

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF APRIL 2015
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers Chairperson
Alan M. Roper Commissioner
Dean Draper Commissioner

Pat Finlinson County Attorney
Marki Rowley County Clerk
Lesli Shields Deputy County Clerk

ALSO PRESENT: Bart Whatcott East Millard Recreation
Annette Macfarlane & Paula Claymore Restoring Ancestral Winds, Inc.
Carrie Bellamy JUWI Solar, Inc.
Klint Penney East Millard Maintenance
Greg Kesler, KayLyn Kesler, David Sturlin & Chad Imlay Citizens
Brandon Winget Millard County Road Department
Eugene Larsen Fillmore City Mayor
Lauri Mathews Fillmore Chamber of Commerce
Kevin Morris West Millard Maintenance
Merrill Stubbs Freedom Energy
Hannah Jones Millard County Chronicle Progress
Brandy Grace Millard County Auditor
Sheri Dearden Millard County Treasurer

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 MARCH 24, 2015 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 24, 2015 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of March 24, 2015, as corrected.

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

FOLLOW UP ACTION ITEMS FROM MARCH 24, 2015

Attorney Finlinson clarified that the County could pay the invoice to the Oak City Irrigation Company for the emergency funding, if the County decides to do so. He explained that the County can make a gift to non-government entities, by following some restrictions and procedures.

PRESENTATION OF FINANCIAL REPORTS - TREASURER DEARDEN

Treasurer Dearden presented the financial reports for the month of March.

DISCUSSION AND POSSIBLE APPROVAL OF DELINQUENT PROPERTY TAX SETTLEMENT OR DEFERRAL

Treasurer Dearden presented a Delinquent Property Tax Agreement for properties in the name of Snowboard Adventures, LLC. She gave a brief history regarding Snowboard Adventures, LLC. She stated that in 2014, Snow Board Adventures had eight parcels that were scheduled for tax sale. The parcels were removed from the tax sale, but no formal record of the agreement was made. However, Auditor Grace found an email that indicated that a decision was made in 2014, but with no commitment to continue to take the properties off of future tax sales.

Treasurer Dearden said that the property owner, Robert Moran, filed for bankruptcy in 2010. She reviewed notes where several discussions regarding these parcels took place between former County Attorney Richard Waddingham and former County Treasurer John Hansen. Based on these discussions, Millard County is not a named party to the bankruptcy proceedings.

Treasurer Dearden said that Mr. Moran has paid \$500 each month since July 2014, totaling \$4,500 towards the balance owed on his taxes. Treasurer Dearden said that Mr. Moran has expressed commitment to continue with that payment agreement, if the commissioners would allow him the additional time. She said that based on the amount Mr. Moran owes, in addition to the current year's taxes, it will take approximately twenty-eight months to bring the three remaining properties current.

Treasurer Dearden said that Mr. Moran is willing to pay all interest due, but he is asking the County to abate the penalty in the amount of \$165.44.

She said that the total balance for all eight parcels was \$13,501.00, including penalties and interest. With the payments Mr. Moran has already made, the remaining balance is \$9,000.00.

Auditor Grace indicated that the agreement she found required Mr. Moran to pay only \$300 each month, but he has been paying \$500 each month. Treasurer Dearden stated that Mr. Moran has already paid off five parcels, and is now working on the balance owed for the remaining three parcels.

Commissioners Roper and Withers deliberated over the previous history of the County

waiving penalties.

Attorney Finlinson asked whether the bankruptcy was final. Treasurer Dearden indicated that according to the last document filed, it was still in Chapter 11 reorganization. Attorney Finlinson said property tax is usually outside a bankruptcy, but not always. He stated that the County should do whatever it can to maintain the agreement with Mr. Moran.

Commissioner Draper questioned if the bankruptcy only affected these properties. Treasurer Dearden said that it includes much more than just these properties.

