

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 19th DAY OF JUNE 2018  
AT THE COURTHOUSE, FILLMORE, UTAH

- PRESENT: Wayne Jackson..... Chairperson  
Dean Draper..... Commissioner
- Pat Finlinson..... County Attorney  
Marki Rowley..... County Clerk  
Jamie Hair..... Deputy Clerk
- EXCUSED: James I. Withers..... Commissioner
- ALSO PRESENT: Mike Holt, Kevin Orton & Kody Hill..... Fillmore City  
Jeff George..... Vortex Wireless  
JerE Brinkerhoff..... Citizen  
Shellie Dutson..... Chronicle Progress  
Jenna Aldrich..... Millard County 4H  
Klint Penney..... Millard County Maintenance  
Scott Barney..... Millard Economic Development Association (MEDA)  
Adam Richins..... Millard County Planner  
Sheri Dearden..... Millard County Treasurer  
Bonnie Gehre..... Millard County Auditor  
Connie Hansen..... Millard County Recorder

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 asked if anyone had an opening statement to give. Commissioner Jackson excused Commissioner Withers. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

## APPROVAL OF June 5, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 5, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of June 5, 2018, as amended.

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

## FOLLOW UP ACTION ITEMS FROM June 5, 2018

Commissioner Draper reported on his meeting with the Bureau of Land Management (BLM) and the United States Forest Service (USFS) regarding west wide energy corridors being reviewed in our area. He said that they discussed the topography of the corridor between IPP and Beaver County and a smaller corridor on Highway 21 between Milford and Garrison. He said that the IPP to Beaver Corridor is established on public lands where if power lines or a pipeline goes through, it won't effect the agriculture in the area. Commissioner Draper said that it was suggested by a BLM representative to follow the existing highway, however, he explained to them that suggestion is not something the County would allow or support.

## DISCLOSURE STATEMENTS

A disclosure statement was presented for Micky Robinson.

## DISCUSSION AND POSSIBLE APPROVAL OF THE ANNUAL SECURITY AND BAILIFF CONTRACT

Attorney Finlinson said that both the Security and Bailiff and State Court Contracts are standard agreements. He said that there is a small increase of what the State is paying the County.

Commissioner Draper made a motion to approve the Annual Security and Bailiff Contract.

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

## DISCUSSION AND POSSIBLE APPROVAL OF THE ANNUAL STATE COURT CONTRACT

Commissioner Draper made a motion to approve the Annual State Court Contract.

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

## DISCUSSION AND POSSIBLE APPROVAL OF A LAW ENFORCEMENT CONTRACT WITH FILLMORE CITY

Commissioner Jackson said this contract includes increases for services based on the Consumer Price Index (CPI). Attorney Finlinson said that this contract includes the same language

from previous years, except the increases.

Commissioner Draper made a motion to approve the Law Enforcement Contract with Fillmore City.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 18-06-19, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING AND RESTATING POLICIES GOVERNING THE USE OF THE EAST MILLARD EQUESTRIAN FACILITIES.

Attorney Finlinson provided copies of the current rules and language to Mr. Brinkerhoff and Mr. Penney of the current use of the track and today's discussion is how to change this.

After much discussion it was decided to table this agenda item.

Commissioner Draper made a motion to table this item for further consideration.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 18-06-19A, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AUTHORIZING THE FILING OF CROSS APPEALS OF CENTRALLY ASSESSED PROPERTY VALUATIONS.

Attorney Finlinson said that this resolution authorizes counsel to proceed with cross appeals. He said that there is currently one appeal and will be two more appeals in the future that may need to be ratified at a future commission meeting.

Commissioner Draper explained that centrally assessed property is an industry or tax paying entity that crosses county lines; therefore, Millard County isn't the only county who evaluates these properties for tax purposes, so the State steps in and does a central assessment. He said that the County is currently challenging several property values that have been centrally assessed. He said these challenges are settled by the State Tax Commission and that multiple counties are able to join together for the appeals process. Commissioner Draper said that this resolution authorizes the County to join in the appeal.

Commissioner Draper made a motion to approve Resolution 18-06-19A, a resolution of the Board of County Commissioners of Millard County, Utah authorizing the filing of cross appeals of centrally assessed property valuations.

