

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th DAY OF APRIL 2019
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper..... Chairperson
Wayne Jackson..... Commissioner
Evelyn Warnick..... Commissioner

Pat Finlinson..... County Attorney
Marki Rowley..... County Clerk
Jamie Hair..... Deputy Clerk

ALSO PRESENT: Brandon Winget..... Road Supervisor
Mike Holt..... Fillmore City Mayor
Sheri Dearden..... County Treasurer
Matt Ward..... Chronicle Progress
Steve Styler..... Styler-Daniels P.C.
Jim Webb..... Smithfield Foods
Richard Jacobson..... County Sheriff
Pat Manis and Susan Wilcox..... Assessor's Office
Klint Penney..... East Millard Maintenance
Brenden Turner..... East Millard Recreation
Donna Starley, Gari Lafferty, & Denys Koyle..... Citizens
Bonnie Gehre..... County Auditor
Deric Despain..... USU Extension
Scott Barney..... County Economic Development
Connie Hansen..... County Recorder

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 Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF April 2, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 2, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Warnick made a motion to approve the minutes of April 2, 2019, as corrected.

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

FOLLOW UP ACTION ITEMS FROM April 2, 2019

Commissioner Jackson said that there was an article in the newspaper dated April 10, 2019 regarding the impact that landfill fees will have on Delta City's budget. He said that meetings have been held to address the issue since the article was written. Commissioner Jackson said that the percentages quoted in the article were wrong and clarified that the problem was not just the landfill fees, but included Delta City's sewer costs in addition to other things.

Commissioner Draper said that the SF299 BLM Application discussed at the last Commission meeting was submitted. He said that he spoke with Mike Gates at the BLM who said that submitting the application is the preferred method and they were happy to see it.

Clerk Rowley said that the three business licenses approved at the last Commission meeting have met the stipulations requested and have been issued.

RATIFY THE APPROVAL OF A BUSINESS LICENSE FOR JD PHIXALL, OWNER- JAREMY D. MILLER

Commissioner Jackson made a motion to ratify the approval of a business license for JD Phixall, Owner- Jaremy D. Miller.

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

RATIFY THE APPROVAL OF A BUSINESS LICENSE FOR MOUNTAIN VALLEY RECOVERY, OWNERS- JUDD AND KELLIE CHRISTENSEN

Commissioner Jackson made a motion to ratify the approval of a business license for Mountain Valley Recovery, Owners- Judd and Kellie Christensen.

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

RATIFY THE APPROVAL OF A BUSINESS LICENSE FOR GENERAL MOUNTAIN

CONSTRUCTION, OWNER - JUAN LOPEZ

Commissioner Warnick made a motion to ratify the approval of a business license for General Mountain Construction, Owner - Juan Lopez.

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

RATIFY THE APPROVAL OF ACCEPTING THE SF299 BLM ROAD APPLICATION FOR REVIEW AND SIGNATURE WITH BRANDON WINGET

Commissioner Jackson made a motion to ratify the approval of accepting the SF299 BLM Road Application for review and signature with Brandon Winget.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR DM QUARTER HORSES - OWNER, MICHELLE & DANIEL MYERS

A business license application was presented for DM Quarter Horses, Owner - Michelle and Daniel Myers, a business that rides and trains horses. After review of the application and finding all signatures in order, Commissioner Warnick made a motion to approve a business license for DM Quarter Horses, Owner - Michelle and Daniel Myers.

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

RATIFY THE ABATEMENT FOR COLLEEN HALSEY, PARCEL #7103 AND WAIVE PENALTIES AND INTEREST

Commissioner Warnick made a motion to ratify the abatement for Colleen Halsey, Parcel #7103 and waive penalties and interest.

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

RATIFY THE ABATEMENT FOR JOSE SOLORZANO, PARCEL #D-949-9 AND WAIVE PENALTIES AND INTEREST

Commissioner Jackson made a motion to ratify the abatement for Jose Solorzano, Parcel #D-949-9 and waive penalties and interest.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH SMITHFIELD FOODS AND AN INTERLOCAL AGREEMENT WITH BEAVER COUNTY REGARDING

CONSTRUCTION AND MAINTENANCE OF PROPOSED ROAD

Steve Styler presented a copy of the prepared agreement for review and said that he also sent a copy of the agreement to Attorney Finlinson. He said that Commissioner Draper had requested terms be put into the contract and so he included one of 30 years. Mr. Styler gave a brief overview of the agreement and said that they would also prepare an interlocal agreement to be signed by Millard County and Beaver County for maintenance of Antelope Point Road and County Road 208.

Commissioner Draper asked if Beaver County has received a copy of the interlocal agreement. Mr. Styler said that they have not yet given a copy to Beaver County.

