

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 15th DAY OF May 2018
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson. County Attorney
Marki Rowley. County Clerk
Jamie Hair Deputy Clerk

ALSO PRESENT: Richard Jacobson & Robert Dekker. Millard County Sheriff's Office
Bette Arial. Senator Mike Lee's Office
Kenlie Lemon..... Miss Millard
UnaRae Taylor..... Millard County Ambulance
Shellie Dutson. Chronicle Progress
Klint Penney.. East Millard Maintenance
Adam Richins Millard County Planner
Bonnie Gehre..... County Auditor
John Higgins. Millard County Landfill
Sheri Dearden..... Millard County Treasurer

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 Jackson to the public and Commission members.

OPENING STATEMENTS

Commissioner Jackson said that for an opening statement, he would like to honor those in law enforcement that the flags are currently flying at half staff for. He said that he appreciates those in law enforcement and their families' sacrifice. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF May 1, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 1, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of May 1, 2018, as corrected.

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

APPROVAL OF May 2, 2018 EMERGENCY COMMISSION MINUTES

The proposed minutes of an emergency County Commission meeting held May 2, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of May 2, 2018, as presented.

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

FOLLOW UP ACTION ITEMS FROM May 1, 2018

Commissioner Draper asked Clerk Rowley to explain the mail in ballot process for the June 26, 2018 Primary Election and to confirm that the ballot voters receive in the mail will be the only ballot that they will receive.

Clerk Rowley confirmed that Millard County conducts its elections all by mail, meaning that paper ballots will be mailed to active registered voters, on or before June 5, 2018. She said that if voters want to come in person to one of the vote centers open on Election Day, they will need to bring with them the ballot that was mailed to them; otherwise they will be required to vote a provisional ballot.

Clerk Rowley said that the vote centers on Election Day will be open from 7:00 a.m. to 8:00 p.m. in Fillmore at the Clerk's Office, located at 765 South HWY 99, Ste. 6 and in Delta at the County Satellite Offices, located at 71 South 200 West. She explained that vote centers are open to accommodate voters who require ADA accommodations and to remedy any issues with mailed ballot; such as, a ballot is damaged, a voter didn't receive a ballot in the mail, first time registering to vote in Millard County and/or to show proof of identification. Clerk Rowley said that unaffiliated voters may vote at the polls on election day if they fill out a form and affiliate with the republican party. She said that it is required to show proof of identification before being allowed to cast a ballot; therefore, those registered voters who still need to show proof of identification will need to do so before their ballot can be counted.

Clerk Rowley said that if a voter comes to a vote center on Election Day and the database shows that a ballot was sent to that voter, they will be required to vote provisionally. She explained that provisional ballots won't be counted until the County's Canvass, which could be held anywhere from 7 to 14 days after the election.

DISCUSSION AND POSSIBLE APPROVAL OF FUNDING A SPEAKER TO SPEAK AT MILLARD HIGH SCHOOL - KENLIE LEMON, MISS MILLARD

Kenlie Lemon, Miss Millard County, presented her platform, "Realize the Reality", which focuses on individuals not comparing themselves to each other through social media. She said that she has presented her platform at the high schools and some of the middle schools. She said that her message has really resonated with the students. She said that she would like to extend this information to the parents, so she asked a public speaker, Colin Kartchner, to come address Millard High School.

Miss Lemon said that Mr. Kartchner is an advocate for internet safety who focuses on the impact of social media. She said he will be speaking at Millard High School on June 4th and she is requesting funding to help pay for his fees.

Commissioner Withers asked the amount Miss Lemon is asking for. Miss Lemon said she is requesting up to \$400.00, but any amount will help.

Commissioner Withers made a motion to approve funding for a speaker to speak at Millard High School.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF SIERRA DICKENS TO REPLACE LYNN MANSFIELD ON THE MILLARD COUNTY WELLNESS COMMITTEE

Clerk Rowley explained that Lynn Mansfield has been serving on the Millard County Wellness Committee for some time, and has asked to be replaced by Sierra Dickens. She said that Sierra Dickens would be a good representative for the Records Office.

