

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 19th DAY OF March 2019  
AT THE COURTHOUSE, FILLMORE, UTAH

- PRESENT: Dean Draper..... Chairperson  
Wayne Jackson..... Commissioner  
Evelyn Warnick..... ..Commissioner
- Pat Finlinson. .... County Attorney  
Jamie Hair ..... Deputy Clerk
- EXCUSED: Marki Rowley. .... County Clerk
- ALSO PRESENT: Matt Ward..... Chronicle Progress  
Lt. Ben McDonald, Sheriff Richard Jacobson,  
and Lindsay Mitchell. .... Sheriff’s Office  
Ryan Lang and Richard Beckstrand..... IT  
Cullen Irvine. .... Rocky Mountain Power  
Sheri Dearden..... County Treasurer  
Bonnie Gehre, Lynette Madsen, and Karen Jordan. .... Auditor’s Office  
Adam Richins..... County Planner  
Scott Barney..... Millard County Economic Development  
Deric Despain..... USU Extension  
Lars Rasmussen, John Willoughby, Gaylen Cropper, Donald Brown, Kay  
Fitzgerald, Greg Kesler, and Marion Anderson..... Citizens

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 Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper 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 12, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 12, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of March 12, 2019, as corrected.

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

## FOLLOW UP ACTION ITEMS FROM March 12, 2019

There were none.

## DISCUSSION AND POSSIBLE APPROVAL OF THE ANNUAL COOPERATIVE AGREEMENT BETWEEN MILLARD COUNTY AND UTAH STATE UNIVERSITY (USU) EXTENSION

Deric Despain, USU, presented the annual cooperative agreement and said that the only change is on page 2, paragraph 5, which is the annual 2019 operating budget and confirmed that a 3% cost of living adjustment was included in the budget.

Commissioner Draper referred to options listed in Article #3 and asked which option is being pursued by the County. Dr. Despain said that the County provides both options and that he can look further into that if the Commission would like.

Dr. Despain reminded the commissioners that USU Extension will be holding its annual 4H luncheon and said that they should be receiving invitations soon.

Commissioner Jackson made a motion to approve the annual cooperative agreement between Millard County and Utah State University Extension.

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

## AWARDING OF THE REQUEST FOR PROPOSALS (RFPS) FOR INMATE MEDICAL SERVICES AT THE MILLARD COUNTY JAIL

Sheriff Jacobson gave a brief history of RFPs and said Four Points Medical Care's offer was the lesser amount of the two RFPs. He said that this cost is considerably more than what they've paid in the past; however, the amount is consistent with what other providers are charging in the state. Sheriff Jacobson said that another advantage of Four Points Medical Care is that there are four physician assistants available to be called on if needed instead of just one.

Commissioner Draper asked if there was any problem with logistics and Four Points Medical Care's proximity to the Jail. Attorney Finlinson said that since the Sheriff's Office will have a nurse on staff, the location isn't an issue anymore.

Attorney Finlinson said that he has a contract started and will hopefully have it done by Thursday to send to Four Points Medical Care for review. **\*\*NEED COPY\*\***

Commissioner Jackson made a motion to award the RFP for inmate medical services to Four Points Medical Care.

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

#### AWARDING OF THE MAG CHLORIDE BIDS-ROAD DEPARTMENT

There was no representation from the Road Department present.

Commissioner Warnick made a motion to table this agenda item.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-03-19, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH APPOINTING TRUSTEES TO THE BOARD OF MILLARD COUNTY DRAINAGE DISTRICT #3

Commissioner Warnick said that Ken Fowles has asked to be replaced and Neil Clayton is willing to be on the board.

Attorney Finlinson said that this opening was posted and the County didn't receive any responses from those posts.

Commissioner Warnick made a motion to approve Resolution 19-03-19, a resolution of the Board of County Commissioners of Millard County, Utah, appointing trustees to the Board of Millard County Drainage District #3.

Commissioner Jackson SECONDED the motion. Deputy Clerk Hair 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.

#### DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 19-03-19, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING SECTION XXI OF THE MILLARD COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL BY AMENDING THE SECTION ENTITLED "PURCHASING POLICY"

Attorney Finlinson said that this new procurement policy is not a huge departure from the previous policy, but it clarifies and simplifies a lot of items. He said that one necessary discussion and the biggest changes will be the thresholds.