Commissioner Draper said that Brandon Winget, Road Supervisor, reviewed the contract and questioned storing the equipment.

Mr. Winget said that he understood that a shed to park the equipment under would be included in the contract. Mr. Webb said that they envisioned a gravel pad, not a shed.

Mr. Winget said that they could store the equipment in Sulpherdale which is about an hour away if it couldn't be covered from the elements on site. He said that it would take an hour or two to travel to the site with the equipment and that is ok with the Road Department as long as that wouldn't cause problems for Smithfield Foods.

A brief discussion was had on Smithfield Food's operations including feed times. Mr. Webb said a wait time of a few hours wouldn't be a problem.

Commissioner Jackson made a motion to approve an agreement with Smithfield Foods and an interlocal agreement with Beaver County regarding construction and maintenance of proposed road.

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

BID OPENING FOR ROAD OIL - ROAD DEPARTMENT

Auditor Gehre opened the following bids:

- Peak Asphalt/Western Emulsions; \$411.00 per ton, \$50.00 for freight

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

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

DISCUSSION AND POSSIBLE APPROVAL OF INSTALLING A SPEED BUMP ON RESERVATION DRIVE-GARI LAFFERTY

Ms. Lafferty said that she lives on the reservation and her home is the first house on the left side. She said that they are concerned about traffic and speeding especially since the new community health center has been built which has increased the traffic. She said that they currently have a speed sign, but it does little to deter speeding. Ms. Lafferty said that this issue was brought to the County years ago and the County had said no because it would hinder emergency services. She said that

drivers don't slow until after they pass her house where two speed dips have been installed. Ms. Lafferty explained that the blacktop was installed around 1985 and she believes that they have a MOU with the County to maintain the road. She said that she is concerned with the children playing by the road and she is here to hopefully find a solution.

Commissioner Draper said that he would like to see a copy of the MOU in order to better help Ms. Lafferty with this issue.

Attorney Finlinson said that the 1 ½ miles of road is classified as a Class B County Road. Ms. Lafferty said that she could get the MOU and send it to the Commission.

Commissioner Draper said that he thinks the Commission can help her better if they have a copy of the MOU.

Commissioner Warnick made a motion to table this.

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

DISCUSSION AND POSSIBLE APPROVAL OF PERSONAL PROPERTY TAX AGREEMENT, SETTLEMENT, OR ABATEMENT FOR TOM NIELSON, PARCEL #0-1353

Assessor Manis gave a brief history of Mr. Nielson's business tax and explained that this tax has now been attached to real property. He said that Mr. Neilson has not responded to any of the Assessor's notices. Assessor Manis said that once the assessor is forced to estimate a value, those values can't be appealed in accordance with State law.

Treasurer Dearden said that Mr. Neilson has the option to file a settlement agreement; however, they have not received an application from him.

Assessor Manis said that Mr. Neilson told him that his business has been closed for a couple years, but the paperwork showing a business transfer and/or closure hasn't been submitted to his office.

Commissioner Draper said that he will contact Mr. Nielson to have him fill out the proper forms.

Commissioner Jackson made a motion to strike this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL FOR OUT-OF-STATE TRAVEL FOR SCOTT BARNEY TO ATTEND THE U.S. DEPARTMENT OF ENERGY'S ANNUAL MERIT REVIEW IN WASHINGTON D.C. APRIL 29, 2019 - MAY 1, 2019

Mr. Barney said that this merit review is specifically for the hydrogen initiative which coincides with projects that the County has been working on the last few years. He said that grants are available and explained the possible beneficiaries.

Commissioner Jackson asked Mr. Barney to explain what a merit review is. Mr. Barney said that it is when the Department of Energy reviews funding proposals. He said that one benefit of attending is that all of the Department of Energy and all the national labs will be at one place for

three days.

Commissioner Draper asked if this trip would be covered under Mr. Barney's current budget. Mr. Barney said that his current budget will cover it, however; it will be tight.

Commissioner Warnick asked Mr. Barney if the County will be hosting a hydrogen workshop. Mr. Barney said that they have been pushing for the Department of Energy to host a portion of their next hydrogen workshop in Millard County. He said that a time frame falling after the merit review and before the end of June has been discussed for the workshop.

Commissioner Jackson asked what Mr. Barney's goals were. Mr. Barney said that his goal is to continue the progress that he and the County have made and by attending, he wants to show a strong interest in Millard County being the recipient of one of the regional projects that has been envisioned across the United States.

Commissioner Jackson asked Mr. Barney to report on his trip after he gets back.

Commissioner Jackson made a motion to approve out-of-state travel for Scott Barney to attend the U.S. Department of Energy's annual merit review in Washington D.C. April 29, 2019 - May 1, 2019.

