

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 16th DAY OF MAY 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 . . . . . Chronicle Progress  
Klint Penney . . . . . East Millard Maintenance  
Sheri Dearden . . . . . County Treasurer  
Bonnie Gehre . . . . . County Auditor  
Adam Richins . . . . . County Planner/Zoning Administrator/Building Inspector  
Todd Macfarlane, Geoffrey & Pamela Sheridan . . . . . Citizens  
Rebecca Kanell . . . . . Zero Fatalities  
Jason Despain . . . . . Paul Terry Trucking

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 MAY 2, 2017, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 2, 2017, were presented for consideration and approval. Following review and consideration of minor corrections,

Commissioner Jackson made a motion to approve the minutes of May 2, 2017, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM MAY 2, 2017

Commissioner Draper said that he received communication regarding the raptors and First Wind. He said that the Conditional Use Permit (CUP), is the responsibility of the federal government, not the County. He said that he forwarded this response to the other commissioners.

Commissioner Draper said that he received a response from Great Basin Heritage Area regarding the brief discussion about creating a donation request form. He said that they offered to help create a grant writing program, but in his opinion, the County is not needing that help at this time.

#### PRESENTATION REGARDING ZERO FATALITIES

Rebecca Kanell, Zero Fatalities, said that she goes to Driver's Education Classes and businesses around the State to talk about safe driving. She said that last year, 280 people lost their lives on Utah roads. She said that everyone agrees that zero fatalities is the only acceptable number.

Ms. Kanell said that 94% of all crashes are due to human error, which is actually hopeful, because it can be changed. She briefly discussed the five "E's": Emergency, Enforcement, Engineering, Education and Everyone and the five deadly behaviors: drowsy, distracted, aggressive, impaired and not buckling up. She said that 86 people died last year due to not wearing a seatbelt.

Ms. Kanell gave five tips for distracted driving: focus on driving, hit the off button on your cell phone so you are not tempted to use it while driving, never reach for anything in the car, be a good passenger and to pass the message on.

Ms. Kanell stated that Millard County has a very low seatbelt use rate. She said that law enforcement can now pull someone over for not wearing a seatbelt. She said that if one person in the car is not wearing a seatbelt, the chance of death in a car crash increases by 40%; seatbelts do not only protect you, they protect others from you. She gave five tips for seat belt use.

Ms. Kanell said that the 100 deadliest days are between Memorial Day and Labor Day. She said that fatalities double during the summer months.

Ms. Kanell said that there are resources available to Counties to use on the Zero Fatalities website. She briefly discussed the other great programs offered by Zero Fatalities. She asked for support from the Commission by partnering with the local schools, promoting Zero Fatalities at County events and adding the Safe Driving Template to the County website.

Commissioner Withers said that there is a Community First Program that holds several events in the summer and asked for Zero Fatalities to have a booth there.

Ms. Kanell expressed appreciation to the Commission for allowing her to make the presentation today.

#### CONSIDERATION AND POSSIBLE RESOLUTION OF APPEAL OF RESOURCE

## MANAGEMENT PLAN (RMP), CONTRACT AWARD

Todd Macfarlane stated that the agenda language does not give people reasonable notice of what is actually being discussed. He said that this is an appeal hearing and should have been noticed as such. He reminded the Commission that he has requested for his appeal to be heard by an impartial tribunal, it is his position that applicable law requires a meaningful opportunity for the appeal to be heard by an impartial tribunal. It is his position that the Commission does not constitute an impartial tribunal and he is not waiving that right. He said that he will proceed under protest, subject to his ongoing objections. He then asked for the current status of the RMP contract.

Commissioner Draper said that the RMP contract was awarded to Beehive Enterprises, who has proceeded with the RMP. He said that under State statute, there is a deadline that must be met.

Mr. Macfarlane questioned why the appeal hearing is taking place.

Attorney Finlinson reminded Mr. Macfarlane that this is his opportunity to express his position. He said that a lawsuit has been filed and an answer is being prepared. He said that counsel has advised that this not be turned into a deposition and to not answer any questions without counsel present.

