MINUTES OF BOARD OF COUNTY COMMISSIONERS MILLARD COUNTY THE 18th DAY OF JUNE 2019 AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT:	Dean Draper Wayne Jackson Evelyn Warnick	Commissioner
	Pat Finlinson	County Clerk
	ENT: Matt Ward Despain	USU Extension
Sheri Dearden		
Bonnie Gehre, Lynette Madsen, and Karen Jordan		
	Morris	1
Beverly DeWyze, Lindsay Jones, Hallie Ewart, Jamie Mitchell, Gabbie Crane, Lars and Riki Jo Rasmussen, Diane and Gary Greener, and Justin Louder Citizens		

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 <u>the Millard County</u> <u>Chronicle Progress</u>, 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 Draper to the public and Commission members.

OPENING STATEMENTS

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

APPROVAL OF JUNE 4, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 4, 2019 were

presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of June 4, 2019, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JUNE 4, 2019

Commissioner Draper said that he was contacted by JerE Brinkerhoff who wants to extend his lease with the County for five years instead of the one year that was approved by the Commission. He said that this can be addressed in other business if there is a desire to look into it.

Commissioner Draper said that he was contacted because there was some confusion on the CIB list change that was recently approved. He said that they thought the general plan was put on the CIB list in addition to the sewer project instead of replacing it. Commissioner Draper said that he told them to contact Fillmore City.

RATIFY APPROVAL OF AMENDING THE CIB LIST TO REMOVE FILLMORE CITY'S SEWER PROJECT AND REPLACE IT WITH A GENERAL PLAN

Commissioner Jackson made a motion to ratify the approval for amending the CIB list to remove Fillmore City's sewer project and replace it with a General Plan.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR CHANTELLIE'S, OWNER-CHANTEL CALLISTER

A business license application was presented for Chantellie's, Owner - Chantel Callister, a crafts, home decor, and house cleaning business. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Chantellie's, Owner - Chantel Callister.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR KYLEE'S TAXIDERMY, OWNER-KYLEE MASSEY

A business license application was presented for Kylee's Taxidermy, Owner - Kylee Massey, a small bird taxidermy business. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Kylee's Taxidermy, Owner - Kylee Massey.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR JOHN FLAT TIRE REPAIR, OWNER- JOHN SHURTZ

A business license application was presented for John Flat Tire Repair, Owner - John Shurtz, a mobile flat tire repair business . After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for John Flat Tire Repair, Owner - John Shurtz.

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

DISCUSSION AND POSSIBLE APPROVAL OF A VACANT POSITION IN USU EXTENSION/4H - DERIC DESPAIN

Dr. Despain said that he has discussed things with Commissioner Jackson and thinks that it will be hard to fill his request for a full-time position for the East Millard County 4H Coordinator.

Commissioner Jackson said that Dr. Despain was going to look into USU paying the benefits package for this position which would bring the cost down and the County would reimburse USU for the benefits and salary. He said that he has not seen a cost comparison for the full-time position verses the part-time positions.

Commissioner Draper said that he was not in favor of a full-time position because of the associated costs.

Commissioner Jackson said that the part-time positions are already in place and don't need approval by the Commission.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-06-18, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING SECTION VII, PARAGRAPH D OF THE MILLARD COUNTY POLICIES AND PROCEDURES MANUAL, "REGULAR FULL TIME EMPLOYEES."

Attorney Finlinson defined "regular full-time employees" and read the proposed language changes in Section VII, Paragraph D and Section X, Paragraph B of the Policies and Procedures Manual.

Commissioner Draper asked if vacation and sick leave are the only prorated benefits or if it impacts health benefits as well. Attorney Finlinson said that employees working no less than 30 hours a week will have the exact same health benefit as employees who work 40 hours a week.

Commissioner Draper asked if employee banking and selling time back was addressed in this resolution. Attorney Finlinson said that banking and selling time back is a separate issue and not addressed in this resolution. Commissioner Draper explained to those in attendance that employee's banking accrued time off has the potential to bankrupt the County in the future and although no formal discussions have taken place; this is something that will need to be looked into.

