

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 8th DAY OF January 2019  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Wayne Jackson..... Chairperson  
Dean Draper..... Commissioner  
Evelyn Warnick..... Commissioner  
  
Richard Waddingham..... Deputy Attorney  
Marki Rowley..... County Clerk  
Jamie Hair..... Deputy Clerk

EXCUSED: Pat Finlinson..... County Attorney

ALSO PRESENT: Matt Ward..... Chronicle Progress  
Michael Holt and Kevin Orton..... Fillmore City  
Richard Jacobson..... County Sheriff  
Zack Leavitt and Russ Cowley..... Six Counties Association of Government  
Brandon Bartholomew..... Natural Impression  
Pat Manis and Margene Stevens..... Assessor's Office  
Sheri Dearden..... County Treasurer  
Connie Hansen..... County Recorder  
Brandon Winget..... Road Department Supervisor  
John Higgins..... Landfill Supervisor  
Bonnie Gehre..... County Auditor  
Adam Richins..... County Planner  
Julie Mace Waller and DeVoy Crapo..... Ozone Clean Pro  
Edward Brown..... Citizen

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 and welcomed

Commissioner Warnick.

Commissioner Draper said that they are starting a new term and appreciate those who have shown confidence in the commissioners' ability to govern the County. He said that they will put forth their best effort to serve and to make the right decisions in each case. Commissioner Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### APPROVAL OF December 18, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 18, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of December 18, 2018, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM December 18, 2018

Commissioner Draper said that the defibrillators discussed at the last Commission meeting have been purchased by the Sheriff's Office; however, the funding for a new ambulance will need to be addressed in a future meeting.

#### APPOINTMENT OF A NEW COMMISSION CHAIRPERSON AND CHAIRPERSON PRO TEMPORE

Commissioner Jackson requested nominations.

Commissioner Warnick made a motion to appoint Commissioner Draper as the Chairperson. Commissioner Jackson stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Draper made a motion to appoint Commissioner Jackson as the Chairperson Pro Tempore. Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Jackson will continue as the Commission Chairperson throughout the rest of this meeting and Commissioner Draper will take the chair at the next Commission meeting.

#### RATIFY THE APPROVAL TO TRANSFER CREDIT CARD LIMITS FROM OUTGOING SHERIFF ROBERT DEKKER TO NEWLY ELECTED SHERIFF RICHARD JACOBSON AND FROM PAULETTE STAPLES TO LINDSEY MITCHELL

Commissioner Draper made a motion to ratify the approval to transfer credit card limits from outgoing Sheriff Robert Dekker to newly elected Sheriff Richard Jacobson and from Paulette Staples to Lindsey Mitchell.

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

carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF TRANSFERRING CREDIT CARD LIMITS WITHIN THE SHERIFF'S OFFICE TO PAT BENNETT AND DALE JOSSE

Sheriff Jacobson said that these two gentlemen are assigned to investigations that require travel. He said that they have previously had a credit card; however, the cards aren't in their names. Sheriff Jacobson said that they need to have the credit cards put in their names in order to comply with the purchasing agreement.

Commissioner Draper made a motion to approve transferring credit card limits within the Sheriff's Office to Pat Bennett and Dale Josse.

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

#### DISCLOSURE STATEMENTS

A 2018 disclosure statement was presented for Klint Penney who has an interest in Penney's Outdoor Equipment.

A 2019 disclosure statement was presented for Sheri Dearden who has an interest in Dearden Equipment.

#### DISCUSSION REGARDING PREVIOUSLY APPROVED PAYMENT FOR ROBERT K. WEIDNER IN THE AMOUNT OF \$16,000.00 FOR RURAL PUBLIC LANDS COUNTY COUNCIL (RPLCC) ANNUAL DUES

Commissioner Draper said that this payment was approved in 2018 but has been budgeted to come out of the 2019 budget. He then explained the services that Mr. Weidner provides to the County.