Mr. Macfarlane clarified that a lawsuit has been filed and the only current causes of action have to do with the Open and Public Meeting Act violations and a declaratory relief cause of action with respect to the Millard County Purchasing Policy. He said that he is required under applicable law to exhaust his administrative remedies. He said that it is his view that it will not make a difference what he says today.

Commissioner Withers stated that an impartial tribunal is not allowed by the current Purchasing Policy. He said that the original RMP award was vacated, then re-awarded shortly thereafter, based on the fact that there is a deadline from the State. He said that the paperwork for this lawsuit was served at the previous Commission meeting.

Mr. Macfarlane said that the lawsuit was actually filed prior to the initial hearing, he was waiting to see if it would be resolved within the allowed 120 days; when that did not happen, he then served the papers. He asked each commissioner what their understanding of the basis of the appeal was.

Commissioner Withers said that his understanding of the basis for the appeal is that Mr. Macfarlane disagrees with the contract award to Beehive Enterprises. He said that the RMP was awarded to Beehive Enterprises, which the County felt had better value than the other two proposals.

Commissioner Draper said that Mr. Macfarlane's notice of appeal did not state anything related to the current appeal, it was based on the previous appeal. He stated that he is not on trial. He said that Mr. Macfarlane is contesting the contract award because he turned the Request for Proposal (RFP), into a Request for Bid (RFB), which the County did not request.

Commissioner Jackson said that he did read the proposals and the notice of appeal, but waived his opinion.

Mr. Macfarlane asked if anyone received preferential treatment in the RMP process.

Commissioner Withers said that the RMP contract was awarded based on what was best for the County.

Mr. Macfarlane said that the County Purchasing Policy says that Millard County products and services shall receive preferential treatment. He said that the Millard County applicant did not

receive preferential treatment.

Attorney Finlinson again advised that questions not be answered as this is not a deposition. Commissioner Withers declined to comment.

Mr. Macfarlane asked if the commissioners know what the County Purchasing Policy says about preferential treatment.

Commissioner Withers declined to comment.

Mr. Macfarlane asked why the County Purchasing Policy would include a requirement for preferential treatment for Millard County goods and services.

Commissioner Withers declined to comment.

Mr. Macfarlane said that he assumes that a written determination was made that the use of competitive bidding would not be advantageous to the County, as the County Purchasing Policy requires.

Commissioner Draper declined to comment.

Mr. Macfarlane asked Commissioner Draper if he knows what the County Purchasing Policy says about the written determination requirement.

Commissioner Draper declined to comment.

Mr. Macfarlane briefly read a portion of the County Purchasing Policy. He asked if such a determination has been written by the Purchasing Agent.

Commissioner Withers said that a written determination is reflected in the minutes.

Mr. Macfarlane said that the County Purchasing Policy states that the Purchasing Agent is defined as the County Auditor. He asked if the Purchasing Agent has made a written determination that it would not be applicable or advantageous to the County to do a competitive bid for the RMP.

Commissioner Withers declined to comment.

Mr. Macfarlane said that at a certain point in time, an RFP was requested rather than a RFB. He presented a copy of the RFP that was posted and published August 31, 2016. He said that the RFP is the foundation for this whole process. He said that according to the County Purchasing Policy, if an RFP is done in lieu of bids, it says the RFP should state the relative importance of price and evaluating factors. He asked where it states the relative importance of price and other evaluating factors on the RFP.

Commissioner Withers declined to comment.

Mr. Macfarlane stated that the RFP does not state the relative importance of price and other evaluating factors, as the County Purchasing Policy requires. He said that a determination was made that Brian Bremner provided the best value to the County, based on the materials that he provided, including references, examples, etc.. He asked where that criteria is stated on the RFP. He said that the County Purchasing Policy says that an award shall be made to the person whose proposal is determined to be the most advantageous to the County, taking into consideration price and the evaluation factors set forth in the RFP; no other factors or criteria shall be used in the evaluation. He stated that a selection decision was made based on information outside of the selection factors and criteria set forth in the RFP.