Commissioner Roper stated that Mr. Moran is showing good faith by staying current in paying off what he owes.

Commissioner Draper made a motion to allow Mr. Moran to continue to make monthly payments of \$500 and to forgive the penalty of \$165.44 on the three remaining parcels, as long as he continues to operate in good faith.

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

OTHER BUSINESS

Treasurer Dearden informed the commissioners that there is a Property Tax Administration Workshop scheduled for Thursday, May 28, 2015 and a Board of Equalization training on Friday, May 29, 2015. These trainings are sponsored by Utah Association of Counties (UAC) and the Utah State Tax Commission. The trainings will be held at the University Park Marriott and all information for both trainings is listed on the UAC website.

Treasurer Dearden stated that Assessor Manis gave her copies of the breakout sheets provided by the Utah State Tax Commission, regarding the UNEV Pipeline settlement, for the commissioners to review. She said that this is a State assessed property, so the commission would need to either have an executive session, or schedule a time to review them. If the commissioners decide to appeal, it would need to be done by Friday, April 10, 2015.

The commissioners will review the settlement details with Treasurer Dearden later today.

RATIFY THE APPOINTMENT OF KEN MARTIN TO SERVE AS A MEMBER ON THE JUSTICE COURT JUDGE NOMINATION COMMISSION

Commissioner Roper made a motion to ratify the appointment of Ken Martin to serve as a member on the Justice Court Judge Nomination Commission.

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

Commissioner Roper noted that the Delta City Mayor, Gayle Bunker, contacted him regarding Delta City also needing a person to serve as a member on the Justice Court Judge Nomination Commission. He asked the commissioners if they could come up with an additional name. Commissioner Roper nominated Commissioner Withers to take that responsibility of finding

somebody. Commissioner Withers accepted.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR NOVATROL, OWNER - ERIC LISH

A business license application was presented for Novatrol, Owner - Eric Lish, an online business that resells general merchandise. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for Novatrol, Owner - Eric Lish.

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

A business license application was presented for Bodell Automotive and Marine, Owner - Kevan Bodell, a business that repairs automobiles and boats. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for Bodell Automotive and Marine, Owner - Kevan Bodell.

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

DISCUSSION AND POSSIBLE APPROVAL OF A FRANCHISE AGREEMENT WITH ROCKY MOUNTAIN POWER

Commissioner Withers asked Attorney Finlinson if he had a chance to review the Franchise Agreement with Rocky Mountain Power. Attorney Finlinson reviewed the document and has asked Richard Waddingham, Deputy County Attorney, to review it as well. Attorney Finlinson asked to table this discussion.

Commissioner Roper made a motion to table this agenda item.

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

DISCUSSION REGARDING THE APPLICATION PROCESS FOR THE COUNTY COURTHOUSE SCHOLARSHIP AWARD

Commissioner Withers stated that the County Courthouse Scholarship Award has been budgeted, each for \$1,000 to Delta High School and Millard High School.

Commissioner Draper said that this leadership scholarship was started by former Commissioner Daron Smith. The scholarship was awarded last year and there are available funds to award it again this year.

Auditor Grace stated that she has provided the applications to each of the high schools and the applications are due by April 15, 2015.

Commissioner Roper asked if Eskdale High School was included in this scholarship; it was concluded that they were not. The commissioners discussed adding Eskdale High School as a recipient to the scholarship, if there was enough money budgeted.

Commissioner Roper explained that the first two years this scholarship was awarded because former Commissioner Smith earned the money by being elected as County Official of the Year, for the nation.

The commissioners decided to continue the scholarship for the third year and budgeted \$2,000. This scholarship helps to encourage the students to learn more about the government.

Commissioner Withers said that the commissioners will discuss adding this during the budget process, and will assign a commissioner to be responsible for the scholarship.

Bart Whatcott, East Millard Recreation Director, asked if the scholarship had to go to a student in a leadership position. Commissioner Roper explained that the scholarship is open to anyone who applies and has demonstrated leadership qualities.