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

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2019 YEAR. TOURISM BUDGET WILL BE CONSIDERED FOR INCREASED APPROPRIATIONS AND/OR INTER-DEPARTMENT TRANSFERS

Commissioner Warnick made a motion to enter into a public hearing for the purpose of opening budgets for the 2019 year. Tourism budget will be considered for increased appropriations and/or inter-department transfers.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:00 a.m..

Present were: Matt Ward, Brandon Winget, Mike Holt, Treasurer Dearden, Auditor Gehre, Sheriff Jacobson, Denys Koyle, Donna Starley, Deric Despain, Klint Penney, Brenden Turner, Recorder Hansen, and Scott Barney.

Auditor Gehre said that the Tourism Board has requested to increase its budget by \$20,000.00. She said that Tourism has their own fund balance and they want to tap into that to increase their own spending ability.

Ms. Koyle said that the Tourism Board has become more active in the last couple of years and have made changes to its bylaws. She said that they have spent \$79,500.00 out of \$80,000.00 for year round events and they don't have any other funds if anyone comes in over the summer applying for grants. Ms. Koyle said that they are also working on a marketing strategy and this money may be used for beginning assessments.

Commissioner Draper said that the restructuring of the Tourism Board bylaws has been a great improvement and explained that those applying for grants have to show that they will benefit

tourism in Millard County.

Auditor Gehre stated the 2018 tax revenue totals from the transit room tax and restaurant tax and explained the spending restrictions on those funds.

Commissioner Draper said that some of the funds from the transit room tax have gone toward an ambulance purchase for the County and explained that tourism also impacts other areas in the County such as the landfill due to increased solid waste.

Ms. Koyle said that a deadline of March 31st is set each year for the tourism grants so they can plan their budget. She then explained the ways that tourism also coincides with economic development.

Commissioner Draper said that the requested \$20,000.00 appears to be sufficient to get tourism through because of deadlines.

Commissioner Warnick asked if the grants have to be given to non-profit organizations. Mr. Koyle said that they don't have to be a non-profit in order to receive grant money. She said that those who are granted funds are required to report on their activity within two months to explain the impact their event had on County Tourism.

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 11:09 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-04-16, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TO OPEN THE 2019 MILLARD COUNTY BUDGET AND AMEND THE BUDGET FOR TOURISM

Attorney Finlinson read a portion of the resolution language and gave it to the commissioners for review.

Commissioner Jackson made a motion to approve Resolution 19-04-16, a resolution of the Board of County Commissioners of Millard County, Utah, to open the 2019 Millard County Budget and amend the budget for tourism.

Commissioner Warnick 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.

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR SHANE BRUNSON-EMERGENCY MANAGEMENT COORDINATOR; SHERIFF'S OFFICE

Sheriff Jacobson said that Shane Brunson has been asked to take over as the Emergency Management Coordinator and will need a credit card in the amount of \$3,000.00.

Attorney Finlinson asked if this position needs to be put on the step and grade or if it is

considered an assignment. Sheriff Jacobson said that as of right now it is an assignment.

Commissioner Warnick made a motion to approve a credit card in the amount of \$3,000.00 for Shane Brunson- Emergency Management Coordinator; Sheriff's Office

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

DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE ALLOWANCE FOR GIO VANNI VEGA- SHERIFF'S OFFICE

Sheriff Jacobson said that Deputy GioVanni Vega is a new deputy and is asking that he be provided a cell phone in the amount of \$40.00.

Commissioner Jackson made a motion to approve a cell phone allowance in the amount of \$40.00 for Gio Vanni Vega- Sheriff's Office.

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

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented financial reports including the Treasurer's Balance Sheet , Fund Balance Sheet, Dispersement to Entities, Pool Cash Report, Open Table Report, Fund Summary Report and Budget Report. She said that they have received a request from the State Auditor's Office to hold disbursements for Drainage Districts 2 & 4 and the Mosquito Abatement District.

Treasurer Dearden explained a tax override for a parcel that was determined to be owned by the US Government and said that the Pool Cash Report shows that the Treasurer and Auditor are in balance.

Auditor Gehre said that she fixed an error that was showing on the Budget Summary Report.

Commissioner Draper asked if the Mosquito Abatement District has been informed of the funds being held. Treasurer Dearden said that the State Auditor's Office indicated that all three entities had been contacted.

DISCUSSION AND POSSIBLE APPROVAL OF AGREEMENT WITH FILLMORE CITY FOR OPERATION OF THE ARMORY BUILDING

Attorney Finlinson said that he asked that this item be put on the agenda because his understanding is that there should be a formal transition to Fillmore City and the County needs to know what the Fillmore City Council wants to do to with the building. Mayor Holt said that this will be addressed at their council meeting tonight.