#### DISCUSSION AND POSSIBLE APPROVAL OF OUT OF STATE TRAVEL FOR BRANDON WINGET TO TRAVEL TO RITCHIE BROS. AUCTION IN LAS VEGAS, NEVADA TO SELL EQUIPMENT

Commissioner Jackson said that Mr. Winget's travel is in regards to the sale of a county grader. Commissioner Draper said that the County has excess equipment and currently have an option to sell the grader at an auction for a potentially larger amount.

Commissioner Draper made a motion to approve out of state travel for Brandon Winget to travel to Ritchie Bros. Auction in Las Vegas, Nevada to sell equipment.

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

## OPENING OF THE BIDS FOR REAL PROPERTY; PARCEL #DO-4531-1

Auditor Gehre opened the following bid:

- Edward and Sylvia Brown: \$1,101.00

Commissioner Draper made a motion to accept the bids, as presented, and review the specifications of the bids, before making a decision.

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

## DISCUSSION REGARDING POSSIBLE PRODUCT FOR THE EAST MILLARD SWIMMING POOL - JULIE MACE WALLER

Ms. Waller said that she has spoken with members of the community and there is a concern with mildew, mold, and excess chlorine use at the swimming pools. She said that Ozone Clean Pro offers a different solution and introduced DeVoy Crapo.

DeVoy Crapo, President of Ozone Clean Pro LC, explained his product said that he would like to create a bid for the County and explain where the County could possibly save money.

Commissioner Jackson asked if they had checked into the Millard County pools because he hasn't been approached about this problem. They were not called in for a problem with the Fillmore or Delta Pool.

Commissioner Draper said that he would like them to contact the pool managers.

Deputy Attorney Waddingham asked if their product completely replaces chlorine. Mr. Crapo said it doesn't replace chlorine 100% and the amount of chlorine still needed with their product depends upon the individual pool.

Commissioner Warnick asked Mr. Crapo how long he has been in business. Mr Crapo said approximately 4 ½ years.

## DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENTS - LINDSAY MITCHELL

Ms. Mitchell presented an ambulance abatement for Beatriz Morales-Sparks. She said that a prior application was abated at 60% a few months ago. Ms. Mitchell said Ms. Morales-Sparks' financial situation hasn't changed and she is continuing to have health issues.

Commissioner Draper explained that ambulance abatements can be granted by the Commission based on an individual's income and their ability to pay their debt.

Ms. Mitchell said that Ms. Morales-Sparks has been able to make two payments and has made

an effort to pay her debts.

Commissioner Draper made a motion to abate Ms. Morales-Sparks' debt by 100% based on the federal poverty guideline.

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

Ms. Mitchell presented an ambulance abatement for Paul Consiglio. She said that Mr. Consiglio had insurance; however, his insurance didn't cover medical transport or catastrophic injury. He has a large outstanding medical expense of \$147,190.00 and his employment contract ends January 28, 2019.

Commissioner Draper said that Mr. Consiglio doesn't fit within the poverty guidelines and that he would be better off to resubmit the application in February if his financial situation changes.

Commissioner Draper made a motion to table the abatement for Paul Consiglio.

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

#### SIX COUNTIES ASSOCIATION OF GOVERNMENTS (SCAOG) PLANNING AND COMMUNITY IMPACT BOARD (CIB) UPDATE - TRAVIS KEEL

Russ Cowley, Six Counties Executive Director, said that it is time to renew the CIB and infrastructure lists and that he and Zack Leavitt are here to answer any questions.

Mr. Leavitt, Six Counties Planner, passed out handouts showing the 2018 prioritized local capital improvements list and the CIB procedures. He said that they will begin to meet with communities soon and bring a new list of projects for 2019 to the Commission in March. Mr. Leavitt said that projects do not carry over to the next year. He said that the list can be amended throughout the year although it is discouraged. Mr. Leavitt said that if the list is amended, the ranking may also need to be adjusted.