Attorney Finlinson explained that the option to reduce hours for employees will start with

their department heads and elected officials and that they will not be forced to allow the reduced hours to employees.

A brief discussion was had on caps and holiday pay.

Commissioner Warnick made a motion to approve Resolution 19-06-18, a resolution of the Board of the Millard County Commission Amending Section VII, Paragraph D of the Millard County Policies and Procedures Manual, "Regular Full-Time Employees."

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

APPEAL OF JOANN BLACKLEY PROPERTY TAX SALE

Attorney Finlinson said that Miss Blackley's son previously said that he would send a written appeal; however, he never did. He said that he spoke with Miss Blackley's son yesterday who said that he wouldn't be sending a written appeal.

APPROVAL OF THE 2019 FINAL TAX SALE

Auditor Gehre said that Miss Blackley's Property is the only one left to approve.

Commissioner Jackson made a motion to approve the 2019 Tax Sale.

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

DISCUSSION AND POSSIBLE APPROVAL OF MILLARD COUNTY'S 2019 GENERAL TAX RATE

Auditor Gehre said that the calculated certified tax rate is .003200. She said that the Commission has the option to approve that rate or set a lower rate.

Commissioner Draper said that the Utah State Tax Commission sets the property tax rate each year that the Commission cannot go above. He said that their decision would only be to go with the certified tax rate or decrease it. Commissioner Draper said that decreasing the rate would require looking at the County budget and decreasing it in areas. He said that last year's rate was .003102 and the new proposed rate is .003200 which means that taxes would increase. Commissioner Draper said that the Intermountain Power Plant's (IPP) taxable value is decreasing by \$119,000,000.00.

Commissioner Jackson said that the loss of IPP's tax rate needs to be considered. Commissioner Warnick said that they may not have a choice with the loss of IPP's revenue.

Commissioner Warnick made a motion to approve Millard County's 2019 General Tax Rate at .003200.

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

DISCUSSION AND POSSIBLE APPROVAL OF MILLARD COUNTY'S 2019 ASSESSING AND COLLECTING TAX RATE

Auditor Gehre said that the proposed County Assessing and Collecting Tax Rate is .000362. She said that last year the rate was .000351. Auditor Gehre said that this covers the costs and unifies the collection of taxes to the Assessor's office. Assessor Manis said many offices play a role in assessing and collecting.

Commissioner Jackson made a motion to approve of Millard County's 2019 Assessing and Collecting Tax Rate at .000362.

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

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in May 2019 and said that a thorough review was done on June 17, 2019. She said that there was an increase in personal property tax collections in May and that the pooled cash report shows that the Auditor and Treasurer are in balance.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-06-18A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AUTHORIZING CROSS APPEALS BEFORE THE STATE TAX COMMISSION

Attorney Finlinson said that this is a standard resolution that authorizes the Commission and its counsel to pursue cross appeals. He said that this resolution is specific to the IPA appeal so any other appeals would need a different resolution.

Commissioner Draper said that the Utah State Tax Commission sets a taxable value for entities who operate and pay taxes to more than one county in the State. He said that the entities have the option to appeal that value, and the county can also file a cross appeal. Commissioner Draper said that the County is involved in these cross appeals every year.

Commissioner Jackson made a motion to approve Resolution 19-06-18A, a resolution of the Board of County Commissioners of Millard County, Utah, Utah Authorizing Cross Appeals Before the State Tax Commission.

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

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 19-06-18, AN ORDINANCE OF THE BOARD OF MILLARD COUNTY COMMISSIONERS, OF MILLARD COUNTY UTAH AMENDING A ZONING ORDINANCE - TEXT AMENDMENT OF TABLE OF USES AND ACCOMPANYING USE DEFINITIONS, LOCATED IN TITLE 10, CHAPTER 25, APPENDIX A OF THE MILLARD COUNTY ZONING ORDINANCE, TO ALLOW FOR COMMERCIAL PLANT NURSERY AS A C-1 CONDITIONAL USE WITHIN AGRICULTURE (AG) ZONED

PROPERTY; AND ALLOW KENNELS (COMMERCIAL, HOBBY, & NON-COMMERCIAL) AS C-1 CONDITIONAL USES WITH AGRICULTURE (AG) ZONED PROPERTY.