Commissioner Roper made a motion to provide \$1,000 to all three high schools in the Millard County area for a Leadership Scholarship this year.

The motion died for lack of a second, due to the wording of the motion.

Commissioner Draper made a motion, since the County has the funds, to appropriate \$1,000 to provide the opportunity for an Eskdale High School student to participate in this same program as the other \$2,000 that has already been budgeted.

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

DISCUSSION AND POSSIBLE APPROVAL OF EMERGENCY FUNDING FOR THE OAK CITY IRRIGATION COMPANY

Commissioner Withers stated that there was a discussion at the last commission meeting regarding possible approval of emergency funding for the Oak City Irrigation Company. At that meeting, it was suggested that the commissioners talk to Bronson Smart, NRCS, about possible funding.

Commissioner Withers attempted to contact Mr. Smart several times, but has not received a response. He suggested to table this agenda until the commissioners have a chance to speak with Mr. Smart and/or receive more information.

Commissioner Roper 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 MILLARD COUNTY BUILDING AUTHORITY

Attorney Finlinson provided the commissioners with the formation documents, articles of organization and by-laws, for the Millard County Building Authority at the last commission meeting. He asked the commissioners if they had any concerns or questions regarding those documents.

He informed the commissioners that no action can be taken today because the wording on the agenda is incorrect. This item will be brought back as a resolution, to adopt the articles of

organization at a future meeting.

Commissioner Draper made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF REVISIONS TO THE COUNTY'S PROCUREMENT POLICY

Attorney Finlinson stated that he presented the commissioners with copies of the revised County Procurement Policy at the last commission meeting and asked the commissioners if they had any questions or concerns about the revisions.

He explained that during a meeting with Auditor Grace, they realized that the summary of the December Procurement Code was never published and there were some definitions that were not in compliance.

Attorney Finlinson asked Deputy Attorney Waddingham to review the Procurement Policy and to work at bringing it into compliance. Attorney Finlinson asked for this agenda item to be tabled and brought back as an ordinance.

Commissioner Draper made a motion to table this agenda item.

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

OTHER BUSINESS CONTINUED

Commissioner Withers said that the commissioners received a thank you card from Arnold E. Pew and Janet Brady. The letter thanked the committee who funded the Honor Flight trip to Washington, D.C. and expressed appreciation to the committee for supporting this trip, which made it possible for our World War II veterans to go to Washington, D.C..

Commissioner Roper reported that the commissioners and Delta City Mayor Bunker, attended a Leadership Summit on April 1, 2015, in Richfield, Utah. They enjoyed an educational opportunity to hear from the State Legislators.

Commissioner Roper attended a Coordination meeting April 2, 2015. This meeting was about how to coordinate with the Federal Government on a county or a state level. Commissioner Roper thinks this a great tool to utilize. He stated that he received a booklet with information about that Coordination meeting.

Later, Commissioner Draper added more information about the Coordination meeting. The commissioners will be extending information on coordination throughout the County, in various departments. This will go into a Resource Management Plan that the State has asked to be developed for each County and would need to be done within one year . The commission will look into how to proceed.

Commissioner Draper said that this process will definitely involve the planning commission.

This is part of the move of the federal government turning over federal land to Utah, and other states. In order for this to be accomplished, the State needs to determine what it will be doing with that land, and how to make those resources beneficial to the public.

Commissioner Roper reported that the commissioners had a great meeting with the new owners at Magnum Gas Storage.

Commissioner Roper asked if the Open Meetings Act and GRAMA training on April 21, 2015, in Fillmore at 1:00 p.m. was still scheduled.

The commissioners discussed rescheduling the Open Meetings Act and GRAMA training. They also discussed changing the April 21, 2015 commission meeting to a different date, since there will be no representation from the Clerk's Office, due to a two day training in Salt Lake City that the Clerk and her deputy must attend, and a Jury trial that are both scheduled on April 21, 2015.

