

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF JANUARY 2014
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson
James I. Withers..... Commissioner
Alan M. Roper..... Commissioner

Richard Waddingham..... County Attorney
Norma Brunson..... County Clerk
Marki Rowley..... Deputy County Clerk

ALSO PRESENT: Robert Dekker..... County Sheriff
Dean Draper..... Millard County Chronicle Progress
Pam & Lee Goodrich..... Central Utah Public Health
Lindsay Mitchell..... Sheriff's Office
Kevin Morris..... Millard County Recreation
Jack Van Schelt, Melody Brenna & Paul Swanson..... Colonial Flag
Wayne Jackson & Kenneth Porter..... MCOMM
Sheryl Dekker..... County Planner
Todd Anderson & Laurel Eliason..... Deseret Heritage Association

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 Smith to the public and Commission members.

OPENING STATEMENTS

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

APPROVAL OF DECEMBER 17, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 17, 2013 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of December 17, 2013, as

corrected.

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

APPROVAL OF DECEMBER 23, 2013 SPECIAL COMMISSION MINUTES

The proposed minutes of a Special County Commission meeting held December 23, 2013 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of December 23, 2013, as corrected.

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

FOLLOW UP ACTION ITEMS FROM DECEMBER 17, 2013

There were none.

APPOINTMENT OF A NEW COMMISSION CHAIRPERSON AND CHAIRPERSON PRO TEMPORE

Commissioner Withers made a motion to appoint Commissioner Roper as the new Commission Chairperson and Commissioner Withers as the Chairperson Pro Tempore for 2014.

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

Commissioner Smith will finish out this meeting and Commissioner Roper will take over at the next commission meeting.

APPROVAL OF COMMISSION DATES FOR 2014

Clerk Norma Brunson presented the Millard County Commission Meeting Schedule for the year 2014:

January 7, 21	July 1, 15
February 4, 18	August 5, 19
March 11, 25	September 2, 16
April 1, 15	October 7, 21
May 6, 20	November 4, 18
June 3, 17	December 2, 16

Commissioner Smith said that the dates follow the same schedule as in the past as far as the first and third Tuesdays in the month. He said that the meeting dates for March will be scheduled on the second and fourth Tuesdays due to the Commissioners being in Washington D.C for a conference on the first Tuesday in March. All meetings scheduled above will be held at 10:00 a.m. in Fillmore, Utah.

Commissioner Roper made a motion to approve the commission dates for 2014.

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

ASSIGNMENT OF COMMISSION DUTIES FOR 2014

The commissioners discussed the commission duties for 2014 and who would be over which departments.

Commissioner Withers made a motion to approve the list of Commission Duties for the year 2014. Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. *See attachment.*

RATIFY THE MOTION TO APPROVE THE FUNDING MECHANISM USING THE STATE'S FORMULA FOR SRS MONEY

Commissioner Smith said that the County chose to receive its SRS money by using the State's formula. Notice was sent to Attorney Mark Ward. The SRS allocation appropriated by the federal government will be as follows: School District 40%, Road Department on Title I 40%, Title II 13% and Title III 7%.

Commissioner Withers made a motion to ratify the motion to approve the funding mechanism using the State's formula for SRS money.

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

RATIFY THE MOTION TO BEGIN NEGOTIATIONS WITH AARON POFF FOR CONFLICT COUNSEL

Commissioner Smith met with Attorney Poff to negotiate a contract which is scheduled for possible approval later on the agenda.

Commissioner Roper made a motion to ratify the motion to begin negotiations with Aaron Poff for conflict counsel.

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

DISCLOSURE STATEMENTS

Attorney Waddingham sent an email which included disclosure statements forms to the elected and/or appointed officials requesting disclosure statements for those involved in doing business with Millard County.

Disclosure Statements were submitted for the following employees:

- County Attorney Richard Waddingham
- County Clerk Norma Brunson

AMENDING THE 2014 PUBLIC DEFENDER CONTRACT

Attorney Waddingham said that he spoke with Attorney Tate Bennett regarding these amendments. Attorney Waddingham went over the changes he made to the 2014 Public Defender Contract. He said that he amended the conflict counsel language to explain why the amendments were being made and added an insurance clause which will require minimum limits of \$100,000 per person and an aggregate of \$300,000. He separated the indemnity clause from the independent contractor clause and added additional language that the County would still be held harmless even if the insurance limits were reached. This will help ensure that the County is always protected. He said that everything else in the contract remains the same.