Commissioner Draper asked how much money is available and what the chances are of CIB granting the money. Mr. Cowley said that there isn't as much money available as there has been in the past; however, they do have some grant money and they try to push loans at 2.5 percent. Mr. Cowley suggested that the County work with Travis Kyhl and Zack Leavitt to help the County have everything in proper order.

Commissioner Jackson expressed his appreciation to SCAOG. Mr. Leavitt said that they will be meeting with Municipalities in Millard County February 12, 2019 and February 13, 2019 and he invited the commissioners to attend those meetings.

#### APPROVAL OF 2019 COMMISSION DUTY ASSIGNMENTS

Clerk Rowley presented the proposed duty assignments for each commissioner. *See*

*attachment.*

Commissioner Draper said that the division of responsibilities is based on geographic location as well as necessary continued involvement due to projects that are currently underway.

Commissioner Draper made a motion to approve the 2019 Commission Duty Assignments. Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried.

**PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE MILLARD COUNTY STEP AND GRADE POLICY REGARDING POSSIBLE COST OF LIVING INCREASES OF ELECTED OFFICIALS AND THEIR CHIEF DEPUTIES (EXCLUDING COUNTY COMMISSIONERS)**

Commissioner Warnick made a motion to enter into a public hearing for the purpose of receiving public comment on the Millard County Step and Grade Policy regarding possible cost of living increases of elected officials and their chief deputies (excluding county commissioners).

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:45 a.m..

Present were: Adam Richins, Matt Ward, Brandon Bartholomew, Sheri Dearden, Bonnie Gehre, Brandon Winget, John Higgins, Sheriff Jacobson, Connie Hansen, Mike Holt, and Kevin Orton.

Commissioner Draper said that the County gave all of the employees a 3% Cost of Living Adjustment (COLA), however, a public hearing is required for increases for elected officials. He said that chief deputies of elected officials don't receive a COLA increase unless the elected official over them receives an increase. Commissioner Draper said that the proposed increase is 3%.

Planner Richins asked when the last COLA increase was given. Commissioner Draper said that the last increase to elected officials was 4 years ago and that the County Commissioner's salaries will not be increased.

There were no other comments made.

Commissioner Draper made a motion to close the public hearing.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:48 a.m..

The regular meeting reconvened.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-01-08, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, ADJUSTING SALARIES FOR VARIOUS COUNTY OFFICERS**

Commissioner Draper read the following portion of the resolution to those in attendance:

1. Authorization for Cost-Of-Living Increase for Elected Officials and Chief Deputies. The Millard County Auditor is hereby authorized to increase the salaries/wages of elected officials and their chief deputies by 3% to account for general inflation and other cost of living considerations.

2. Increase does not apply to County Commissioners. Any and all salary/wage increases authorized by this Resolution do not apply to the salaries/wages of Millard County Commissioners.

3. Effect on Resolution 13-01-22. Except as amended hereby, all step and grade schedules created by Resolution 13-01-22, as amended, shall remain in full force and effect.

4. Recitals. The recitals set forth above are hereby adopted and incorporated by this reference.

5. Effective Date. This resolution shall become effective upon adoption.

Auditor Gehre provided a list regarding the percentages increase for chief deputies to attach to the resolution.

Commissioner Draper made a motion to approve Resolution 19-01-08, a resolution of the Board of County Commissioners of Millard County, Utah, adjusting salaries for various county officers.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-01-08A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, ENACTING AND AMENDING A FEE SCHEDULE FOR THE MILLARD COUNTY LANDFILL

Commissioner Warnick asked if there was a plan to collect site drop off fees. John Higgins, Landfill, said that in the past they have billed people monthly and monitor everything and its volume that comes into the landfill. Commissioner Warnick asked how this would affect the larger dairies. Mr. Higgins said that he would like to assess them monthly on a volume basis similar to commercial businesses.

Commissioner Warnick said that there hasn't previously been cost for the flesh pit and could possibly become a large expense for large dairies. It was confirmed that there would be a \$10.00 minimum flat fee and then measured by the yard.