After everyone checked their schedules, it was decided to change the commission meeting from April 21, 2015 to April 28, 2015. The Open Meetings Act and GRAMA training will be scheduled after commission meeting on April 28, 2015, at 1:00 p.m.. County Clerk Rowley, will post notice for the commission meeting date change in the local paper and on the State's website.

Commissioner Draper met with the "Board" of the Millard County Care & Rehabilitation Center. He said that Derek Trump, manager, and the Owner of Traditions were both in attendance. The Board reported on the last seven years of operation. They said that they have moved from operating in the red to now operating in the black.

Commissioner Draper said Traditions is looking for a replacement for the CEO, who has accepted a new job near Logan, Utah.

DISCUSSION AND POSSIBLE ACTION ON PROPOSED COMMUNITY DEVELOPMENT AGENCY (CDA)

Commissioner Withers stated that the commission has had several discussions in previous commission meetings regarding the proposed CDA. He asked if any one had any further discussions or concerns regarding the proposed CDA.

Commissioner Roper went over a few things that he felt were important to make the citizens of Millard County aware of.

The Pahvant Solar Phase II project has come up against a negotiating situation with Rocky Mountain Power. The price offered is approximately 15% lower than what was offered for Phase I. He said that because of that decrease, JUWI Solar, Inc. has requested a CDA on its behalf.

Commissioner Roper went over the possible benefits of going with a CDA. He said that in addition to the tax benefits to the County, this construction project has the following benefits:

- It will bring up to 200 employed people to the County, for the construction of Phase I.
- It has created sub contracts for various trades in the County.
- The potential contract and services by County contractors will be approximately \$6,750,000.00.

- It will bring revenue to the hotels, restaurants, and other service providers.
- The estimated revenue going to local businesses in the County would be between \$1,000,000.00 and \$1,500,000.00.

Commissioner Roper also listed the projections of taxes; if the County does not issue the CDA compared to if it were to issue the CDA.

The first year projection:

- without a CDA; \$612,895.00
- with a CDA; \$459,671.00

Over ten years:

- without a CDA; \$5,044,190.00
- with a CDA; \$4,341,139.00

Over 20 years:

- without a CDA; \$7,212,506.00
- with a CDA; \$6,509,455.00

Commissioner Roper stated that the point he wants to make is, if the County does not issue a CDA for this project at all; the company could decide that it does not want to come into Millard County, therefore, the County will get zero tax benefit, zero workers, and zero sales of goods and services from this project.

Commissioner Roper talked to several other commissioners and mayors in the surrounding counties including, Iron, Beaver and Sevier who all expressed that they issue CDA's.

Commissioner Roper thinks that the County should show willingness to move forward, at least through the next step. JUWI Solar, Inc. is showing good faith coming into Millard County, providing jobs, tax base and it provides encouraging value. It sends a message that our County is aggressive and is willing to work with people who are wanting to relocate to Millard County.

Commissioner Withers stated that a motion for approving this CDA died several weeks ago. He asked Attorney Finlinson what the commission legally had to do. Attorney Finlinson clarified that discussion and possible action had to be listed on the agenda in order for formal action to be taken.

Commissioner Withers stated that the other counties mentioned by Commissioner Roper do not have a major power industry that they have to negotiate with. Therefore, Millard County has a very different situation.

Commissioner Withers said that if the County starts negotiating percentages of tax breaks for the energy industry, he is afraid that Millard County will have a difficult time negotiating with other entities in the future.

Commissioner Roper said this is an economic issue and he is asked all of the time what Millard County is doing for economic development. He feels this is something that the County could do for economic development.

Carrie Bellamy, JUWI Solar, Inc., asked if the previous vote on the CDA, that Commissioner Withers said failed, was for the Phase I of the project, or if it was for both Phase I & Phase II.

