

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 21st DAY OF MAY 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: Mike Holt..... Fillmore City
Lenny Lyons and Brooke Heath..... Intermountain Healthcare
UnaRae Taylor..... County Ambulance
Brandon Winget..... County Road Supervisor
Sheriff Jacobson, Lt. Rob Clark, Chad Imlay,
Jenni Jensen, and Lindsay Mitchell..... MSCO
Blake Hamilton. Utah County Indemnity Pool
Richard Waddingham. Deputy County Attorney
Lynette Madsen. Chief Deputy Auditor
Sheri Dearden..... County Treasurer
Adam Richins..... County Planner
Richard Beckstrand. County IT
Matt Ward. Chronicle Progress
Kary Monroe Jones and Demille Engineering
Deric Despain..... USU Extension
Klint Penney..... East Millard Maintenance Supervisor
JerE Brinkerhoff and Brandon Batholomew..... 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 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 Jackson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MAY 7, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 7, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of May 7, 2019, as corrected.

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

FOLLOW UP ACTION ITEMS FROM MAY 7, 2019

Commissioner Draper said that they had received some new conditional use permit language from Transwest Express, LLC which was discussed at the last commission meeting. He said that the language still isn't where it needs to be and that he will get with the County Attorney and continue working on that.

Clerk Rowley said that Lora Fitch, Assessor's Office, won the drawing for the complimentary Lagoon tickets that were discussed at the last commission meeting.

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 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 Attorney Blake Hamilton, Deputy Attorney Richard Waddingham, Sheriff Jacobson, Commissioner Draper, Commissioner Warnick, and Commissioner Jackson.

After the closed executive session the regular meeting reconvened at 10:55 a.m..

RATIFY THE APPROVAL OF THE PAYMENT TO THE NEVADA STATE BAR IN THE AMOUNT OF \$500.00 FOR SERVICES PROVIDED BY MARK WARD REGARDING WATER LITIGATION IN NEVADA

Commissioner Jackson made a motion to ratify the approval of the payment to the Nevada State Bar in the amount of \$500.00 for services provided by Mark Ward regarding water litigation in Nevada.

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

RATIFY THE APPROVAL OF SIGNING THE UDOT AGREEMENT REGARDING THE COUNTY'S OBLIGATION FOR RESURFACING OF THE BRUSH WELLMAN HIGHWAY

Commissioner Jackson asked if the funds for this were accounted for in the budget process. Commissioner Draper said that the funds will come from Capital. Chief Deputy Madsen said that a public hearing process will be necessary in order to pay the \$410,000.00. Commissioner Warnick asked if a public hearing should happen before approving the payment. Kary Monroe, Jones and Demille, said that the funds will be used to pay for the design; however, he doesn't think that it will reach the \$410,000.00 amount.

Attorney Finlinson said that approving this today is committing the County to the agreement; however, the obligation in this agreement doesn't trump the requirement of holding a public hearing to open the budget.

Commissioner Jackson made a motion to ratify the approval of signing the UDOT agreement regarding the County's obligation for resurfacing the Brush Wellman Highway.

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

AWARDING OF AMBULANCE BIDS

Sheriff Jacobson said that two bids were received and the lesser bid from Professional Sales and Services, L.C. has a more compatible chassis.

Commissioner Jackson made a motion to award the ambulance bid to Professional Sales and Services, L.C. in the amount of \$153,485.00.

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

Sheriff Jacobson said that it is EMS week and he would like to recognize and thank UnaRae Taylor and all of the emergency responders. He said that they do an exceptional job.

AWARDING OF FREIGHT AND SPREAD BIDS

Mr. Winget said that Legendary Transportation Service is the bidder that the road department would like to go with.