Commissioner Draper made a motion to appoint Sierra Dickens to replace Lynn Mansfield on the Millard County Wellness Committee.

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

DISCUSSION AND POSSIBLE APPROVAL OF NEVADA STATE BAR RENEWAL FEE FOR MARK WARD REGARDING DEALING WITH NEVADA STATE ENGINEER AND WATER ISSUES-PAYMENT DUE 5/31/2018

Commissioner Draper said the renewal fee for Mr. Ward's services is in the amount of \$500.00.

Commissioner Withers made a motion to approve the Nevada State Bar Renewal fee of \$500.00 for Mark Ward regarding dealing with Nevada State Engineer and Water Issues.

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

DISCUSSION AND POSSIBLE APPROVAL OF PAYMENT FOR ROBERT K. WEIDNER IN THE AMOUNT OF \$16,000.00 FOR RURAL PUBLIC LANDS COUNTY COUNCIL

(RPLCC) ANNUAL DUES

Commissioner Draper said that Mr. Weidner is the County's lobbyist and that Mr. Weidner's services have been extremely valuable to the County.

Commissioner Draper made a motion to approve payment for Robert K. Weidner in the amount of \$16,000.00 for Rural Public Lands County Council (RPLCC) annual dues.

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

DISCUSSION AND POSSIBLE APPROVAL OF A NEW BEE INSPECTOR FOR MILLARD COUNTY

Commissioner Withers made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR KECK DIGITAL, LLC - OWNER, BLAIR KECK

A business license application was presented for Keck Digital LLC, Owner - Blair Keck. After review of the application and finding all signatures in order, Commissioner Withers made a motion to approve a business license for Keck Digital LLC, Owner - Blair Keck.

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

Attorney Finlinson presented two more business licenses that didn't have the required signatures before the agenda was approved.

A business license application was presented for ProFinish Drywall, LLC, Owner - Karen Mendoza. After review of the application and finding all signatures in order, Commissioner Withers made a motion to approve a business license for ProFinish Drywall, LLC, Owner - Karen Mendoza.

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

A business license application was presented for Fairy Brow Mother, Owner - Kristi Christensen. After review of the application, Commissioner Withers made a motion to table this agenda item to make sure the application has the qualifying signatures from the Health Department.

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

BID OPENING FOR REROOFING OF THE FLAT ROOF OF THE MILLARD COUNTY JAIL

Deputy Auditor Madsen opened the following bids:

- Broken Arrow Roofing: \$63,847.00
- All Weather Waterproofing, Inc: \$76,310.00 to start after August 15, 2018 or \$105,250.00 to start before August 15, 2018.
- Conwest, Inc: \$91,583.00

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

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

OPENING FOR LANDFILL REQUEST FOR PROPOSALS (RFP)

Deputy Auditor Madsen opened the following RFPs:

- Advanced Environmental Engineering: \$25,000.00 - 38,000.00, completed by July 16, 2018
- Zions Public Finance: \$18,000.00, including only two trips to Millard County. Completed by July 16, 2018.
- SCS Engineering: \$36,456.00, completed by July 16, 2018.

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

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

DISCUSSION AND POSSIBLE APPROVAL OF MAKING AN OFFER FOR RED DOME MINERAL RIGHTS

Attorney Finlinson said that he has a meeting next week with the Office of the Solicitor General because they have challenged Mr. Anderson's rights to the material and he wants to make sure these problems won't be passed onto the County if it purchases the mineral rights.

Commissioner Withers 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 RESOLUTION 18-05-15, A RESOLUTION OF THE MILLARD COUNTY COMMISSION ASSIGNING SIGNATORY AUTHORITY FOR PTIF ACCOUNT TO COUNTY TREASURER

Treasurer Dearden said that the State Treasurer's Office is updating their PTIF Account and they have requested that Millard County pass this resolution to assign signatory authority to the County Treasurer.