Commissioner Withers said that it was for Phase II, but he wants to double check the minutes to verify that is correct.

Ms. Bellamy asked the commissioners if they had any questions on why JUWI Solar, Inc. is

pursuing the CDA. Commissioner Withers said that the commissioners are very clear on why JUWI Solar, Inc. is pursuing the CDA. He said that there is just a difference in opinion with the commissioners on whether to proceed with a tax break for an energy company coming to Millard County.

Commissioner Roper made a motion to have the County show willingness to move forward by making a recommendation to the RDA board, setting a 30 day period for a public hearing to get public input. He said that this process can be stopped at any point. The motion died for lack of a second.

Greg Kesler stated that he thinks that a project like this would be beneficial for Millard County and would like to see all the facts in addition to the facts that Commissioner Roper spoke about. He said that he did not see a downside. It will bring business into our County. JUWI Solar, Inc., will only be here for a short time, but will continue to help bring money into the County for years to come.

Ms. Bellamy asked if Commissioner Withers would summarize the past discussions on why the County is reluctant to move forward with the CDA and elaborate on his concerns with giving tax breaks to energy companies.

Commissioner Withers said there was a discussion with Zions Bank on whether or not the project even qualified for a CDA, based on the criteria a CDA takes and on what a CDA has to provide for the County. He stated that he has had concerns with a CDA from day one which has never changed.

Commissioner Roper said when he talked with Cindy Becker, Zions Bank, she indicated that the project does qualify for a CDA.

Ms. Bellamy said she would be happy to provide any documentation needed to show the CDA qualifications.

DISCUSSION REGARDING POSSIBLY PROHIBITING THE SHOOTING OF PREDATORS ON CULTIVATED LANDS

Commissioner Withers visited with a group of farmers regarding possibly changing the County ordinance to prohibit shooting predators on cultivated land. He also spoke with other landowners in the area and those with livestock operations. The landowners with livestock operations are concerned that if the County proceeds with this, it will endanger their businesses.

Commissioner Withers asked Commissioners Roper and Draper to give their thoughts on moving forward with changing the ordinance.

Commissioner Draper said the County has paid bounties on predators for several years. It is his understanding that the bounties were put in place to curtail depredations on the deer herds in the Pahvant and the canyon range, where the deer fawns are susceptible to coyote. He mentioned a study done by the Forest Service; the conclusion being that a single coyote may be responsible for killing 1-2 lambs, but they are also responsible for killing thousands of rodents per year. He said that there is a problem with gophers invading the cultivated fields of the County.

Commissioner Roper said the law states that you can not shoot on cultivated land without permission from the land owner.

Attorney Finlinson stated that the County ordinance has to be consistent with the State Wildlife Laws, which already prohibit shooting on cultivated land without permission.

The commissioners decided that since the State Statute already states that it is illegal to shoot predators on cultivated land without permission, nothing needed to be changed in the County ordinances.

DISCUSSION REGARDING PIPKIN ROAD MOVING PROPOSAL

Merrill Stubbs, Freedom Energy, is proposing a future pivot development on a private parcel that was purchased about three years ago from School Institutional Trust Land Association (SITLA). Freedom Energy is asking if the County would consider trading some easements for the utilization of the agricultural property, in order to make a full rotation with a seven tower pivot in an area where the well and the power is consistently available.

Mr. Stubbs gave the commissioners a copy of a map showing the county road and the easements they are asking for. They would need to make this adjustment so the pivot can clear the county road when it makes its full rotation on both the North and the South end.

David Sturlin, a resident in the Eskdale community, gave the commissioners an enlarged copy of the same map. Mr. Sturlin stated that the community of Eskdale has been established for well over sixty years. He gave a brief history of the area and stated that the county road system was developed out of the need to have that land elevated because the clay in the soil made the previous road impassable when it was wet.