The proposed policy was reviewed and discussed, page by page, and changes were made.

Commissioner Jackson made a motion to briefly table this agenda item and bring it back before the end of the meeting.

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

carried.

This agenda item was brought back for further discussions where more changes were made.

Later, Commissioner Jackson made a motion to adopt Ordinance 19-03-19, an ordinance of the Board of County Commissioners of Millard County, Utah, amending section XXI of the Millard County Personnel Policies and Procedures Manual by amending the section entitled “Purchasing Policy”.

Commissioner Warnick SECONDED the motion. Deputy Clerk Hair 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.

#### DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD LIMIT INCREASE FOR LINDSAY MITCHELL-SHERIFF’S OFFICE

Sheriff Jacobson said that Lindsay Mitchell is an administrative assistant and that, among other things, she schedules the officer’s trainings which can be a large expense. He said that she is unable to use her card for those purchases and asked that her limit be increased so she can more appropriately use her card. Sheriff Jacobson said that a \$10,000.00 limit would be appropriate.

Commissioner Warnick made a motion to approve a credit card limit increase in the amount of \$10,000.00 for Lindsay Mitchell-Sheriff’s Office

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR LT. BEN MCDONALD-SHERIFF’S OFFICE

Sheriff Jacobson said that Lt. McDonald simply needs a similar card that was had by his predecessor.

Commissioner Warnick made a motion to approve a credit card for Lt. Ben McDonald in the amount of \$1,500.00 which is the same limit as his predecessor.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD LIMIT INCREASE FOR RYAN LANG- IT

Richard Beckstrand said that Ryan Lang’s current credit card limit is \$2,500.00 and there have been a couple of instances where he has gone over that limit. He said that he is asking that Mr. Lang’s credit card limit be increased to \$5,000.00.

Commissioner Warnick made a motion to approve a credit card limit increase in the amount

of \$5,000.00 for Ryan Lang-IT.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A ZONING ORDINANCE AMENDMENT APPLICATION - TEXT AMENDMENT AMENDING 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.

Commissioner Warnick made a motion to enter into a public hearing for the purpose of receiving public comment on a zoning ordinance amendment application - text amendment amending 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.

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

The public hearing began at 10:48 a.m..

Present were: Sheriff Jacobson, Lt. McDonald, Lindsay Mitchell, Ryan Lang, Richard Beckstrand, Cullen Irvine, Treasurer Dearden, Planner Richins, Matt Ward, Scott Barney, Lars Rassmussen, John Willoughby, Marion Anderson, Donald Brown, Kay Fitzgerald, Gaylen Cropper, and Deric Despain

Planner Richins said that this proposed amendment makes it possible to apply for either a kennel or commercial plant nursery in a zone where they are currently not allowed. He said that there are circumstances that would make them suitable within an agricultural zone and the Planning and Zoning Commission has given this a favorable recommendation.

Commissioner Draper said that in zoning ordinances most kennels contain permitted uses and conditional use permits are not required unless they exceed three animals. Planner Richins said that currently permitted use allows up to three dogs. He said that the difference between owning 3 and 4 dogs may be minimal; however, when someone exceeds three animals, considerations need to start being made in addition to a general good neighbor policy.

Commissioner Draper referred to the text regarding nurseries in an AG county and said that it is interesting that isn't allowed. Planner Richins said that some commercial plant nurseries import fauna that could be problematic to local crops and plants. He said that conditions can be attached to make sure that isn't the case.

Commissioner Draper gave an example in another state with a heavy orchard industry where precautions were made for example, because the damage caused by the Mediterranean White Fly.

Dr. Despain said plant toxicity is also a concern as some plants are toxic to livestock.

John Willoughby said that his concern is that some varieties will be singled out over others, and gave an example of sweet corn which is grown here but not natural to the area. Planner Richins said that they don't have a list of native and non native species; however, limitations can be addressed in the (CUP).

Mr. Willoughby explained the use of a hoop house and a green house and said that there isn't much of a difference; However, he then explained differences between the agriculture practices in each of those structures. Planner Richins said that the use definitions for commercial green houses indicates that they are written for wholesale and retail locations. He said that this is permitting things in an area that hasn't previously been allowed and isn't disallowing anything people are already doing. Mr. Willoughby asked why a CUP is needed to sell when you don't have to have one in agriculture. Planner Richins said that the definitions may need to be reworked and this is regarding a commercial plant nursery and deals more with imports instead of what is cultivated on site.