Commissioner Withers made a motion to amend the 2014 Public Defender Contract as explained by Attorney Waddingham.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. **need copy**

DISCUSSION AND POSSIBLE APPROVAL OF A CONFLICT COUNSEL CONTRACT WITH AARON POFF

Attorney Waddingham said that he put in the same type of language as in the public defender contract pertaining to the conflict counsel contract. He said that he received an email from Attorney Poff indicating that he was able to get insurance and worker's compensation certificates and is ready to go. The contract is in the amount of \$6,000.00 a year. Attorney Poff can take a case on appeal, if he finds there is a need to do it, and the County would be obligated for transcript costs. Attorney Waddingham stated that Attorney Poff will have to get court approval for costs.

Commissioner Roper made a motion to approve a conflict counsel contract with Aaron Poff.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH THE COUNTY SEAT TV PROGRAM FOR 2014.

Commissioner Smith explained that this is a sponsorship agreement that the County has done for the last four years. This year the contract is for \$11,000.00 which is a quarter of the original contract. The agreement states that Millard County will participate in thirteen TV programs and commercial spots on topics that will be presented. Commissioner Smith said that in the past the County did a half sponsorship for \$22,000.

Commissioner Roper said that the County is not doing as much as in years past and questioned if they will be eventually fading out. Commissioner Smith said that they wanted to use the money in a different way to promote the County. The TV program was to help advertise events

and educate the public on the issues in the counties. They will still advertise local events but as far as some of the issues that affect Millard County, they feel that they have gotten the main issues out there already. He said that the County just wants to participate at a lesser level. Each year they have the option of evaluating and doing what they feel has the most value to the County.

Commissioner Withers made a motion to approve the 2014 contract with the County Seat TV program in the amount of \$11,000.00.

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

DISCUSSION AND POSSIBLE RENEWAL OF THE RURAL PUBLIC LAND COUNTY COUNCIL (RPLCC) CONTRACT FOR THE SERVICES OF ROBERT K. WEIDNER

Commissioner Smith said that this is a renewal contract for Robert K. Weidner, a lobbyist in Washington D.C., that the County uses for a broad array of public land issues; namely, PILT and SRS. The County has to lobby each year and try to get re-authorized to receive the federal money. The County also uses Mr. Weidner for any other public land issues that come up. Mr. Weidner does a good job for the County and the County feels that this is a good value. Commissioner Smith said that the 2014 contract is \$1,000 higher than last year's contract. He also said that the contract amount was budgeted for in the 2014 budget, as was the 2014 County Seat TV contract.

Commissioner Roper made a motion to renew the RPLCC contract for the services of Robert K. Weidner in the amount of \$16,000.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF OUT OF STATE TRAVEL FOR COUNTY ROAD SUPERVISOR BRANDON WINGET AND STEVE JENSEN TO ATTEND CATERPILLAR SCHOOL

Commissioner Withers said that Caterpillar invited Mr. Winget and Mr. Jensen to attend its safety school in Chicago, Illinois. There are other schools, but the school in Chicago offered a time slot in January so Mr. Winget thought that it would be better to attend this school. They will be gone for two days and Caterpillar will fund the whole trip; there will be no expense to the County. The commissioners feel that this will be a benefit to the County to have them attend this school.

Commissioner Smith said that the County policy states that if any employee travels out of state it needs to be on the agenda.

Commissioner Withers made a motion to approve out of state travel for County Road Supervisor Brandon Winget, and Steve Jensen to attend caterpillar school.

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

DISCUSSION AND POSSIBLE APPROVAL OF CELL PHONE ALLOWANCE INCREASES

FOR SPECIFIC EMPLOYEES IN THE SHERIFF'S OFFICE

Sheriff Dekker said that the commission signed the approval for these cell phone allowance increases at its last meeting. The new cell phone allowance amounts will be \$80.00 for the following employees: SRO Travis Keel, SRO Nate Tingy, Deputy Tony Pederson and Deputy Mike Turner.

Commissioner Withers made a motion to approve cell phone allowance increases for SRO Travis Keel, SRO Nate Tingy, Tony Pederson and Mike Turner in the Sheriff's Office.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT - LINDSAY MITCHELL

Lindsay Mitchell presented an ambulance abatement application from Sherri Mortensen. Ms. Mortensen was transferred by ambulance from her home to the hospital, where she was then transferred up north resulting in an ambulance bill of \$7,789.78.