Attorney Finlinson said that the questions is whether to make these permitted uses or conditional uses.

Planner Richins presented a handout showing the current allowable uses in certain zones regarding these items. He said that commercial plant nurseries, non-commercial kennels, and commercial kennels are not currently allowed in Agriculture (AG) zones. Planner Richins explained the process of getting a permit verses getting a conditional use permit. He said that this resolution only applies to AG zones.

After a brief discussion it was decided to change commercial plant nurseries to permitted use and change commercial and non-commercial kennels to conditional use.

Commissioner Warnick made a motion to adopt Ordinance 19-06-18, an Ordinance of the Board of Millard County Commissioners, of Millard County Utah amending a zoning ordinance - Text Amendment of Table of Uses and Accompanying Use Definitions, located in Title 10, Chapter 25, Appendix A of the Millard County Zoning Ordinance, to allow for commercial plant nurseries as a P-1 Permitted Use within agriculture (AG) zoned property; and allow kennels (commercial, hobby, & non-commercial) as C-1 conditional uses with agriculture (ag) zoned property.

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

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2019 YEAR. BUDGETS TO BE CONSIDERED FOR INCREASED APPROPRIATIONS AND/OR INNER-DEPARTMENT TRANSFERS ARE: CAPITAL PROJECTS, SPECIAL PROJECTS, GENERAL FUND, CLASS B ROAD, AND STRIKE FORCE (FORMALLY TASK FORCE).

Commissioner Jackson made a motion to enter into a public hearing for the purpose of opening budgets for the 2019 year. Budgets to be considered for increased appropriations and/or inner-department transfers are: Capital Projects, Special Projects, General Fund, Class B Road, and Strike Force (Formally Task Force).

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:20 a.m.

Present were: Sheriff Jacobson, Kerry Ekker, Planner Richins, Matt Ward, Beverly DeWyze, Hallie Ewart, Jamie Mitchell, Gabbie Crane, Lindsay Jones, Dr. Despain, Treasurer Dearden, Auditor Gehre, Justin Louder, Dick Turner, Sandi Greathouse, Diane and Gary Greener, and Kevin Morris.

Strike Force: Kerry Ekker said that he wrote a separate grant to purchase a second vehicle that will be used in covert operations. Mr. Ekker said that the amount of the grant is \$25,000.00 and he is asking for \$24,385.00 to be put in the budget on the equipment line item.

Commissioner Draper said that this is simply a matter of paperwork and bookkeeping for the County because of the grant that was received.

Capital Projects: Commissioner Draper said that the County received a build grant in the amount of \$7,999,000.00 for work on the Brush Wellman Highway. He said that a condition of the grant is that the County matches 5% which is \$410,000.00. He said that the project can't be pursued until the match is made. Commissioner Draper said that the Utah Department of Transportation (UDOT) will administer the grant and that the funds that the County matches can only be used on this project.

Special Projects: Commissioner Draper gave a brief history of SRS Funds and said that a mistake was made last year at the State Capital which required them to change who receives the funds. He said that the SRS funds will be designated to the County instead of directly to the Fire District. Commissioner Draper said that there are specific uses for these funds such as fire equipment.

Auditor Gehre said that \$21,000.00 was budgeted for and the increase is \$36,900.00 bringing the total the total amount for the SRS Funds to \$57,900.00. Commissioner Draper said that there are different categories known as Titles in SRS and this involves Title III Funds.

General Fund: Auditor Gehre said that the proposed changes would increase the budget for the Sheriff's Office, Public Health, and the Weed Department.