Attorney Finlinson said that these definitions can be clarified before approval.

Mr. Willoughby said that it seems that flowers are being singled out because larger crops don't require conditions. Planner Richins said that right now the county ordinance states that these are not allowed in an AG zone and this ordinance is an attempt to fix that issue and allow them in the future.

Commissioner Draper said that the purpose of the public hearing today is to consider everything that should be in the ordinance and said that right now this isn't allowed at all.

Mr. Lars Rasmussen said that adding the use is appropriate, however, he thinks the ordinance may not be looking deep enough. He said that he thinks this should be a permitted use in AG zones and not require a CUP. He said that he couldn't find a reason for requiring a CUP that satisfies him. Mr. Rasmussen said that the change is in the right direction but wants the ordinance to be cautious on the definitions it uses. Commissioner Draper asked Mr. Rasmussen to state his work history and experience. Mr. Rasmussen said that he worked 39 years with the Department of Agriculture, and currently farms a small acreage in flowell and serves on the Millard County Water Conservancy District Board.

Mr. Willoughby asked if it would be possible to put certain plants on a list that the County is concerned about or doesn't want in the valley.

Dr. Despain said that the Utah Department of Agriculture has a list available and their recommendations could be included in the decision process.

Commissioner Warnick thanked Mr. Rasmussen and Mr. Willoughby for their valuable input and asked if their concerns could be given to Planner Richins to aid him in preparing the ordinance.

Mr. Rasmussen said that the reason for having a CUP doesn't solve the problem and puts an additional unnecessary limitation on residents.

There were no other comments made.

Commissioner Jackson 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 11:11 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 19-03-19A, 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.

This item was stricken from the agenda.

#### TREASURER FINANCIAL REPORTS

Treasurer Dearden presented the financial reports ending in February 2019. She said that a thorough audit was done by her, Auditor Gehre, and Commissioner Draper on March 18, 2019. She referred to the Treasurer's Reconciliation Report and said that February is typically slow for collections. Treasurer Dearden said that the Pool Cash Report shows that the Auditor and Treasurer are in balance. She said that the activity on page 3 on the Pool Cash Report is a check to the senior citizens center that was lost and voided before being reissued. Treasurer Dearden said that there are not any outstanding invoices.

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Attorney Finlinson said that Mr. Marion Anderson is not on the agenda today because there is one matter that needs to be dealt with by the Commission before everything can be finalized. He said that Mr. Anderson is involved in a subdivision application by Oak City that requires installation of a road. He said that the County Ordinance requires that the County receive some surety from the subdivider for the road.

Attorney Finlinson said that he previously spoke with Commissioner Draper regarding this and a pledge of collateral property would suffice to make sure the road is built to specifications and this needs to be formalized. He said that the Commission needs to decide how many lots will need to be mortgaged to the County under the condition that the road be built.

Commissioner Draper said that Mr. Anderson has proposed 3 lots and asked Mr. Anderson if he has received specifications for the road to be built. Mr. Anderson said that the specifications are on the preliminary plat and he's willing to do what is listed and what the County Road Department said that they wanted done.

Commissioner Draper asked if Oak City Officials have been approached about annexation and said that the County's General Plan encourages these subdivisions to be annexed into an existing community. Mr. Anderson gave a brief history of his subdivision and his communications with Oak

City Officials.

Attorney Finlinson said that the Commission is only specifying assurity today not authorizing a subdivision. Planner Richins said that the Commission will also be approving the preliminary plat.

Commissioner Jackson made a motion to accept 3 lots as an assurity bond and approve the preliminary plat.

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

Cullen Irvine introduced himself as the new representative from Rocky Mountain Power for Millard County. He said that the Commission can contact him with any needs that they may have.

Chief Deputy Auditor Madsen said that their office has received a request for a temporary credit card increase of \$1,000.00 for Kevin Morris, Maintenance Manager.

Commissioner Warnick made a motion to approve a temporary credit card increase of \$1,000.00 for Kevin Morris, Maintenance Manager.