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

## DISCUSSION AND POSSIBLE APPROVAL OF CHANGING THE ANTENNAS ON THE INTERNET TOWER LOCATED AT THE LANDFILL - JEFF GEORGE

Mr. George, Vortex Wireless, said that he would like to have access to and use the tower to transmit internet to areas in the County that currently does not have access. He said that he is also proposing to take care of the County's internet needs for using that tower. Mr. George said that the antennas currently used on the tower are old and obsolete and that security on those antennas may be a concern. He said that he is aware that the internet is quite slow at times at the county offices and the golf course.

Mr. George said that he could pay rent for access to the tower or supply the County with hydra band internet usage with a lot better service. He said that the scope of his business is all of Delta and its outlying areas.

Mr. George said that he doesn't have a written contract for the County to use his services. He said that he would need to meet with Richard Beckstrand, Millard County IT Coordinator, to talk about the details of what the County would need.

Commissioner Draper said that he would like to see a proposal in writing and to arrange a meeting with Mr. Beckstrand regarding the County using Mr. George's services. Mr. George said that the Sheriff's Office will also need to be involved in that discussion.

Commissioner Draper made a motion to allow Vortex Wireless to co-locate on the internet tower located at the landfill, subject to coordination with the Sheriff's Office and the County's IT Professional. He said that this motion does not allow Vortex Wireless to change the existing antennas.

Commissioner Jackson stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

## REVIEW AND POSSIBLE APPROVAL OF 2018 TAX RATES

Auditor Gehre said the certified tax rate for general operations is .003102 and the certified rate for assessing and collecting is .000351. She said that the tax rates have gone down approximately 6.37% from last year mainly due to assessor reappraisal and new growth.

Auditor Gehre said that Millard County has the option of imposing a judgement levy. Commissioner Draper explained that the County collected too much tax and now they have to provide a refund. Commissioner Draper said that the County has the option to pass this on to all of the taxpayers or to pull funds from within the County budget. Auditor Gehre said that the deadline is June 22, so a decision is needed from the Commission today.

Commissioner Draper went over the amounts and groups involved in a judgement levy. He said the County has the money in reserves to pay this and he believes it is in the County's best interest not to pursue a judgement levy.

Commissioner Draper made a motion to not impose a judgement levy.

Commissioner Jackson stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

Commissioner Draper made a motion to approve the 2018 tax rates.

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

#### REVIEW AND POSSIBLE APPROVAL OF THE UTAH STATE RETIREMENT, (URS) RATES

Auditor Gehre said that the rates change on July 1, 2018 and the discretionary portion of the rates for the County is the 401K. She said that the rates remain the same from last year and that she can prepare a cost analysis if needed, but the projections have stayed the same from what the Commission saw last fall.

Commissioner Draper made a motion to approve the Utah State Retirement, (URS) Rates.

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

#### REVIEW OF FINANCIAL REPORTS

Treasurer Dearden presented the financial reports for May 2018. She said that in compliance with the new internal auditing procedure, they were reviewed in detail on June 11, 2018 by herself, Auditor Gehre and Commissioner Jackson. She asked if the commissioners would like to rotate meeting to review the financial reports. Commissioners Draper and Jackson agreed that it should be the Chairman who reviews them. Treasurer Dearden said that the pool cash report shows that the Auditor and Treasurer are in balance and that they were able to release the Mosquito Abatement District distribution in May.

Commissioner Jackson thanked Treasurer Dearden and Auditor Gehre for their thorough work and expertise.

#### DISCUSSION AND POSSIBLE APPROVAL OF GRANT APPLICATION AND INTERLOCAL AGREEMENT REGARDING INDIGENT DEFENSE SERVICES IN DISTRICT, JUSTICE, AND JUVENILE COURTS.

Attorney Finlinson gave a brief description and history of indigent defense services in the County and said that he recently met with the Indigent Defense Council. He said that the State has offered some financial assistance because the County's indigent defense fund is going to increase dramatically. Attorney Finlinson explained what other counties are doing and said that he would like to contract with the Utah County Public Defender's Office. He said that he would like to get approval for the grant process and then move forward with creating an agreement. He said the County would only sign the interlocal agreement if the grants are approved, and that this agreement would eliminate the County's conflict counsel issues.

Commissioner Draper made a motion to approve a grant application and Interlocal Agreement regarding Indigent Defense Services in District, Justice, and Juvenile Courts.

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

## PUBLIC INPUT

Miss Dutson asked if Jeff George's access to the landfill tower would help with the internet at the Delta Fair Building because there is a large problem with internet there. Mr. George said that it would help a lot.

Later, Mayor Holt said that he would like to discuss an interlocal agreement for a CRA project. He said that they have met with the School Board and will meet with the Fillmore City Council tonight to move forward with this development agreement.