Mr. Sturlin stated that the County has a considerable investment in the Eskdale community as far as fire and ambulance services. The emergency services coming into this community is through that access road and he is concerned about moving the road. Mr. Sturlin showed the commissioners a spot on the map where he feels there is room for it to pivot without altering the county road.

Commissioner Roper asked Mr. Stubbs if it would be possible to move the pivot to where Mr. Sturlin indicated. Mr. Stubbs said that it would not be possible because of the way it is graded and they would not be able to utilize the water permit. Mr. Stubbs said the county road can be adjusted quite efficiently to meet the specifications required. The access could possibly have two extra curves or a more defined curve on the southeast side and it would have a gradual flow around the pivot.

The commissioners, Mr. Stubbs, Mr. Sturlin, and Brandon Winget, Millard County Road Supervisor, reviewed the maps.

Attorney Finlinson stated that he was asked to look into the liability and liability shifting issues in terms of allowing a private party to construct a road. He said that it could be done through a contract with the private party and the liability could be shifted to them; in terms of making sure it is up to standard and built to the specifications of the County. Attorney Finlinson stated that it would also require a highway study, done to Utah Department of Transportation (UDOT) standards, before a road could be moved.

Mr. Winget expressed concerns about who is going to pay for the highway study and constructing the road. Mr. Stubbs stated that Freedom Energy would take care of all finances including; the highway study, any engineering fees, and the construction of the road. He also stated that they would construct the road in phases, and would not tear any existing roads out until the new

road was complete.

Mr. Winget asked Mr. Stubbs if they had an idea on how much it would cost to do this. Mr. Stubbs said that unfortunately, Patrick Pipkin and Seth Cook had those figures, but they were unable to be at the commission meeting today. Mr. Winget said that he came up with a ballpark figure of around \$100,000.00, but wasn't sure where Mr. Stubbs would get the crushed gravel.

Commissioner Withers asked Mr. Winget about the clay material. Mr. Winget said the road would have to be built up. The highway study and engineering should have all the specifications for that.

Attorney Finlinson stated that the first thing Freedom Energy would have to do is satisfy UDOT's highway study requirement. Second, make sure there is an understanding of what the specifications are, including the degree of the curves, quality of the road, the gravel used, etc. and an understanding of the cost of what all of that entails.

Commissioner Withers asked if this is a situation that could be bonded. Attorney Finlinson said that it could require a bond to protect the County; probably not a performance bond. If the contract clearly states that the old road is not to be disturbed until the new road is complete, a security bond could be worked into the agreement.

Mr. Sturlin stated that he would be agreeable as long as the conditions that Attorney Finlinson mentioned are met.

Commissioner Roper stated that he was sure Zane Pentz, Sunrise Engineering, could help point Mr. Stubbs in the right direction.

Commissioner Draper asked Mr. Sturlin and Mr. Stubbs about the angle of the existing road and if it would be preferable to change the road so it is a straight shot across, or to keep it angled. Mr. Stubbs stated it would be more beneficial to keep it on an angle, as that takes it down to where the power lines are. Also, there is a ridge there that would make it difficult to do a road straight across.

Commissioner Draper told Mr. Stubbs to get a highway study done on the entire section of land. Mr. Stubbs stated that Freedom Energy plans to do that.

Mr. Stubbs expressed his appreciation to the commissioners for their cooperation.

DISCUSSION REGARDING THE POTENTIAL FILLMORE CITY SPLASH PAD - BART WHATCOTT, EAST MILLARD RECREATION DIRECTOR

Mr. Whatcott and Fillmore City Mayor, Eugene Larsen, discussed the potential Fillmore City Splash Pad. Mr. Whatcott stated that Millard County is not putting any money into the development of the splash pad, but since it would be in close proximity to the pool, the County has a genuine interest. He stated that they are concerned with the splash pad going in right next to the pool and patrons coming to the pool or the Territorial Statehouse to use the restrooms.