Ms. Mortensen's annual income is \$75,600 all of which comes from rental properties. Ms. Mortensen's total debt owed including medical is \$233,585.00 which continues to grow due to her medical treatment. Ms. Mitchell explained that Ms. Mortensen has been fighting health issues since February with no health insurance.

Commissioner Roper said that Ms. Mortensen's income from last year is over the state poverty guideline. The commissioners asked to see the updated poverty income guidelines before making a decision.

Later, Ms. Mitchell presented the new IHC poverty guidelines. According to the guidelines Ms. Mortensen does not qualify for an abatement, but she does have pretty significant circumstances. Commissioner Roper asked if someone was put on a payment plan would the bill incur interest? Ms. Mitchell said that as long as a payment is made each month penalties and interest will not incur. Commissioner Roper said that under the circumstances he feels comfortable abating some of Ms. Mortensen's ambulance bill.

Commissioner Roper made a motion to abate 40% of Ms. Mortensen's ambulance bill and to set up a payment plan for Ms. Mortensen to pay off the remaining balance.

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

APPRECIATION PLAQUE TO BE PRESENTED TO WAYNE JACKSON FOR HIS SERVICE ON THE MILLARD CARE & REHABILITATION BOARD - JEFF CHRISTENSEN

This item was tabled to the next commission meeting.

DISCUSSION REGARDING THE CLEAN AIR ACT - PAM GOODRICH

Pam Goodrich, Central Utah Public Health, presented the commissioners with a handout on zoning restrictions regarding tobacco sales and the Utah Clean Air Act. She explained the handouts to the commission. Included in the handout was information on the following: House Bill 95 - retail sale of tobacco products, regulations of retail tobacco specialty businesses, e-cigarettes, e-liquid, nicotine, legislation, as well as, a list of websites for more information.

Ms. Goodrich said that they are trying to educate on e-cigarettes on whether they are a health risk or not. There are currently no restrictions or warning labels on e-cigarettes. She suggested that the County put some restrictions on the use of e-cigarettes.

REVIEW OF JANITORIAL CONTRACTS INCLUDING THE ROAD DEPARTMENT

Commissioner Smith said that the person holding the janitorial contract for the Road Department is no longer able to do it. Auditor Grace said that it was already planned to view the janitorial contracts every year.

The commissioners discussed that there are a few janitorial contracts, including one contract for the Delta Office, the Delta Jeep Posse and the West Recreation Office. Other contracts, including the Road Department and the Delta Landfill, etc., will all need to be rebid. It was decided to run an article in the paper requesting bids for all of the janitorial contracts. Notice will be given to the current contract holders that these contracts will be advertised for bid.

Commissioner Roper said that it is in the ordinance that it would be done every two years. Auditor Grace said that it is also listed in each contract that it would be rebid every two years.

Kevin Morris, West Millard Recreation, questioned how it will affect the budget if they budgeted the current amount of the contract in their budget and the amount increases. Commissioner Smith said that if the new contract amounts come in higher than what was budgeted they will try and make it work. It was suggested from now on to bid the contracts out in October so that the amount of the new contracts can be budgeted adequately for the coming year's budget.

BID OPENING FOR RE-PLASTERING OF THE WEST MILLARD COMMUNITY SWIMMING POOL

Auditor Grace said that this project was advertised for the three week requirement. She said she only received one bid:

- Johansen's Swimming Pool Plastering Inc.. The total bid amount was \$54,862.50, which included re-plastering the interior of the swimming pool for \$44,872.50 and \$9,990.00 for trucks, travel and subsistence of the work.

Mr. Morris said that they budgeted \$56,000 for this project. They will be putting a quartz finish in with a 10 year warranty. Mr. Morris contacted a few other companies but because of the quartz finish there is only one company in the State who is certified to apply the quartz finish.

Auditor Grace informed the commissioners that this company is requesting 50% up front and the balance upon completion.

Commissioner Withers made a motion to accept the bid from Johansen's to re-plaster the West Millard Swimming Pool in the amount of \$44,872.50 and \$9,990.00 for travel, totaling

\$54,862.50.