Cody Hill said that he is an Analyst representing the Fillmore Redevelopment Agency. He said that the Fillmore Redevelopment Agency approved and adopted an official project area budget and plan for the Fillmore Community Reinvestment Agency in May. He explained that the agency attempts to assist entities who are trying to facilitate development; usually by helping with infrastructure. He said that there is 100 acres in this proposed area and that the County currently receives approximately \$1,300.00 in annual taxes from these properties. He said that after development and investment, the increased tax revenue will be approximately \$10,000.00 in property taxes. Mr. Hill said that the 100 acres is all located within Fillmore City limits off of the South I-15 exit. Mr. Hill said that he is proposing an interlocal agreement between taxing entities to participate in the amount of 75% of the incremental value created. He said that of the value that is created, 75% will go back to the development agency to support infrastructure for 20 years or until a cap of 1.6 million dollars is reached, and 25% will go to the County. He said that this is a good opportunity to spur development in the area.

Recorder Hansen said that parcel 7415-2 which is included in the 100 acres has not been annexed into Fillmore City.

A discussion was had on the County's obligation over the 20 year period or if the cap was reached sooner.

Commissioner Draper asked Attorney Finlinson if the Commission can act. Attorney Finlinson said that he doesn't see a problem with this, but it is a good idea to give the County time to review the agreement.

Commissioner Draper requested that this be discussed at the next commission meeting.

## OTHER BUSINESS

Commissioner Jackson said that he has been in discussions with Sierra Smith and she has agreed to take over the Miss Millard Program as the Director. He would like to discuss and appoint her as the director at the next commission meeting.

Commissioner Draper said that he had previously voiced concerns about informing the new director about some past conflicts in the program that made it difficult for a director to succeed. He said that he wanted this communicated to the new director so they could navigate and be aware of the prior issues.

Commissioner Draper said that the County has been approached by Juab County to enter into a joint enterprise located on the Brush Wellman Highway. He said that there are grants available to cover 100% of the improvements, so if it is done correctly, there will be no cost for Millard or

Juab Counties. Commissioner Draper said that by submitting a joint grant with Juab County, the chances of the grant being approved is increased. He said that this entails 14 miles of Millard County roads west of IPP and that he spoke with Brandon Winget who doesn't see an issue with this. He said that Juab County needs a response today.

Mr. George questioned why Juab hasn't been taking care of that road. Commissioner Draper said that he can't answer for Juab County, but that it seems they are looking to remedy this.

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

Clerk Rowley discussed the status of the ballots. She said that ballots arrived at the local post offices on Monday, June 15, 2018 and she has been working with the post offices to retrieve the undeliverable ballots so that she can remedy them. She said that she has been able to remedy several undeliverable ballots so far. She said that there are 5 other counties in Utah who have had this same issue.

Clerk Rowley said that due to the delay in receiving the ballots, early voting has been extended in Delta on June 20-21 from 10:00 a.m. to 4:00 p.m. She said that both locations will also be open on Election Day, June 26, 2018, from 7:00 a.m. to 8:00 p.m. She said that ballots will be reissued to anyone who comes into a polling location and states that they didn't receive a ballot. Clerk Rowley said that there are currently undeliverable ballots that she has been unable to remedy due to no contact information in the voter's file.

Commissioner Draper said that there was recently a haystack fire at the Mountain View Dairy and Commissioner Withers was able to be there on site. He said that several water tenders from the County were dispatched there and at least 3,000 1 ton bales were burned. Commissioner Draper commended the Road and Fire Departments for doing a great job in a bad situation.

Commissioner Jackson said that Six Counties had a meeting last month where they were able to tour a company called National Vinyl Products. He said that Dr. Laura Nelson, from the Energy Economics Department spoke. Commissioner Jackson said that Ms. Nelson will be here Aug 15, 2018 if they would like to ask her to speak on the second day of the legislative ride.

Commissioner Jackson said that the Legislative Ride is planned for August 14, 2018 and that there will be a pre-ride the 27<sup>th</sup> at 9:00 a.m.

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

#### POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

Commissioner Draper made a motion to go into a closed executive session for the purpose

of discussing pending and/or threatened litigation.

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

Present in the Closed Session were Commissioner Draper, Commissioner Jackson, Attorney Finlinson, and Treasurer Dearden

After the closed executive session the regular meeting reconvened at 12:00 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 12:01 p.m..

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

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