

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 7th DAY OF August 2018  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Wayne Jackson..... Chairperson  
Dean Draper..... Commissioner  
James I. Withers..... Commissioner  
  
Pat Finlinson. .... County Attorney  
Marki Rowley. .... County Clerk  
Jamie Hair ..... Deputy Clerk

ALSO PRESENT: Sheri Dearden..... County Treasurer  
Lynette Madsen. .... Deputy Auditor  
Klint Penney..... East Millard Maintenance  
Kevin Morris ..... West Millard Maintenance  
Linda Stephenson, Nate Selin, Shauna Nelsen,  
& Sue Hilderbrand..... Central Utah Public Health Department (CUPHD)  
Richard Jacobson & Jeff Gehre . .... Millard County Sheriff's Office  
Autumn Jones & Kris Kokol. .... Utah County Children's Justice Center  
Evelyn Warnick. .... Citizen

Note: Not all agenda items were followed in order.

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Jackson to the public and Commission members.

OPENING STATEMENTS

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

APPROVAL OF July 17, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 17, 2018 were

presented for consideration and approval. Following review, Commissioner Draper made a motion to approve the minutes of July 17, 2018, as presented.

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

#### FOLLOW UP ACTION ITEMS FROM July 17, 2018

There were none.

#### DISCUSSION AND POSSIBLE AWARDED OF THE BIDS FOR REAL PROPERTY- PARCEL #F165-2

Attorney Finlinson gave a brief history of the bids. He said that he spoke with the family and they would like the County to award the bid to Mario Gonzalez.

Commissioner Withers made a motion to award the bid in the amount of \$20,000.00 for Parcel #F165-2 to Mario Gonzalez.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A 4H LEADER TO USE COUNTY EQUIPMENT-JENNA ALDRICH

Klint Penney, East Millard Maintenance, said that there has been some confusion and instances in the past where the maintenance department wasn't notified in time to have the arena groomed for an event. He said that he has a problem with letting just anyone use the equipment. He said that as long as the maintenance department has notice, they will groom the arena and will stay through the end of the events. He said that policy states that the arena will be groomed twice a week for free. Mr. Penney said that any additional grooming is charged a fee, however, the fee could be waived for 4H events.

Commissioner Draper said that individuals who run county equipment need to be employees of the County and that the County has adequate resources to keep it groomed.

#### DISCUSSION AND POSSIBLE APPROVAL OF TRAVEL EXPENSES FOR DERIC DESPAIN

Commissioner Jackson said that Mr. Despain traveled out of State on short notice to give a speech. He said that Mr. Despain told him that he was going to reimburse the County for travel expenses, but instead used his extension credit card; therefore, there was no charge to the County.

Commissioner Jackson said that he will inform Mr. Despain that he is required to seek prior approval from the Commission for any out of State travel.

Lynette Madsen, Chief Deputy Auditor, said that Mr. Despain's travel expenses were actually charged to Mr. Despain's County credit card. She said that she will get the Commission the total amount he charged, so that the County may seek reimbursement from the Utah State University.

Commissioner Withers made a motion to ratify the travel expenses for Deric Despain.

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

#### PRESENTATION ON JUAB/MILLARD CHILDREN'S JUSTICE CENTER- AUTUMN JONES

Autumn Jones, Children's Justice Center (CJC), introduced herself, her associate Kris Kogle and the CJC's service dog Target. She said that Target is used as a support tool for children during their visit to the Center; he helps the children feel comfortable. Ms. Jones briefed the Commission on the work that the CJC has done in Millard County and said that they have received a lot of support from the community.

Attorney Finlinson said that interviewing children can be difficult and that the people at the CJC are very well trained and are serving the County very well.

Captain Richard Jacobson said that the CJC is a tremendous facility and their work has been very beneficial to the Sheriff's Office.

#### DISCUSSION REGARDING A COUNTY OWNED HOUSE LOCATED IN GARRISON, UTAH

Commissioner Draper said that he received a letter signed by 11 Garrison residents regarding the house that Jim and Leslie White used to live in. He read the letter where the neighbors describe the unkempt nature of the house and asked that the County look into this.