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

DISCUSSION REGARDING INSURANCE OPTIONS WITH THE SOIL CONSERVATION DISTRICT BOARD

Commissioner Withers said that he received a call from the Soil Conservation Board regarding concerns about liability for those who serve on the board. He said that they wanted to see if the County would provide liability insurance or money for liability insurance for those boards. They figured it would be about \$100 a month to provide the insurance.

Commissioner Smith said that he does not feel that it is the County's responsibility to provide the cost for liability insurance. He said that the County does not appoint the board members. Their board members are appointed by the public or the citizens who live in their districts so he is unsure why the County would be involved with their liability. The commissioners attend the meetings to show support and only provide a little funding toward the secretary salaries, other than that they are a State agency. Commissioner Smith said that he thinks that the boards could get insurance but may not have the funds. He said that some of the money the boards receive for projects could probably be used for administrative purposes.

Commissioner Roper would like to discuss this issue more. Commissioner Withers said that he will get more details and will bring this issue back to a future meeting.

DISCUSSION REGARDING THE DESERET HERITAGE PARK - TODD ANDERSON

Attorney Todd Anderson and Laurel Eliason, Deseret Heritage Association, came to discuss the Deseret Heritage Park project further with the commissioners.

Attorney Anderson proposed to the Commission instead of waiving surety he asked for a surety in the form of an escrow account. He said that all monies received will be held in escrow and will be used only for improvements. He said an escrow account will protect all three parties.

The commissioners and Attorney Waddingham discussed the issues at hand with the process of the Deseret Heritage Park moving forward, including the current County Ordinance requirements on paved roads, curb and gutter, home owner's association, etc.. The County is currently working on a new ordinance which may not require all the things that are required in the current ordinance.

They also discussed other subdivisions located in the County and what was required or not required when they were first put in.

Ms. Eliason said that she has potential buyers for the lots, but due to the time delays she has already lost potential sales and is afraid she may lose more.

Attorney Waddingham said that he recommends that the County follow its ordinance. The commissioners discussed with Attorney Anderson the County engineer's study on costs of improvements, which appeared to be estimated a little high.

After more discussion it was suggested to price a performance bond and continue with amending the ordinance. The commissioners will have more of an idea on the paved road issues and the home owner's association requirements after the Planning and Zoning meeting tomorrow.

DISCUSSION AND POSSIBLE APPROVAL OF LOWERING THE HOURLY RATE FOR USE OF THE LIGHTS IN THE EAST MILLARD INDOOR ARENA - TODD MATTHEWS

This item was tabled until the next commission meeting.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Auditor Grace presented a few items for signature. She also discussed County vehicle situations for some employees.

Auditor Grace said that Wayne Jackson and the Colonial Flag representative would like a check so they can begin working on the memorial wall. Commissioner Roper said that the project has not been approved yet. Auditor Grace said that Mr. Jackson told her that he left the contracts for this project on her desk, but she cannot find them. Commissioner Withers said that he would like more information that this product will really last as long as they claim. The commissioners would like to discuss this project more with Mr. Jackson before moving forward. Auditor Grace will let Mr. Jackson know that someone will be contacting him regarding this.

Auditor Grace said that Gordon Topham with Sevier County is organizing a Coal County meeting Sunday afternoon during UAC and invited the Commissioners to attend.

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

Commissioner Roper said that there is a meeting tomorrow as they release the big horn sheep up the canyon. They are going to open up the canyon and have invited the public officials to attend.

Commissioner Roper has a meeting in St. George on January 15, 2014.

Commissioner Roper said that there are two positions available on the Economic Development Board. Mayor Eugene Larson, Jim Dyer, Steve Robison, John Higgins, Ross Warner, Dave Dalin and Stacey Anderson were the names given for possible candidates.

Commissioner Roper discussed with the commissioners the two term period and how they feel about maybe changing that requirement.

Commissioner Roper said that the new motion sign, for advertising recreation and countywide events, will be here sometime this week. The County made an agreement with the owner of the property where the sign will be placed. The County will be billed for the power each month and the City will do the administration.

Commissioner Roper said that Vance Finlinson has the MOU on the road. He said that he is having a hard time getting it back from him.

Commissioner Withers said that Keith Mienhardt has received the open range signs and was going to put them up yesterday.

Commissioner Roper said that he was contacted by Neldon Johnson. He suggested meeting with Attorney Waddingham and Sheryl Dekker to find out what needs to happen. Mr. Johnson would like to proceed with the permitting process for his project. Attorney Waddingham said that they will need to acquire a business license and a conditional use permit.