Mr. Whatcott is proposing that Millard County partner with Fillmore City. He suggested that access to the splash pad be through an ADA compliant door at the pool. The pool would charge a small fee for access to its restrooms.

There are still more discussions that need to be had by the Splash Pad Board, but Mr. Whatcott feels that it would increase the use of the pool and would help out the County. If there is not a partnership, he feels that it would put a strain on the restroom situation at the pool and at the Territorial Statehouse.

Mayor Larsen stated that he would like the splash pad to be large enough to attract people to Fillmore. He would like it fenced due to safety and security concerns.

Mr. Whatcott said that the splash pad will be 60 feet by 60 feet and they will try to incorporate the existing playground into the splash pad area. He said that it will be a first rate splash pad and Fillmore City would be the first in the ten county area to get this kind of a splash pad.

Commissioner Draper asked if there would only be the one door with access to the splash pad or if there would be two doors. Mayor Larsen stated that Fillmore City would like there to only be the one access door, for safety and security. He said that he does not want to do the splash pad if it is not linked to the pool. It will be a very low maintenance pad with no need for lifeguards to be on patrol. He said that Carl Camp, Territorial Statehouse, is in total support of this plan with the County.

Auditor Grace asked Mayor Larsen if he anticipated if any of that revenue would come back to Fillmore City. Mayor Larsen said that he is okay with it being minimal and secondary.

Commissioner Roper asked about maintaining the splash pad. Mr. Whatcott said the County would not be maintaining the splash pad at all. The system is low maintenance and the City would be in charge of any maintenance. It will have an underground water tank that cleans and re-circulates the water. He explained that the splash pad will also be self-activated by motion sensors.

Commissioner Draper asked what the hours of operation would be. Mr. Whatcott said the pool would increase or decrease its hours, as needed, according to demand.

Commissioner Withers asked what the cost would be to put in a door. Mr. Whatcott said that he found an ADA compliant glass door for about \$2,600-\$2,800.

Commissioner Draper asked Attorney Finlinson what the liability would be if the County were to do this. Attorney Finlinson stated that it would become part of the indemnity of the County.

Commissioner Draper asked if the committee had thought about moving the location to the Fillmore City North Park. Mayor Larsen replied that they would rather have it in the center of town, in a safer and more secure place.

Commissioner Roper asked Klint Penney, East Millard Maintenance, if he had any issues with what has been discussed. Mr. Penney did not have any issues and said that there is plenty of lighting at the pool. He later said that he did not like the idea of having access to the splash pad being through the pool.

Commissioner Withers asked Mr. Whatcott if the Recreation Department had money budgeted for the door. Mr. Whatcott said that they did have the revenue to cover the door. Commissioner Roper would like all of the commissioners to go look at the pool and the property.

Lauri Mathews, Fillmore Chamber of Commerce, stated that she is on the committee for the splash pad. She said that the Chamber feels the use of the splash pad should be free because there are citizens willing to raise and donate money to build the splash pad. The Chamber likes the location in the center of town and feels it would bring more people into Fillmore, but the Chamber does not see it working if they have to go through the pool and pay an entrance fee. The Chamber would like the splash pad fenced, but it should be accessed for free.

Commissioner Withers and Commissioner Roper stated that they are in support of the proposal, if that is what they decide to do. Fillmore City and the Splash Pad Committee need to work out their differences and suggested they come back for formal approval when they have a complete plan in place.

Commissioner Withers asked about the property swap between Millard County and Fillmore City that was discussed at the last commission meeting. Mr. Whatcott said that they are still interested in the swap. In order to build a parking lot that is sufficient for the pool's needs, it will require a survey. They are working on that.