Commissioner Withers made a motion to approve Resolution 18-05-15, a resolution of the Board of County Commissioners of Millard County, Utah, assigning signatory authority for PTIF Account to the County Treasurer.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH THE UTAH STATE LIBRARY DIVISION FOR BOOKMOBILE SERVICES - AUDITOR GEHRE

Auditor Gehre said that this is an annual agreement that is the same as last year and there is enough money in this year's budget to cover it.

Commissioner Withers made a motion to approve the contract with the Utah State Library Division for Bookmobile services.

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

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

Auditor Gehre said that she had some parcels listed on the tax sale that she would like to review with the Commissioners.

Auditor Gehre said that parcel X-2834-1; B&D's Hip Hop Stop in Lynndyl, is listed on the tax sale. She said that there may be some liability concerns if the County takes the property. She said that all interested parties associated with the property in a title search were sent certified notifications, but nothing has happened with those as of yet. Commissioner Withers said he is concerned with the liability of that particular type of business and asked Attorney Finlinson what the County's options are.

Attorney Finlinson said that there isn't a lot the County can do, except follow the regular process and work with the current owners.

Auditor Gehre said that parcel HD-5613-3-2; Daniel Jones, is listed on the tax sale. She said that there was a legal description error in the deed for Mr. Cook who bought the property from Mr. Jones. Auditor Gehre said that Attorney Finlinson has advised that the County can restrict bidding on this parcel.

Auditor Gehre said that parcel S-1204; Leo Robins, is listed on the tax sale. She said that the family is intentionally letting it go to sale. Commissioner Draper said that he would like the adjacent owners to be contacted. Auditor Gehre said that she will attempt to make contact.

Auditor Gehre said that parcel HD-5415-1; Ross Wetzel, is listed on the tax sale. She said that it appears that someone is living in the home and that it is a primary residence. Auditor Gehre said she will attempt to make contact with them.

OTHER BUSINESS

Attorney Finlinson said that the State Auditor's Office has asked if Millard County has specific policies, such as an annual employee acknowledgment of the policies and procedures manual and/or an internal audit function. He said that state statute already includes these audits; however, the State auditor is asking for these functions to be formalized.

Attorney Finlinson said that he is asking the Commission to approve the concepts which he will be bring back as a resolution to for approval at the next Commission meeting.

Commissioner Draper made a motion to authorize the County to answer the State Auditor's requests.

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

Auditor Gehre said that she received an invoice from Sunrise Engineering and her office needs to know how the Commission wants to proceed with payment.

Commissioner Jackson said that he discussed the issue with Sunrise Engineering, who stated that they still would need to be paid, because they did what was asked of them by the County.

Commissioner Withers said that Sunrise Engineering didn't do what the County asked, because Sunrise Engineering stated that the State of Utah didn't have any criteria that they needed to follow. He said that this was proven false in a meeting that the Commission held with the State. The County had to bring the State down to clarify the law to Sunrise Engineering and what their job was.

Commissioner Jackson said that those concerns were voiced to Sunrise Engineering at the meeting he had with them.

Commissioner Withers and Commissioner Draper said that they would like Sunrise Engineering to come state their argument to the Commission before payment is released.

Attorney Finlinson said that the County will most likely be liable for a portion of the bill, but it would be good to have Sunrise Engineering come speak with the Commission.

REVIEW OF FINANCIAL REPORTS - TREASURER DEARDEN

Treasurer Dearden Presented the financial reports for the month of April 2018. She said that the pool cash report shows that the Treasurer and Auditor are in balance.

Treasurer Dearden said that they are still holding distributions for the Mosquito Abatement District. She said that they need to report three months worth of information to the transparency website in order to receive funds. She said that they are aware of this and she isn't

sure why it is taking so long to complete. Commissioner Withers said that he will call the Mosquito Abatement District.