Commissioner Roper said that he toured the area of where they want to have their project. He said that they may have some stuff going on that could be a value to the County.

Commissioner Smith said that someone from Indiana called him inquiring for more information about the company.

Attorney Waddingham said that Jared Eldridge, Juab County Attorney, is talking with other county attorneys to see if county commissions are interested in supporting an amicus curiae brief that would be filed with the 10th Circuit Court of Appeals on the State's lawsuit regarding same sex marriage. He asked if Millard County was interested in including its name on the brief, to support upholding amendment 3 to Utah's constitution on marriage. He was told that it will not cost the County any money. Millard County will join other counties in support of this lawsuit.

Commissioner Smith said that Keith Shurtz, Craig Stumph and Kevin Morris met with Delta City regarding the proposed ATV trails and how to get in and out of Delta.

Delta City is in full support and may be looking into an ordinance to designate certain ATV trails open all the time. They now need to meet with the Sheriff.

Commissioner Smith will set up a meeting with BLM to discuss this issue and the wild horses.

Commissioner Smith has a meeting at the UAC offices Thursday at 10:00 a.m. to discuss the utility corridor issue and the proposed bill someone is running.

Commissioner Smith said that there is a Planning and Zoning meeting tomorrow night.

Commissioner Roper presented a work release agreement with Sunrise Engineering for general engineer services. This agreement outlines the fees that they will charge if the County does any work with them. Attorney Waddingham said that the County has a master contract with Sunrise Engineering. When Sunrise Engineering provides services to the County it will issue work release agreements. This agreement will be brought back for possible approval at the next commission meeting.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Roper SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:34 p.m..

Attest: _____

Approved: _____

**2014 Assignment of Duties for Millard County Commissioners
as of January 2014**

Commissioner Smith,	Commissioner Roper Chairman	Commissioner Withers
<p>Building Dept Long Term Care Mosquito Abatement District Planning & Zoning Risk Management / Insurance Six County Mental Health Sunset View Golf Course Water Conservancy District Wellness Committee West Millard County Maintenance</p> <p><u>State & Natl Committees & Boards</u></p> <p>NACO Agriculture & Rural Affairs Steering Committee WIR Board UAC Joint Highway Committee</p>	<p>East Millard Maintenance East Millard Recreation East Senior Citizens East Soil Conservation Economic Development Fillmore Area Chamber of - Commerce Fire District Board GIS Department Housing Authority Justice Court LEPC (Local Emergency Planning - Committee) Millard County Fair Museum Six County AOG Television Tourism</p> <p><u>State & Natl Committees & Boards</u></p> <p>Constitutional Defense Council - (CDC) Board UAC Public Lands Committee EDC Utah Executive Board</p>	<p>Cemetery Districts Days of the Old West Rodeo Delta Area Chamber of Commerce Drainage Districts Landfill / Solid Waste Millard County Bookmobile Millard County Jr. Livestock Show Road Department Special Service District # 8 Six County Public Health USU Extension Service Weed Board West Millard Recreation West Senior Citizens West Soil Conservation Districts</p> <p><u>State & Natl Committees & Boards</u></p> <p>Capital Indigent Defense Board Environmental Energy Land Use Six County Public Health</p>

<p>Joint Responsibilities:</p> <ul style="list-style-type: none"> Board of Adjustment Boundary Commission Board of Equalization County Comprehensive Plan Grazing Board Public Lands Snake Valley Water Issues State and Federal Agencies Utah State Legislature 	<p>Commission Meeting Dates for 2014</p> <p>Commission Meetings Begin at 10:00 a.m.</p> <table> <tr> <td>January 7, 21</td> <td>July 1, 15</td> </tr> <tr> <td>February 4, 18</td> <td>August 5, 19</td> </tr> <tr> <td>March 11, 25</td> <td>September 2, 16</td> </tr> <tr> <td>April 1, 15</td> <td>October 7, 21</td> </tr> <tr> <td>May 6, 20</td> <td>November 4, 18</td> </tr> <tr> <td>June 3, 17</td> <td>December 2, 16</td> </tr> </table>	January 7, 21	July 1, 15	February 4, 18	August 5, 19	March 11, 25	September 2, 16	April 1, 15	October 7, 21	May 6, 20	November 4, 18	June 3, 17	December 2, 16
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