Commissioner Warnick said that she would like more information and time to visit with the constituents who would possibly be affected.

Commissioner Draper made a motion to approve Resolution 19-01-08A, a resolution of the Board of County Commissioners of Millard County, Utah, enacting and amending a fee schedule for the Millard County Landfill.

Commissioner Warnick SECONDED the motion. Clerk Rowley called for a roll call vote.

Commissioner Draper voted YES. Commissioner Warnick voted YES. Commissioner Jackson voted YES. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-01-08B, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING THE MILLARD COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL BY CHANGING THE APPROVAL PROCEDURE FOR EXPENSE REIMBURSEMENTS

Commissioner Draper explained that the County’s policy reimburses employees for funds that they spend out of their own pockets when conducting County business. He said that the current policy requires that employees turn in receipts within 60 days of the purchase and this resolution amends the policy to allow receipts to be returned after 60 days. He said that receipts that aren’t returned within 60 days would require Commission approval.

Commissioner Draper read the following portion of the resolution:

1. Amendment of Section XI, Paragraph A of the Millard County Policies and Procedures Manual. Section XI, Paragraph A of the Millard County Policies and Procedures Manual is hereby amended by the addition of the following language:

However, for good cause, the Millard County Commission may approve reimbursements for expenses submitted more than sixty days after they are incurred. Cause for any such exception shall be stated on the record in an open meeting or appended in writing to the minutes of an open meeting.

Commissioner Draper made a motion to approve Resolution 19-01-08B, a resolution of the Board of County Commissioners of Millard County, Utah, amending the Millard County Personnel Policies and Procedures Manual by changing the approval procedure for expense reimbursements.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF THE FILLMORE CITY CIB AIRPORT PROJECT

Mike Holt, Fillmore City Mayor, said that Fillmore City is asking the Commission to amend the CIB list so Fillmore City can put some development down by the airport. He said that their application needs to be submitted by February 1, 2019.

Commissioner Jackson said that they will remove Fillmore’s previously listed project of the “Completion of City Roads” and change it to “Fillmore City Airport”.

Commissioner Draper made a motion to amend the 2018 CIB list to change Fillmore City’s listed project to the Fillmore City Airport in the amount of \$1,600,000.00.

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



carried.

## DISCUSSION AND AWARDED OF BIDS FOR SHERIFF'S VEHICLES

Sheriff Jacobson said that the lowest cost were Dodge trucks, which suit the Sheriff's Office needs.

Commissioner Draper explained that the Sheriff's Office has a range of trucks varying in age and asked if there is an economic advantage of trading in a truck that is only a couple of years old for new ones.

Sheriff Jacobson explained that the Sheriff's Office uses trucks because of the necessity to reach emergency calls on various terrain. He said that a benefit of trucks is that they maintain their sale value much better than a car. Sheriff's Jacobson said that they try not to overuse the trucks so that they maintain their value and are able to be sold.

Sheriff Jacobson said that there are other Sheriff's Office vehicles like unmarked units that don't go through daily patrol and he is convinced that they could save several thousand dollars per unit given current lease options. Sheriff Jacobson explained the benefits and current lease options.

Commissioner Draper said that leasing may be worth pursuing for County vehicles as well.

Commissioner Jackson said that he put in a request for one of the used cars. Auditor Gehre said that her office spoke with Sahara Motors who said that it isn't a problem if the County wants to purchase one of the used Sheriff vehicles for the trade-in value listed on their bid. Auditor Gehre said that if the County wanted to purchase the car for \$1,000.00, that money would come from the Commission Budget.

Commissioner Draper made a motion to authorize Sheriff Jacobson to act on behalf of the County to award the bids for Sheriff's vehicles.

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

## PUBLIC INPUT

There was none.

## OTHER BUSINESS

Commissioner Jackson said that the County approved a bid for some cement work from Natural Impressions and they are still working on putting together a contract.

Sheriff Jacobson commended Commissioner Warnick for her efforts and the personal investment that she has put into her new position.