Mr. Macfarlane briefly discussed the last appeal hearing when the contract was vacated and re-awarded. He said that when the contract was re-awarded, the commissioners relied on the additional materials and information that Mr. Bremner provided, which is information outside of the selection factors and criteria set forth in the RFP. He said that the additional requirements were added after the initial RFP; the posted and published RFP does not make a reference to the additional

information packet or the County Purchasing Policy. The RFP did list two contacts, Commissioner Draper and Sheryl Dekker. He said that he emailed and called Commissioner Draper on the phone, and he did not mention the additional information material to him.

Mr. Macfarlane said that it is his theory that the County Purchasing Policy was ignored from the beginning, the County went through the minimal motions, expecting to award the contract to Mr. Bremner. He said that it seems to him that after his phone call to Commissioner Draper, the commissioners scrambled to stack things in Mr. Bremner's favor. He said that no one bothered to tell him about the additional requirements. He said that the County Purchasing Policy states the number one purpose is to ensure fair and equitable treatment of all persons who wish to do business with Millard County. He said that he requested information and received none. After his proposal was submitted, he was told by Sheryl Dekker that there was additional information required, however, he was out of the State at that time and was unable to submit the required information. He stated that he did not receive fair or equal opportunity.

Mr. Macfarlane stated again that the RFP is the foundation for this process. The decision should have been made based on the selection criteria and factors outlined in the RFP, however, the decision was made well outside of the selection criteria and factors outlined in the RFP. The County Purchasing Policy says that price shall be a consideration. He said that the only way to fix this is by fixing the RFP based on the County Purchasing Policy. He stated that the commissioners acted completely outside of the law by not complying with the Open Meetings Act and the County Purchasing Policy.

Mr. Macfarlane said that the basis for his appeal is that the County Purchasing Policy was violated in a myriad of ways and is asking for it to be fixed. He said that the County has had corrupt hiring and contracting practices for a long time, and the County intentionally and continually ignores the County Purchasing Policy.

Commissioner Withers stated that he does not see any advantage to listening to anymore innuendos. He said that Mr. Macfarlane has filed his lawsuit and the meeting needs to move forward.

Commissioner Draper made a motion to affirm and uphold the award of the RMP contract to Beehive Enterprises.

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

Mr. Macfarlane said that the County Purchasing Policy alludes to the fact that there are three levels of appeal. He said that he is required to exhaust all administrative remedies.

Attorney Finlinson said that it is the position of the County that Mr. Macfarlane has exhausted all administrative remedies and it is now appropriate to be taken into the court system.

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-05-16, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, REGARDING DESIGNATION OF THE COUNTY PLANNER/ZONING ADMINISTRATOR/BUILDING INSPECTOR EMPLOYMENT STATUS

Attorney Finlinson said that the County Personnel Policy & Procedures Manual states that

elected officials and appointed officials are by definition exempt, and the Commission can designate others as exempt from the provisions of the Fair Labor Standards Act and various provisions of the County Personnel Policy.

Commissioner Draper made a motion to approve Resolution 17-05-16, a resolution of the Board of County Commissioners of Millard County, Utah, designating the position of County Planner/Zoning Administrator/Building Official as an exempted position, pursuant to Section VII of the Millard County Personnel Policies & Procedures Manual

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 17-05-16A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, DESIGNATING THE EMPLOYMENT STATUS OF ALL ELECTED OFFICIALS AND APPOINTED POSITIONS FOR PURPOSES OF ELIGIBILITY FOR PARTICIPATION IN MILLARD COUNTY'S RETIREMENT SYSTEM & PROGRAMS**

Attorney Finlinson said that the next two agenda items are required by Utah Retirement Systems (URS), and Utah Statute, an issue that came up in the recent audit. The County is required to designate Tier 2 positions, defined as elected and appointed officials, as either full-time or part-time for benefits purposes. He said that this is already suggested in the County Policies & Procedures Manual that these positions are full-time, these resolutions will specify it for URS purposes.

Commissioner Draper made a motion to approve Resolution 17-05-16A, a resolution of the Board of County Commissioners of Millard County, Utah, designating the employment status of all elected officials and appointed positions for purposes of eligibility for participation in Millard County's Retirement System & Programs.