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

#### DISCUSSION REGARDING THE RULES AT THE INDOOR RIDING ARENA IN DELTA-DONALD BROWN

Don Brown gave a brief history of the riding arena in Delta and said that until the last few years, there was good cooperation between the people using it. Mr. Brown said that the rules currently being imposed are not workable for either the Delta or Fillmore arenas. Mr. Brown read through two sets of rules and explained where he disagreed with them. Mr. Brown said that the rules need to be addressed and looked at a lot closer because current rules have turned people away from using the arena and it is not being used in the way that it was originally intended. He asked the Commission to look into changing the rules in order to make the arena more welcoming and usable.

Commissioner Draper said that something is definitely wrong with the situation at the arena.

Mr. Cropper said that the arena is not being ran very well right now and the County and the community has lost a lot of revenue because of this. He said that the arena also isn't maintained like it should be and the County needs somebody to encourage the team ropers, cutters, and dog shows to come use it again. He said that the main problem arose after an argument between two neighbors. He said that the rules are not right and should be thrown away. He said that he has witnessed that the Fillmore Arena is used frequently and always appears clean and well maintained.

Commissioner Jackson said that some of the rules are necessary and gave an example of how some people would lock their dogs in the bathroom. Mr. Cropper agreed that those kind of problems need to be taken care of.

Greg Kesler said that he agrees with most of what they've said about the rules. He said that the arena in Fillmore doesn't have problems because he has personally hired people to fix doors, remove cobwebs, etc. Mr. Kesler said that the County owns the arena and it's a privilege to come use it so, therefore, they make sure they clean up after themselves. He said that in the past, he worked

with the County on somewhat of a board over the Fillmore arena to fix the issues that it had. Mr. Kesler said that another reason that people have stopped using the arena is that other nice facilities have been put in place in the State. He said that all of the World Series Ropings are held in Utah and that Delta's arena would be sufficient to hold events, but it isn't maintained well enough.

Mr. Kesler said that he has never met the individual who maintains the Fillmore arena and he thinks he is doing a great job. He said that if a citizen is using the facility to make money, they need to help take care of that facility. Mr. Kesler said that he hopes that the barn's use continues to be for equines and explained Utah's involvement in the rodeo industry and how it positively benefits the youth involved.

Commissioner Jackson said that he appreciates Mr. Kesler and his involvement at the arena, and stated that the rumor regarding the arena being used for something else is not true.

Commissioner Draper thanked those in attendance for coming and bringing this issue to the attention of the Commission. He said that the first set of rules Mr. Brown read was put together over a year ago and the second set of rules read were proposed rules that were never put in place. He said that the Commission would like to bring the Delta arena back to being more friendly and explained some issues the County has had with fees and rentals. Commissioner Draper said that the issue is to find a way to put some rules in place that will help encourage good neighbor behavior.

Kay Fitzgerald asked who will enforce the rules if they are created and said that enforcing the rules may cause more problems.

Commissioner Draper said that the County never envisioned having the arena as a single line item in the budget with a single person managing it and having a large amount of money dedicated to it. He said that the arena was put in to be an asset for all the citizens of Millard County. Commissioner Draper thanked them for identifying some issues and said that the Commission will begin working toward a solution.

Mr. Cropper encouraged the Commission to contact the person who operates the arena in Panguitch, Utah.

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

There was none.

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

There was none.

#### AUDITOR REPORT

Chief Deputy Auditor Madsen presented the payroll report dated March 15, 2019 and said that the total is \$394,807.63. She said that the check edit was also done on March 15, 2019 and the total on this week's expenses is \$251,426.37

#### 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 12:33 p.m..

Deputy Auditor Jordan presented the exemptions list and said that Bible Baptist Church has not responded to the annual reminder for at least three years. She said that two other entities who were mentioned at the last commission meeting have since been contacted and have received their exemption requests.. She said that they need the Commission to decide whether to remove Bible Baptist Church from the exemption list or to renew their exemption.

After a brief discussion, the Commission decided to send a certified letter to the Bible Baptist Church.

Treasurer Dearden said that if no one is there and its not being used, they would not qualify for the exemption.

Commissioner Warnick made a motion to close the BOE.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 12:38 p.m..

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 12:39 p.m..

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

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