Commissioner Jackson said that the County owns the property. Commissioner Withers gave a brief history of the County's ownership.

Captain Jacobson said that he is also concerned about this property. He said that the Sheriff's Office has hired a deputy to work the west desert, who is already a resident out there.

Captain Jacobson said that they would like to use the house as a substation facility because it is centrally located and would work well as an office space. He would like to meet the neighbors concerns with maintenance, in addition to the house being used by departments in the County.

Captain Jacobson said that the work crew could initially clean up the house and property and then hire a contracted individual to maintain it.

Commissioner Withers said that the County may contract with an individual to maintain the property, funded by whichever departments will utilize the house. He said that he would like to move forward with this and asked Brandon Winget, Millard County Road Supervisor, to get a hold of the farmer who has had a previous agreement regarding the pasture.

Commissioner Draper said that he will look into the water rights with the property.

#### DISCUSSION REGARDING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MILLARD COUNTY, MILLARD SCHOOL DISTRICT AND CENTRAL UTAH PUBLIC HEALTH

Commissioner Draper gave a brief history of the MOU and said that Millard County only pays a portion of the costs and hasn't made any management decisions.

Nate Seline, Central Utah Public Health (CUPH), said that the school district decided not to renew the MOU because they think they can save money by hiring their own part-time nurses.

Sue Hilderbrand, CUPH, said that the County will still continue to have public health nurses but they will be doing different programs.

Commissioner Withers said that he is concerned with changing a program that has been working well for the County.

A discussion was had on the cost of nurses for the County and signing a new MOU between Millard County and CUPH.

Commissioner Withers proposed a meeting with CUPH in the near future to establish a new MOU. Ms. Hilderbrand said that CUPH needs to have the MOU in place no later than the beginning of October.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 18-08-07, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 13-01-22 (ADOPTING MILLARD COUNTY'S STEP & GRADE POLICY) BY ADDING THE POSITION OF REGISTERED NURSE WITHIN THE MILLARD COUNTY SHERIFF'S OFFICE AND ASSIGNING AN APPROPRIATE PAY GRADE WITHIN THE STEP AND GRADE SCALE.**

Commissioner Withers asked if having a full-time nurse has been mandated by the State. Captain. Jacobson said that having a full-time nurse has been mandated by the State of Utah in order to keep state inmates.

Attorney Finlinson said that the County needs to increase the available health care in the jail by contracting or staffing.

Lt. Jeff Gehre said that the jail needs to be competitive in salary in order to retain employees. He then went over what other counties have paid.

The budget and cost to the County was also discussed.

Commissioner Draper made a motion to approve Resolution 18-08-07, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (adopting Millard County's Step & Grade Policy) by adding the position of registered nurse within the Millard County Sheriff's Office and assigning an appropriate pay grade within the step and grade scale.

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

**OTHER BUSINESS**

Kevin Morris, West Millard Maintenance, updated the Commission on the project status at the Delta community pool. He said that they have found that the airflow doesn't meet the necessary requirements and that the chlorine gas isn't being moved properly. He said that he wanted to let the Commission know that some of the funds that were previously budgeted for drainage will be used for air handlers instead.

## DISCUSSION AND POSSIBLE APPROVAL OF ACQUIRING RIGHTS TO MINE AT RED DOME

Attorney Finlinson gave a brief history of the agenda item and said that the County has the support of the local Bureau of Land Management (BLM) and the Solicitor General's Office to purchase the mineral rights. He said that he would like to discuss this further in a closed session due to some competition for acquiring the rights.

## PUBLIC INPUT

There was none.

## OTHER BUSINESS CONTINUED

Captain Jacobson presented the paperwork for a payroll change for new kitchen staff and asked the for the commissioners approval.

Captain Jacobson said that the new bailiff needs to be issued a credit card so that he can travel for transports and extraditions. He said that the bailiff's predecessor had one.

Commissioner Withers made motion to approve a credit card for Officer Derek Curtis in the amount of \$1,500.00.

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

Treasurer Dearden said that the Tax Commission has scheduled a conference for the IPA appeal August 23, 2018 at 10:45 a.m.. She also said that her office is waiting to receive all the cross appeals before bringing them before the Commission.