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.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-05-16B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, DESIGNATING CERTAIN ELECTED AND APPOINTED POSITIONS AS ELIGIBLE FOR EXEMPTION FROM PARTICIPATION IN MILLARD COUNTY'S RETIREMENT SYSTEM & PROGRAMS**

Commissioner Draper made a motion to approve Resolution 17-05-16B, a resolution of the Board of County Commissioners of Millard County, Utah, designating certain elected officials and appointed positions as eligible for exemption from Millard County's Retirement System & Programs.

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 REGARDING A CELL PHONE ALLOWANCE AND A CREDIT CARD FOR ADAM RICHINS, COUNTY PLANNER/ZONING ADMINISTRATOR/BUILDING INSPECTOR

Commissioner Jackson made a motion to approve a cell phone allowance, in the amount of \$80.00, and a credit card, with a limit of \$3,000.00, for Adam Richins, County Planner/Zoning Administrator/Building Inspector.

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

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING A CELL PHONE ALLOWANCE FOR CASEY FOWLES, GOLF PRO

Commissioner Draper made a motion to approve a cell phone allowance, in the amount of \$80.00, for Casey Fowles, Golf Pro.

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

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING A CELL PHONE ALLOWANCE FOR TRAVIS ARCHIBALD, EAST MILLARD MAINTENANCE

Klint Penney, East Millard Maintenance Supervisor, said that he is aware that cell phone allowances are usually only for department heads and/or appointed positions. He said that Mr. Archibald is currently in charge of maintenance at the jail and asked for consideration in approving a cell phone allowance for him. He said that all of his employees get called out on their personal phones for work related situations on a daily basis.

Commissioner Withers said that his only concern is where to draw the line. He said every employee has a cell phone and often get work related calls on their personal cell phones; cell phones are convenient for everyone. The policy has always been to give cell phone allowances to department heads and appointed positions.

Mr. Penney said that it is ultimately the commissioners decision. He said that there has been some discussion with Sheriff Dekker regarding paying for the cell phone allowance for Mr. Archibald out of the County Sheriff's budget.

Commissioner Withers said that the money part of it is not really the issue, it is just a concern as to where to draw the line.

Commissioner Draper asked if there is a requirement for Mr. Archibald to carry a cell phone, if so, it would be the obligation of the County to support it. He asked that this to be discussed further at a later time.

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 A PAYMENT OF \$500.00 FOR A LICENSING FEE TO THE ASSOCIATION OF COUNCIL FROM THE NEVADA STATE BAR FOR MARK WARD

Commissioner Withers said that each year, Mr. Ward has to pay a fee to the State of Nevada so that he can help with litigation relating to West Millard water rights. He said that the County has always paid that fee for him since he is representing the County.

Commissioner Draper said that Mr. Ward is now affiliated with an entity and is not in private practice. He is also no longer employed by Utah Association of Counties (UAC). The County would be obtaining his services under the Balance Resources that he has created, which is only himself and two other associates. He said that he was not sure if this would be an issue, however, the \$500.00 fee is due by May 31, 2017.

Commissioner Jackson made a motion to approve payment of \$500.00 for a licensing fee to the Association of Council from the Nevada State Bar for Mr. Ward. The approval is only if it is not out of compliance to do so with an entity rather than a private practice.

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

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING THE ANNUAL SECURITY CONTRACT FOR BAILIFF SERVICES

Commissioner Draper made a motion to approve the annual security contract for bailiff services between Millard County and the State of Utah, in the amount of \$25,928.00.

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

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

Treasurer Dearden said that First Wind finally received approval from the Bankruptcy Court to go ahead with settlement. She said that hopefully that will be circulated to the Tax Commission this week.

Treasurer Dearden said that regarding the tax sale, she is expecting payment on the Steven Bowes property today. There are 14 parcels on the tax sale, which will be held May 18, 2017, at 10:00 a.m..

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

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



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

Auditor Gehre briefly discussed requests for limiting bidding on two parcels at the tax sale. It was decided that the Lynndyl property will not be limited bidding, as it has been found that there is access. The Hinckley property will be limited to the adjoining land owners.

## DISCUSSION AND POSSIBLE APPROVAL OF MODIFICATION L13PX00655-0004, TO EXERCISE OPTION YEAR 4 FOR MILLARD COUNTY NOXIOUS WEED CONTROL ON BLM LANDS

Commissioner Withers said that this is the annual contract to remove noxious weeds on the West Desert.