Commissioner Warnick made a motion to award the freight and spread to Legendary Transportation Service in the amount of \$50.00 per ton for freight; \$23.75 per ton, spread rate.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH THE UTAH STATE LIBRARY DIVISION FOR BOOKMOBILE SERVICES

Lynette Madsen, Chief Deputy Auditor, said that the contract cost has gone down a little bit from previous years and gave a recent history of the costs. A brief discussion was had on the impact that the bookmobile has on the community and the Commission decided to ask the Utah State Library Division to come present at the next commission meeting.

Commissioner Jackson made a motion to table this agenda item and request that the Utah State Library Division come present to the Commission.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE 2019 FINAL TAX SALE

Commissioner Jackson made a motion to table this agenda item.

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

OVERVIEW OF THE “GIFT TO THE COMMUNITY” AND INTERMOUNTAIN HEALTHCARE HOSPITAL UPDATES-LENNY LYONS

Mr. Lyons also expressed his appreciation to the EMS crews and gave a presentation on the activities at the local hospitals including Telehealth Services and Community Initiatives. Mr. Lyons went over the donations and other reduced costs services that they have offered to members of the community.

Commissioner Draper thanked Mr. Lyons for their work and service to the County. Mr. Lyons said that he appreciates the Commission’s support.

DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENT(S)-LINDSAY MITCHELL

Lindsay Mitchell presented an ambulance abatement for Bonnie Tolbert and went over her financial situation.

Commissioner Draper said that Ms. Tolbert does not meet the federal poverty guidelines; however, due to her income levels, paying this would leave Ms. Tolbert a very small amount to live off of each month.

Commissioner Jackson made a motion to abate Bonnie Tolbert’s ambulance bill by 100%.

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

Lindsay Mitchell presented an ambulance abatement for Walter Cerese and went over his financial and health situation.

Commissioner Jackson made a motion to abate Walter Cerese’s ambulance bill by 100%.

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

carried.

Lindsay Mitchell presented an ambulance abatement for Maria Antonia Rodriguez and went over her financial situation.

Commissioner Warnick made a motion to abate Maria Antonia Rodriguez's ambulance bill by 100%.

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

ACCEPTANCE OF THE ANNUAL STATE FISCAL YEAR 2020 BEER TAX FUNDS PLAN-SHERIFF JACOBSON

Sheriff Jacobson said that these funds are utilized in the jail for those with substance abuse issues. He said that the State has requested the plan be signed and submitted by email from Commissioner Draper. Commissioner Draper said that he will get with Lindsay Mitchell and take care of it.

DISCUSSION REGARDING TWO VACANT POSITIONS IN USU EXTENSION/4H-DERIC DESPAIN

Dr. Despain said that they have two positions that they need to fill at the USU Extension. He said that he previously presented a handout to the Commission which included his proposals and possible benefits and salaries associated with the following positions:

1- 4H Coordinator - Dr. Despain asked that this position be filled by a SCS extension coordinator. He said that this will be a split coordinator position and not a faculty position.

2- Assistant 4H Coordinator - Dr. Despain said that this combines the previous part-time positions into one full-time position as an assistant 4H coordinator. He said that he realizes this will increase the County's cost; however, he is willing to work with his budget to fund this position because he will be receiving annual funds from the State in the amount of \$3,000.00.

Commissioner Draper said that Dr. Despain presented a proposal to them before this meeting so that the Commission could understand possible changes in the extension office. He said that they have not discussed this as a Commission. He said that he has some questions for the Auditor and would like to research this more before making a decision.

Dr. Despain said that there is time, but his office is stretched pretty thin and would like the positions filled as soon as possible.

Commissioner Jackson made motion to table this agenda item and put it on the next commission agenda.

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

DISCUSSION AND POSSIBLE APPROVAL OF A LEASE FROM FILLMORE CITY FOR USE OF THE NATIONAL GUARD BUILDING.

Mayor Holt said that they don't have a lease agreement prepared. Commissioner Jackson said that the lease conditions discussed were a 10 year lease where Fillmore City would pay the monthly utilities except for natural gas. He said that the County would be liable for the building including maintenance, repairs, and cleanup. Commissioner Jackson said that the lease amount is \$0.00 and that this lease will be very beneficial to the County.