Treasurer Dearden said that there is a status conference call with the Utah State Tax Commission

on Thursday at 10:00 a.m..

Auditor Gehre said that she has been reviewing the budget and everything looks okay and the resolution was made to allow transfers within the same funds between departments. She said that the Road Department was not included in that resolution.

Auditor Gehre said that the Road Department is in their own fund; however, there are two separate departments. She said that they are audited as one department and the imposed fuel tax needs to be shown on the records even though only part of it comes to Millard County.

Auditor Gehre explained that her office records the money coming in and going out for the cities and towns even though the County doesn't receive any revenue from it. She said that the County actually has to budget for it even though they don't receive funds so it is recorded on the books.

Auditor Gehre said that the anticipated revenue was a little less than what was actually received which put the County over that mark. She said that a resolution is needed to authorize her to transfer between the road departments. She said that she has spoken with Attorney Finlinson who said that the Commission could approve it today and ratify it at the next meeting.

Commissioner Draper said that he would prefer that a resolution be prepared first rather than approve it today. Auditor Gehre said that it could be put on the next agenda and waiting won't stop her from closing the books.

Auditor Gehre said that there has been a change to the mileage reimbursement. She said that the mileage is now \$.58 per mile and daily per diem is \$50.00.

Auditor Gehre reminded the Commission that the site visit with the State Auditor is today following the commission meeting.

Brandon Stephenson, Sunrise Engineering, said that he is here to give an update on funding sources for potential road and bridge projects. He presented an application that was originally submitted for a county project along Jones Road. Mr. Stephenson explained that Utah Department of Transportation (UDOT) has a specific committee to work with counties for these types of projects. He said that the committee meets once a year in January to review applications and that last year all applications were approved. He said that this funding source has requirements that need to be met and that the roads must be a major collector. Mr. Stephenson said that the committee isn't approving applications this year; however, the County could think about possible projects throughout the year and he is happy to help with the process.

Commissioner Draper said that Six Counties Association of Government (AOG) and Five Counties AOG are joining together for a congressional ride which invites members of congress, senate, and their staffers. He said that this year the County's share is \$1,000.00.

Commissioner Draper said that Millard County sponsored the 2018 ride and received a lot of positive feedback afterward. He said that it gave the commissioners a chance to discuss things that are important to Millard County with the legislators and he believes this is beneficial to the County.

Commissioner Draper made motion to fund \$1,000.00 toward the 2019 Congressional Ride. Commissioner Warnick **SECONDED** the motion. The voting was unanimous and the motion carried.

Draper said that after consulting with the County Attorney, he was asked to make a motion in regards to the County purchasing the Red Dome mineral rights.

Commissioner Draper made motion to authorize the County Attorney to make an offer to acquire rights at the Red Dome.

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

Commissioner Draper said that there is a contract with the Utah department of Health that has been amended. He said that the amendment changed the cost from \$3,075,000.00 to \$821,000.00.

Commissioner Draper made a motion to approve the amended contract between Millard County and the Utah Department of Health.

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

#### DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper made a motion to appoint Greg Greathouse and Joyce Barney to the Planning and Zoning Commission.

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

Clerk Rowley explained that openings for the drainage district have been published and her office has yet to receive any interest.

Commissioner Draper explained the new requirements that are discouraging volunteers and asked Commissioner Warnick if he could help her recruit volunteers for the drainage districts.

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

Commissioner Draper and Commissioner Jackson attended a presentation regarding possible hydrogen fuel production Millard County. He said that Idaho National Labs is hoping to relocate to Millard County and develop hydrogen fuel and that there will be another future meeting in the County.

Commissioner Draper said that there is a public hearing conducted by the Intermountain Power Plant (IPP) at 6:00 p.m. in Delta at the RJ Law Center on January 9<sup>th</sup>, 2019. He said that IPP is required to hold public hearings before taking action and it would be beneficial for all to attend.

#### AUDITOR'S REPORT

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 11:45 a.m..

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

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