Commissioner Withers said that the County needs to decide how much to fund for the fencing project located by the lyme plant. He said that the State will pay 50% and that the estimated project total is \$275,000.00.

Commissioner Withers proposed to schedule a public hearing for the purpose of receiving public comment on the County paying \$80,000.00 for the fencing project. He said that the funds would come out of Capital or the Special Projects Fund. Commissioners Jackson and Draper agreed to schedule a public hearing.

Attorney Finlinson said that a homicide case has been filed in Millard County and he requested that the Commission consider setting up a fund to help with this case. He said that he estimates the cost to be approximately \$10,000.00.

Commissioner Jackson said that he received a letter from Wholesale Natural Gas offering its services to the County. He said that he will look further into this.

Commissioner Draper said that next Tuesday is the congressional ride on the Piute Trail followed by a tour of the Intermountain Power Plant on Wednesday between 9:00 a.m. and 10:00 a.m..

Commissioner Draper said that the Cove Creek Fire has been handed over to the local fire team and they believe that it is fully contained.

Commissioner Draper said that he has received notification from the State of Utah regarding a well right and that the County needs to submit a report of beneficial use prepared by a land surveyor or engineer licensed in Utah. He said that this report is due by September 30, 2018.

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

Commissioner Withers made a motion to go into a closed executive session for the purpose of discussing real property evaluations under code 52-4-205 Sub D.

Commissioner Draper SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Commissioner Jackson, Commissioner Draper, Commissioner Withers, Attorney Finlinson, and Brandon Winget.

After the closed executive session the regular meeting reconvened at 11:58 a.m..

#### OTHER BUSINESS CONTINUED

Brandon Winget, Road Department, asked if the Commission has received paperwork from the United State Forest Service USFS regarding the Class B roads. Commissioner Jackson said that he has the list of roads, but hasn't seen any paperwork to sign.

#### DISCUSSION AND POSSIBLE APPROVAL OF ACQUIRING RIGHTS TO MINE AT RED DOME CONTINUED

Commissioner Draper made a motion to approve making an offer on the mineral rights to the mine at Red Dome.

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

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

Attorney Finlinson said that a shed in Garrison was donated to Garrison Recreation, who later donated it to someone else. Commissioner Draper said that he will pass on that information.

Attorney Finlinson said that he is still working on the grant for the public defender process.

Clerk Rowley reminded the commissioners that all contracts, agreements, resolutions, and/or ordinances must be filed in her office and to make sure that she is getting them each Commission Meeting.

Commissioner Draper said that the BLM recently issued a new policy regarding handling wild horses, which included new prices for purchasing wild horses. He said that he has not heard back on the horse gathering at Swasey, but he has heard that some springs in the House Range area have gone dry.

Commissioner Draper said that he attended a conference sponsored by Congressman Chris Stewart where security and threats from other countries were discussed. He said that there will be future meetings and he will forward the meeting information to the other commissioners if they are interested.

Commissioner Jackson went over the agenda for the legislative ride. Commissioner Draper said that IPP is flexible on the tour start time between 9:00 a.m. and 10:00 a.m..

Commissioner Jackson said that Nate Porter, East Millard Recreation, gave his resignation and Bart Whatcott, East Millard Pool Supervisor, will cover Mr. Porter's position until September 3, 2018, and it has been suggested to temporarily move up Jackie Johnson to cover Mr. Whatcott's position. He said that the pool supervisor position will run in next week's newspaper.

Commissioner Jackson said it has also been discussed to bring Tammy Lane back for her original contract.

Commissioner Jackson said that he received a quote for a new landfill truck and that the County didn't budget the money for it this year. He said that the landfill's depreciation account has money, but that they are going to use it to fix the compactor which is used to compact the trash at the landfill. Commissioner Jackson gave an update on the Landfill Study and said that the study should be put on the Commission agenda in September.

Commissioner Jackson said that they are transferring Russell Finlinson from the Mosquito Abatement Department to the Landfill Department, and said that Mr. Finlinson has worked for the County in the past.

Commissioner Jackson said that there is an Opportunity Zone Meeting on August 20, 2018 at 9:00 a.m. in Salt Lake City.

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 12:20 p.m..

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

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