Attorney Finlinson said that the County doesn't know or have a say in who receives the services for the sanity fund. He said that the County just receives a bill to pay them.

Class B Road: Auditor Gehre said that there were a couple of insurance claims made and a few other things that weren't budgeted. She said that the insurance company paid for those claims and the County paid them out so the budget needs to be increased to cover those costs.

There were no other comments made.

Commissioner Warnick made a motion to close the public hearing.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:32 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-06-18B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TO OPEN THE 2019 MILLARD COUNTY BUDGET AND AMEND THE BUDGET FOR: CAPITAL PROJECTS, SPECIAL PROJECTS, GENERAL FUND, CLASS B ROAD, AND STRIKE FORCE (FORMALLY TASK FORCE).

Commissioner Warnick made a motion to approve Resolution 19-06-18B, a resolution of the

Board of County Commissioners of Millard County, Utah, to open the 2019 Millard County Budget and amend the budget for: Capital Projects, Special Projects, General Fund, Class B Road, and Strike Force (Formally Task Force).

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

CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205 TO DISCUSS CURRENT LITIGATION

Commissioner Jackson made a motion to go into a closed executive session for the purpose of discussing pending and/or threatened litigation.

Commissioner Warnick SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Commissioner Draper, Commissioner Warnick, Commissioner Jackson, Attorney Finlinson, Treasurer Dearden, Auditor Gehre, and Assessor Manis.

There was none.

After the closed executive session the regular meeting reconvened at 12:32 p.m..

Commissioner Draper said that they had a discussion on AT&T's possible litigation in the closed session. He said that if this goes through, it will require the County to pay a refund. He said that there is a lot of things that need to happen for it to go through and it will involve all 29 counties in the State.

Commissioner Warnick made a motion to accept the settlement offer from AT&T for their centrally assessed property.

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

PUBLIC INPUT

Ms. Dewyze said that the girls who attended Girls State are present to report on their experiences and thanked the Commission for providing some of the funds. Halle Ewert, Jamie Mitchell, Gabby Crane, and Lindsay Jones each thanked the Commission and shared what they had learned at Girls State.

OTHER BUSINESS

Attorney Finlinson said that there has been an issue with sponsorships at the Arena in Delta and said that sponsors who understood that they already had an arena sponsorship were being asked to donate more money in order to be a sponsor for the Demolition Derby.

Dick Turner, Delta Rodeo Committee, said that an agreement was made 20 years ago where

they could sell sponsorships for the Delta Rodeo and those sponsors would be able to have their signs stay up in the arena year round; not just for a specific event. He said that revenue from the rodeo comes to the County and they feel that the signs should stay up year round so that they can continue to sell the sponsorship at the same cost. Sandi Greathouse, Rodeo Committee, said that they've sold these signs as a venue sponsorship not an event sponsorship and said that more revenue is brought in by sponsors than by ticket sales. She said that they pay for upkeep of the signs.

Kevin Morris, West Millard Maintenance Supervisor, said that one solution could be to delegate areas for rodeo sponsors only and other areas for arena sponsors. He said that another option would be to add a digital sign for sponsors. A discussion was had on the costs to place the signs higher and where signs needed to be placed in order to be read by attendees.

Attorney Finlinson said that the placement of the signs is another matter that needs discussion; however, what needs to be decided today is what to do about sponsorships for the venue because the 4th of July Demolition Derby is coming up soon.

Mr. Morris said that there are 5 or 6 events held at the arena each year.

Justin Louder, Demolition Derby, said that his sponsorship package is really a partnership package for \$500.00 if sponsors had an existing sign in the arena. He said if they didn't have a sign or wanted it to be fixed it would cost them \$100.00 to have a banner put up. Mr. Louder said that there are signs that haven't been maintained well. He said that he isn't taking down signs that are already up and will put up banners.

Commissioner Draper asked how many banners Mr. Louder will be putting up. Mr. Louder said that he is estimating about 30 banners which will be 4'x8' or 3'x10'. He said that there isn't anything in the rental agreement that says he can't do this.