DISCUSSION AND POSSIBLE APPROVAL OF A PART TIME EAST MILLARD RECREATION EMPLOYEE

Commissioner Jackson said that this employee will work with Nate Porter on the ball fields, the restrooms and the National Guard Building. He said that it will be a seasonal part-time position.

Auditor Gehre asked where this would fall within the budget, because it has not been budgeted.

Attorney Finlinson said that there is a maintenance position on the west side and if this is a recreation position, the budget will need to be opened.

A discussion was had on what department this position would fall under and if the budget would need to be opened to amend the step and grade.

Commissioner Withers said that he would like a job description put together.

Commissioner Withers made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF A FULL TIME LANDFILL EMPLOYEE

Commissioner Withers said that he understood that there were some overtime issues with the Landfill Department. Commissioner Jackson said that they will move the current part-time employee to full-time status and hire a new part-time employee to address the overtime issue. Therefore, this item was stricken from the agenda.

DISCUSSION AND POSSIBLE AWARDED OF THE BIDS FOR CEMENT WORK AT THE EAST MILLARD RACE TRACK

Commissioner Jackson said that the bids were tabled last time because the bidders and the County weren't on the same page, as far as what materials would be used and tearing out the pad. He said that the bids are the same amount and the materials have now been specified. He said that the bidders are willing to sign off on the list of materials in writing.

Commissioner Withers said that he would like new bids that listed out the materials. Commissioner Withers is also concerned with putting money toward the cement pad and would like more information before approval.

A discussion was had on if the restrooms are currently ADA compliant.

Commissioner Withers said that he is not comfortable signing a bid without the materials listed with the bid.

Attorney Finlinson said that he would also be more comfortable if the bids had the specifications listed.

Commissioner Draper would like new bids or information in writing.

Attorney Finlinson said that under the purchasing law, the County should reject the bids and request new bids.

Commissioner Draper made a motion to reject the bids.

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

DISCUSSION AND POSSIBLE APPROVAL OF CONVERSION OF SEIZED ASSETS TO SHERIFF'S OFFICE USE AND DISPOSAL

Attorney Finlinson said that the Sheriff's Office receives a lot of contraband; specifically firearms. He said that most firearms are released to the lawful owners, however, there are some firearms that can't be returned to the owners. The Sheriff's Office would like to convert these firearms to their agency's use and trade them in for ammunition.

Commissioner Draper said that he would like to review the list of firearms that have been seized.

Sheriff Dekker said that this item can be tabled until the Commission can review the list of firearms. He then explained the process of trading firearms for ammunition.

Attorney Finlinson said that he would also like the Commission to review the list of firearms.

Commissioner Withers made a motion to table this agenda item.

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

PUBLIC INPUT

Bette Arial, Senator Lee's Office, said that she was glad she was able to attend the Commission meeting and is available to help the commissioners.

OTHER BUSINESS CONTINUED

Adam Richins, County Planner, said that there is an applicant who applied for a non-plat subdivision and one of the parcels doesn't qualify for non-plat, because it has been changed in the past. He said that the applicant procured a surveyor, paid for plat map to be drawn up and received a favorable recommendation from the Planning and Zoning Committee. Mr. Richins said that this needs to be approved and signed by the Commission even though no improvements will be made in connection with this plat.

Treasurer Dearden said that there is a section of code that states the Commission may withhold signature until tax clearance has been provided.

Mr. Richins said that he has the title report stating that it is clear allowing the Commission to sign.

Commissioner Draper made motion to approve Application #Z-2018-007 for a Plat subdivision, located at approximately 4500 S 1750 W (Delta Address Grid). Ken Skeem - Owner, Bob Rogers - Applicant.

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

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

Commissioner Draper said that he participated in “Meet the Candidate Night” held last week and had a good experience.

Commissioner Draper said that missing property possibly belonging to the County was found in Garrison and that the Sheriff’s Office is investigating.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 11:35 a.m..

Attest: _____

Approved: _____