding roof repairs needed on the building in Fillmore, which is a historical building. He said that the bid for repair is in the amount of \$40,000.00. The Utah Division of State History has approved a grant for \$20,000.00 and the American Legion must come up with the difference. He said that the American Legion is a service organization for veterans, but they also allow access to its building for 4-H and other County business at no charge.

Mr. Mace asked for consideration in the amount of \$10,000.00 from the County. He said that the American Legion will raise the other \$10,000.00 required. He said that the deadline has passed for this year, however, if another project falls through, it could still be completed this year. He said that they have been able to patch the roof where needed to get by.

Commissioner Jackson recused himself from this discussion, due to a possible conflict of

interest.

Commissioner Draper made a motion to approve funding in the amount of \$10,000.00, for repairs to the roof of the American Legion Post 61 Building, funded from the Special Projects budget.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF PROPERTY TAX AGREEMENTS, SETTLEMENTS OR DEFERRALS

Treasurer Dearden said that Billie Van de Vanter, Parcel #D-827, and Marc Caldwell, Parcel #F-303, both paid their taxes before the title searches were started, therefore, the \$250.00 title search fee was waived for both parcels.

Treasurer Dearden said that Ted Hansen, who is leasing the Scipio Motel, Parcel #S-1280, paid \$10,417.82. She gave Mr. Hansen an application for deferral to fill out and informed him of the meeting today. She said that the amount paid covered the 2016 taxes, leaving \$6,319.00 still due for 2015 and the full amounts on the 2014, 2013 and 2012 taxes. This parcel will remain on the tax sale until a deferral application is provided. The tax sale will be held May 18, 2017, at 10:00 a.m..

Auditor Gehre said that she was contacted by Justin Quinlan, Parcel #D-4172-2, regarding a home listed on the tax sale. He told her that he has not received any notices at his Taylorsville residence and that there are renters living in the home.

Auditor Gehre said that usually they require half down before it can be removed from the tax sale, but Mr. Quinlan asked if he could make monthly payments instead. Mr. Quinlan owes \$3,778.24 in back taxes. This parcel will remain on the tax sale until a deferral application is provided.

Commissioner Draper briefly discussed two parcels on the tax sale with no access and possibly confining bidders.

#### REVIEW OF THE MARCH FINANCIAL REPORT - TREASURER DEARDEN

The commissioners reviewed the financial reports for the month of March.

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Attorney Finlinson briefly discussed ongoing issues with the audit regarding the Millard Care & Rehabilitation Center and the Medicaid payment. He said that the Medicaid reimbursement

payment must be paid to a government entity and cannot go straight to the care center.

Commissioner Draper said that Mr. Kroeger indicated that the care center received the Medicaid payment directly.

Attorney Finlinson said that it seems that the State Auditor has a lot of questions regarding the contract between Millard Care & Rehabilitation Center and Millard County.

Attorney Finlinson said that the Landfill fee schedule needs restructuring; however, it is beyond the capability of his office this year. He said that a consultant may need to be brought in to help with the restructuring.

Commissioner Draper confirmed that when the fee schedule is restructured, everyone would be subject to the new rates and there would be no grandfathering in.

Commissioner Jackson briefly discussed House Bill 115.

Attorney Finlinson suggested John Higgins, Landfill Supervisor, start looking into what services are available for consultation.

Commissioner Draper said that he received an email soliciting membership from an organization called Firm, which deals with land use items, in the amount of \$500.00 per year. He said that he received solicitations from several different companies over the last year offering the same thing.

Commissioner Withers said that the commissioners should figure out which company would be most beneficial to the County.

Commissioner Draper said that he spoke with the School Board President regarding the soccer fields in Fillmore. He said that there is room for a soccer field at the Fillmore Middle School grounds. He said that it would be a good idea to get on the school board agenda to discuss this.

Commissioner Draper said that he and Commissioner Jackson attended the UAC Conference in Vernal, Utah. He said that he spoke with an engineering firm there regarding the undercrossings on the road to the lime plant.

Commissioner Withers briefly updated the Commission regarding the road to the lime plant. He said that he will be arranging a meeting with the cattle owner, BLM, DOT and the commissioners to discuss this.

Commissioner Jackson said that a new sub-committee has been nominated for Intergeneration Poverty (IGP). He said that they will start meeting at UAC Conferences in the future.

Commissioner Jackson briefly discussed the items discussed at the UAC Conference, including wild horses, Antiquities Act, SITLA, etc..

Commissioner Jackson asked if a sign could be placed at the horse track/soccer field, regarding the rules that were discussed at the previous meeting.

Attorney Finlinson said that a policy should be created before any signs are placed.

Commissioner Withers said that someone asked for a closed session at the next commission meeting regarding the horse track/soccer field. He will discuss this further with Attorney Finlinson.

Commissioner Jackson said that the County Landfill is shorthanded and wants to hire a full time employee. Mr. Higgins has the funds in his budget for this position. Mr. Higgins will be contacting Fillmore City regarding this, as they pay half of the payroll for the landfill position in Fillmore.

Clerk Rowley said that she and Treasurer Dearden attended an email security class at UAC where it was suggested that all counties have an internet security policy in place.

Attorney Finlinson said that he thinks there is already an internet security policy in place.

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 Withers adjourned the meeting at 11:53 a.m..

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

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