Attorney Finlinson anticipates that this will be a lease with the option to sublet and he would like to have a discussion knowing that any decision is contingent on what Fillmore City decides.

Commissioner Jackson said the transfer is scheduled for April 29th, at 10:00 a.m..

Commissioner Warnick made a motion to approve of Attorney Finlinson creating documents for the agreement with Fillmore City for operation of the Armory Building.

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

DISCUSSION AND POSSIBLE APPROVAL OF COOPERATIVE FOREST SERVICE ROAD AGREEMENT

Commissioner Draper said that he has reviewed the annual agreement and didn't see anything different from the previous agreements.

Commissioner Warnick made a motion to approve a Cooperative Forest Service Road Agreement.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Sheriff Jacobson said that Jason Ashby is advancing to a Deputy 2 position and presented the paperwork for a signature.

Dr. Despain, USU Extension, said that he is asking for approval of a credit card for Sharal Young, USU Extension. He said that Sharal Young and Karen Banks have shared a card to make purchases in the past; however, in light of Ms. Banks' resignation it would be helpful if Sharal Young had a card in her name for purchases. Dr. Despain said that he is requesting a \$1,500.00 limit on that card. He said that it will be several months before they have another 4-H employee hired to replace Ms. Banks.

Commissioner Jackson made a motion to approve of a credit card in the amount of \$1,500.00 for Sharal Young, USU Extension.

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

Commissioner Jackson referred to the report in the Chronicle Progress regarding Delta City's concerns about the landfill fees and said that he explained this issue toward the beginning of this meeting and that the issue had been resolved.

Mr. Ward, Chronicle Progress, said that he would be sure to update their readers on this.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There was none.

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

There was none.

AUDITOR REPORT

Auditor Gehre said that she has two account payable check reports and stated the following totals:

April 5, 2019 - \$190,593.16

April 12, 2019 - \$105,014.94

Payroll Liabilities:

April 12, 2019 - \$167,460.77

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

Attorney Finlinson said that there was a homicide in Millard County this past weekend and that the Sheriff's Office has done an exceptional job working on this. He said that additional resources will be necessary because of the homicide. Attorney Finlinson said that he doesn't anticipate anything large; however, he doesn't know where a defense attorney will take it and his office doesn't budget for homicides.

Sheriff Jacobson said that he agreed with Attorney Finlinson about additional resources and said that the work that they are currently doing is not incurring any additional costs. He said that this reminds us that these things happen anywhere and everywhere and taps our resources. He said that this single event has worked his office hard and they are hopefully going to hire more help to help the circumstances in their office.

Commissioner Draper asked how many positions Sheriff Jacobson would like to add to the Sheriff's Office. Sheriff Jacobson said that he can comfortably suggest at least 4 more patrol officers are needed.

Commissioner Draper thanked Sheriff Jacobson for his work and the work of his office.

Commissioner Warnick said that the meeting with the County Department Heads and the meeting with the local mayors went really well. She asked if the other commissioners want to set a date for the next quarterly meetings.

Commissioner Jackson said that they were fantastic meetings and were very helpful.

After a brief discussion, it was decided to look into the month of July for future meetings.

Clerk Rowley said that HB163 was discussed at the UAC Conference and the deadline for compliance is July 1, 2019. Commissioner Warnick said that HB163 was also discussed at the Commissioner meetings and said that the Utah Counties Indemnity Pool (UCIP) was working to put

together a policy outline for this. Attorney Finlinson said that it should be fairly easy to comply with it.

Clerk Rowley said that HB172 was also discussed and although it died at the last legislation, she understood that it will be discussed again.

Clerk Rowley said that there will be a presidential primary held March 3, 2020. She said that she believes that some State funds may have been set aside to help fund the elections; however, the County will need to budget for three elections next year as well.

Auditor Gehre said that the tax sale is scheduled for May 16, 2019 at 10:00 a.m. and that letters have gone out. Commissioners Warnick and Jackson said that they will plan to attend.

Commissioner Draper said that he met with the Delta/Oasis/Sutherland Cemetery District who are reformulating their bylaws in order to come into compliance with State law.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

Commissioner Jackson made a motion to go into a closed executive session to discuss pending and/or threatened litigation and discuss the character, professional competence or physical or mental health of an individual.

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

After the closed executive session the regular meeting reconvened at 11:52 a.m..

Commissioner Draper said that an affidavit was signed because a portion of the closed session was not recorded due to it involving the competency and character of an individual.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 11:53 a.m..

Attest: _____

Approved: _____