PRESENTATION ON PROCLAMATION; AWARENESS OF STATEWIDE DOMESTIC VIOLENCE AND COALITION - ANNETTE MACFARLANE, RESTORING ANCESTRAL WINDS

Annette Macfarlane, Chief Operating Officer, and Paula Claymore, Executive Director, for Restoring Ancestral Winds presented a Proclamation to the commissioners. They explained that this is a non profit, Utah State Tribal Coalition, started in 2013. They are focused on domestic violence, stalking, sexual assaults, dating violence, child abuse, suicides and homicides. They have a Proclamation for all the different awareness that are with the State and Federal Government and would like to go into collaboration with the Millard County Commission to bring awareness of the monthly prevention. For example, April is Sexual Assault Prevention Month.

Their organization also provides training which they will provide by going to the different agencies in the counties. They also work closely with all the tribes in the State and the border tribes.

Commissioner Withers asked Ms. Macfarlane and Ms. Claymore where the Proclamation should be placed. Ms. Macfarlane stated they would like it to appear in a newspaper article stating that the County Commissioners have taken this action. She said this program raises awareness to the general public that these are issues that the community is serious about addressing. It also raises awareness of their organization and how they can collaborate with the County and to let the communities know they are a resource for them.

Ms. Mcfarlane said that they offer free services, expertise, and resources. Right now they are laying the groundwork for the organization and they do not provide direct services, but they do give references.

Commissioner Withers asked if the commissioners could review the Proclamation and will discuss this at a future meeting.

The commissioners thanked Ms. Claymore and Ms. Mcfarlane for their time.

PUBLIC INPUT

Mr. Penney declared a safety concern he has with the North outside wall of the East Millard Swimming Pool. Some water has gotten in between the insulation and the stucco, causing the stucco to come off the wall. He said that it is teetering, but seems to be supporting itself for now. He is concerned that at some point it may fall on someone.

He met with Darrell Owens, Millard County Building Inspector, and Mr. Owens agrees that this needs to be addressed as soon as possible.

Commissioner Roper asked Mr Penney if it could be fastened and re-stuccoed for now, to eliminate the safety concern.

Commissioner Draper asked a few questions to clarify the size of the area and the materials under the stucco. He also asked Mr. Penney if mold is a factor. Mr. Penney said mold is definitely a factor. There is possibly mold between the wall and the insulation, but it might just be on the

surface. He said that the rain gutters will also need to be replaced.

Mr. Penney asked the commissioners what they want him to do for now. The commissioners suggested that Mr. Penney anchor it right away and get some bids to repair it.

Mr. Penney will get some more information together and get back with the commissioners.

Chad Imlay asked for clarification on the JUWI Solar Power project. He asked if there had been a community meeting for public input on the issues discussed today.

Commissioner Withers stated that this issue has been discussed for the last six months. Commissioner Roper said that an advertised community meeting was held with a presentation to the public.

Mr. Imlay then asked if Pahvant Phase II had gone in front of the commissioners. Commissioner Draper explained that they have not made applications for Phase II. The commissioners explained the uses of a CDA and the County's reasons for not approving the CDA for Phase I.

Kevin Morris, West Millard Maintenance, presented an email from Don Watts, Rocky Mountain Power, regarding the meter at the West Millard Outdoor Arena. He said that he projected that savings would be \$2,500-\$3,000 per year.

Mr. Morris said that Dee Hollingshead, Millard County TV technician, looked into the cost of adding an additional meter. He said that it would cost between \$2,500-\$3,000. Mr. Morris said that he did not budget for this, but if there will be savings on the power bill he could possibly have money to cover it. He also stated he would ~~DRAFT~~ get it done before May for the High School Rodeo. ~~These will be savings on~~ form and are subject to change

Commissioner Withers stated that he feels it would be beneficial to the County to proceed. Mr. Morris will get a few quotes for this project.

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

Commissioner Roper reported that the commissioners interviewed for the Economic Development Director position. A decision will be made within the next couple of weeks.

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 Roper made a motion to adjourn the meeting.

Commissioner Draper SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:49 p.m..

Attest: _____ Approved: _____