Clerk Rowley said that the contract indicates exercising option year 4 of the lease.

Auditor Gehre said that there is an attachment with the federal wage. She said the County has to pay a certain amount for the grant, and the County has met that criteria.

Commissioner Draper made a motion to approve modification L13PX00655-0004, to exercise option year 4 for Millard County Noxious Weed Control on BLM lands.

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

## AUDITOR'S REPORT

Auditor Gehre said that she has an invoice from Cardwell for fuel for the Road Department. She said that the invoice has been held because Cardwell no longer has State pricing on fuel. She said that on January 25, 2017, she told Mr. Winget that the State contract with Cardwell would expire on April 14, 2017. The State contract is now with Thomas Petroleum. She said that she has told both Mr. Winget and Mr. Higgins that if they do not go with the State contract, it must be bid out. The fuel from Cardwell is in the trucks already and the County is legally obligated to pay for it. She said that she will now pay the invoice to Cardwell.

Auditor Gehre said that she has also received an invoice from Yamaha for golf carts at the Sunset View Golf Course, with an annual payment in the amount of \$20,696.27. She said that the document she received did not show written findings that it was a single source provider.

Attorney Finlinson said that it was found that this is a State contract, there does not need to be sealed bids if it is purchased through a State contract.

Auditor Gehre said that Zions Bank has offered lease finance options.

Later, Auditor Gehre clarified that she did get an email from Casey Fowles, stating that the golf cart prices were below the State contract. She said that the total contract is in the amount of \$103,000.00, as it is a five year lease.

Attorney Finlinson said that the policy exempts purchases made through a State contract, or direct comparison thereto, and do not require sealed bids, so it is in compliance.

Auditor Gehre reiterated that it is her intent to make sure the County is compliant.

Auditor Gehre said that the budget will need to be opened for several items, including West Millard Baseball, Centrally Assessed and Transportation Sales Tax.

Attorney Finlinson said that he will address the issue with West Millard Baseball during Other Business today.

Auditor Gehre said that the contract that was signed for CDA work was typically coming out of the overpayments/reimbursements line item, which only has approximately \$30,000.00 in it. The contract amount is in the amount of \$40,000.00. She said that the overpayments/reimbursements line item is typically used for insurance items, etc.. She said that she would like this contract to have its own line item. It is completely reimbursed, but must still show it coming in and going out.

Auditor Gehre said that PEHP has issued a refund to the County in the amount of \$10,579.00, based on 60% experience, 30% longevity and 10% engagement.

Auditor Gehre said that she has talked to Commissioner Withers regarding salary surveys. She said her office is contacted all the time regarding doing comparisons for salaries between Counties. She said that there is a system run by Mike Swallow, that could be valuable if it is up to date. She said the cost of participating is \$550.00 per year.

Commissioner Withers asked Auditor Gehre to get a cost estimate for doing an independent survey for further discussion.

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Jason Despain, Paul Terry Trucking, said that the truck wash in Fillmore is completed and open to the public. He said that last year, there was a discussion regarding paving Sewage Pond Road and he has since had multiple conversations with Mr. Winget and several commissioners. He said that it is his understanding that when Main Street in Fillmore is re-paved, the millings will be used to chip seal Sewage Pond Road.

Commissioner Withers said that the County is waiting to hear from the State Road Department. He said that Mr. Winget has talked to the State regarding the millings to be used for Sewage Pond Road. He said that it is anticipated that the Main Street project in Fillmore will begin this summer.

Mr. Despain said that Mr. Winget told him he was waiting for approval from Fillmore City to allocate the millings to Sewage Pond Road.

Commissioner Withers said that the road is owned by the State, and it was his understanding that the allocation of millings was already approved.

Mr. Despain said that it was discussed previously to possibly receive CIB funding for this project, but he understood that it was not put on the CIB list.

Commissioner Withers said that the CIB priority list for this year was mostly water projects.

Mr. Despain asked where the priority of Sewage Pond Road lies.