Mr. Louder said that the partnership package provides other services besides signs and he needs sponsor funds to put on the Derby in order to bring it back up to the level it used to be.

Commissioner Warnick asked where the Hinckley's Lion Clubs put the signs in previous years. Mr. Morris said that they only put up a few.

Commissioner Draper said there's nothing written in the lease agreement that says that Mr. Louder can cover signs or anything that says Mr. Louder can't cover signs. He said that there isn't any documentation about the sponsorships staying up all year long as arena sponsors either.

Commissioner Draper said that this is an administrative decision and the Commission needs some time to discuss this and look through all the options. He said that the County has no say in the funding or revenue for the demolition derby because it is only renting out the venue to Mr. Louder for his event.

Mr. Louder said that he supports the rodeo and there are many people who support the demolition derby as well. He said that he would like to have a good meeting to discuss how to work together in the future.

Planner Richins said that he has two documents for the Commission to sign. He said that one is for Cameron Neilson and the other is for Tyle and Callie Peterson. He said that the documents to record show that it is a one time use and can't be divided again without going through a subdivision plat.

Sheriff Jacobson said that he has been approached to run security for the demolition derby

which is being run privately. He said that they can staff more that night and have some walk through because it will be a public concern; however, he is concerned about running private security every time the arena is used. He thinks that there should be a policy on security costs for security on events at the county arena if it is needed.

Attorney Finlinson said that he has a proposed lease for the armory but it still has a few items to be worked out. He said that it will be ready for signing and authorization on July 2, 2019. Commissioner Draper asked if there are provisions to make changes to the building because the 2nd floor is not ADA compliant. He said that the USU extension office will be moving to the second floor and a buzzer will be installed on the main floor until an elevator can be installed. Attorney Finlinson said that he would not recommend that due to ADA compliance which is required for future and current employees and a buzzer is not compliant.

Treasurer Dearden said that a Sales Tax Town Hall will be held in Richfield on the June 28th, 2019 at 5:00 p.m. Commissioners Warnick and Draper and Treasurer Dearden said that they will be able to attend.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper said that they are not ready to act on the Hinckley Deseret Cemetery District Board. He requested that this item be tabled.

Commissioner Warnick made motion to table this agenda item.

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

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX

There was none.

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

Commissioner Warnick said that she has a disclosure statement for herself because she is a travel agent.

Commissioner Jackson said that there is an obsolete printer in the Delta Office and the cost for a new one hasn't been budgeted for. Clerk Rowley explained the contract she has for the printer in her office. Commissioner Draper said that he will have Luanne from the Delta Office contact Clerk Rowley for information on this.

Commissioner Jackson said there needs to be a meeting tomorrow regarding the legislative ride. A brief discussion was had on the time to meet.

Commissioner Draper said that a moratorium put in place regarding concentrated animal feeding operations expires in August. He said that he will begin to schedule some public hearings at larger venues. He said the public hearings will be held before the July 16, 2019 Commission Meeting.

AUDITOR REPORT

Chief Deputy Madsen presented the following report numbers:

Payroll Liabilities: \$169,912.73 Check Edit: \$76,335.32

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND/OR ACTION

Commissioner Jackson made a motion to enter into a BOE.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 1:10 p.m..

Deputy Auditor Jordan said that they received a notification from Roy Watson for his taxes to be exempt for religious purposes; however the notification was submitted after the deadline of 30 days. She said that the property was acquired in 2009 and he registered in Utah on March 19, 2019.

Deputy Auditor Jordan said that there are no buildings being used exclusively for religious purposes. She said that they don't have any documentation showing that the IRS recognizes this property as a non-profit.

Commissioner Warnick made a motion to disapprove the exemption because Mr. Watson hasn't shown sufficient reasons or documentation to receive that exemption.

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

Commissioner Jackson made a motion to close the BOE.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 1:16 p.m..

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 1:19 p.m..

Attest:_____ App

Approved:_____