Commissioner Withers said that if the millings from Main Street can be used, it would have the highest priority. He said that the Jones Road in Delta has the highest priority for asphaltting. He said that it all comes down to the financials.

Mr. Despain asked if Sewage Pond Road could be put on the October CIB list, if the millings from Main Street do not come through. He expressed his appreciation to the Commission.

Commissioner Draper said that the commissioners were invited to hear concerns from Scipio residents, regarding a group holding functions south of Scipio. It was found that the name of the group is Grupo Libertad, and it is associated with an Alcoholics Anonymous (AA), program.

Mr. Richins said that he gathered that these functions have been going on for a long time. They meet every four weeks with the sole intent and purpose being to support each other and take a break from daily life. He said that the zoning on the parcel is agricultural; there are buildings erected, but not for agricultural purposes. He said that there are approximately 25 people that meet on a regular basis and that number sometimes goes up to approximately 50 people, with no services. He has been told that they are a non-profit, and would like to expand and add additional buildings, including a church. There is currently a bunkhouse with a kitchen and several other buildings. He said that a Conditional Use Permit (CUP), or a business license may be the mechanisms that could be offered to this group for them to become compliant.

Attorney Finlinson agreed that there are two options; the CUP may be the best option to become compliant.

Commissioner Draper said that the next function is scheduled for May 27, 2017. He said that he asked the group to put the meetings on hold until further notice.

The commissioners briefly discussed the narrow road that accesses the property.

Mr. Richins said that the road is one of the issues that would need to be addressed with the CUP.

Commissioner Draper gave Clerk Rowley a contract between Millard Care & Rehabilitation and the Utah Department of Health for filing in her office.

Commissioner Jackson said that he is still working on equalizing the County Landfill pay schedule. He said that there are still a few more steps to go with the State.

Commissioner Jackson said that signs have been put up at the racetrack.

Attorney Finlinson said that the changes made will require an ordinance, and that can be codified in the Public Safety section.

Commissioner Jackson said that there will be an Intergenerational Poverty (IGP), meeting tomorrow.

Commissioner Jackson said that work on the Pahvant Senior Center is being held up because of the contractor and the insurance company.

Commissioner Jackson said that the Authority Board met May 10, 2017. The next meeting will be held in Millard County.

Commissioner Jackson reported on the Local Emergency Planning Committee meeting held last week in Delta. It has been found that the County has a hazardous waste vehicle trailer, however, it is not useable. Lynn Ashby will be working on this issue, which is Six County funded.

Commissioner Jackson stated that Miss Millard is starting up again.

Commissioner Jackson said that BYU expressed appreciation for inviting them to the County.

Attorney Finlinson said that a meeting needs to be set for this week to meet with Mr. Hamilton, litigation counsel, as an answer is due on Monday, May 22, 2017. The meeting was set for Wednesday, May 17, 2017, at 3:00 p.m., in Commission Chambers.

Attorney Finlinson briefly discussed the West Millard Baseball Contract. He said that historically, West Millard Recreation has administered coach pitch, t-ball, girls softball and adult softball, but little league has been run by a separate entity. However, there has never been an agreement as such, money was simply collected in a box and handed off to West Millard Baseball, which is not compliant with the County Fiscal Procedures Act.

Attorney Finlinson said that he put together a simple agreement identifying the entities, stating that West Millard Recreation will assist with registration and receiving payment, and the money will be paid out to West Millard Baseball to administer the program. He said that it is a wash for the County, but in order to account for the money going in and out, there must be a budget item for it, which is why the budget will have to be opened. The Purchasing Policy allows the department head to negotiate and administer the contract, with Commission approval.

Commissioner Draper made a motion to approve Brooks Jackson, West Millard Recreation, to negotiate and administer the contract with West Millard Baseball.

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

Clerk Rowley said that the Municipal Election is August 15, 2017, which is a Commission meeting day. She said that it may be beneficial to move the Commission meeting to August 22, 2017, so that Clerk Rowley and Deputy Clerk Shields can help to answer phone calls for the election.

Commissioner Jackson made a motion to switch the Commission meeting from August 15, 2017, to August 22, 2017, to accommodate the Municipal Election.

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

#### 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 12:10 a.m..

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

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