Attorney Finlinson said that this can be approved on principle with those terms without a lease agreement present.

Commissioner Warnick made a motion to approve the lease from Fillmore City for use of the National Guard Building with the conditions discussed.

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

DISCUSSION AND POSSIBLE APPROVAL OF RE-ASSIGNING SOME COMMISSIONER APPOINTED BOARD RESPONSIBILITIES

Commissioner Draper said that his responsibilities have made it necessary to reassign the Fire District to Commissioner Jackson.

Commissioner Warnick made a motion to reassign the Fire District to Commission Jackson.

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

DISCUSSION AND POSSIBLE DECISION REGARDING RENEWAL OF EQUESTRIAN PARK LEASE AGREEMENT

Attorney Finlinson said that this lease is for property that sits between the county stables and the county road facilities and it was originally a 20 year lease that expires May 31, 2019. JerE Brinkerhoff said that he would like to renew this.

Commissioner Jackson said that this needs some discussion and asked for some information from Mr. Brinkerhoff. Commissioner Jackson explained that the track needs some maintenance work and decisions need to be made about its future use.

Attorney Finlinson said that this lease is just regarding the land; not the track. He said that if a decision on the lease isn't made before the May 31, 2019 deadline, the lease will automatically renew for one year.

Klint Penney said that this lease has brought up an issue where other people want the same deal from the County. Mr. Brinkerhoff said that he pays the water and light bills for all the stalls which is approximately \$140.00 a month. Commissioner Jackson asked if County equipment is used to maintain the track and general use of the racetrack.

Commissioner Draper recommended that the Commission move onto other items and come back to this agenda item after lunch at 2:00 p.m..

Later, Commissioner Jackson said that he had a chance to talk to Mr. Brinkerhoff and they discussed extending the lease of the property for one year. He said that this lease doesn't include the race track. Commissioner Jackson said that this renewed lease will end May 31, 2020.

Commissioner Draper thanked Mr. Brinkerhoff for his service and interest. He said that they have been discussing several uses of County properties. They haven't made any conclusions yet and public will be allowed to give their input.

Commissioner Jackson made a motion to renew the Equestrian Park Lease Agreement for one year ending May 31, 2020. *NEED COPY*

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

Commissioner Jackson said that he wants to address Mr. Brinkerhoff paying the water and power there. A brief discussion was had on details about ownership, vacating the properties, and moving the shed. Commissioner Draper said these items are addressed in the contract.

DISCUSSION REGARDING COLLECTION OF LANDFILL FEES RELATED TO CONSTRUCTION PROJECTS

Commissioner Jackson said that construction projects produce a lot of waste that they aren't being charged and it has been discussed to include that cost on the building permits.

Commissioner Draper said that this is still in the initial discussion phase and hasn't thoroughly been thought through.

Planner Richins said that since locations for waste collection are not monitored, a lot of construction debris is not being captured within the landfill revenue. He said that an appropriate fee needs to be discussed because some projects don't require building permits but produce a lot of waste like re-roofing and putting new siding on a house. Planner Richins said that another option discussed was to require a waste dumpster on construction sites.

DISCUSSION AND POSSIBLE APPROVAL OF REPLACEMENT DOOR LOCKS ON THE OLD COURT HOUSE-RICH BECKSTRAND

Richard Beckstrand said that there are a lot of issues with the door locks in this building including that the codes haven't changed in a long time and a lot of people who no longer work here, know the codes. Mr. Beckstrand said that they have received estimates for the separate County buildings and this building's quote is approximately \$6,200.00. He said that one advantage of this system is that you can give a one time code to a person and he would also be able to unlock the door remotely.

Commissioner Draper said that the technology currently in use is old and starting with this building would be a good way to test the new locks.

Treasurer Dearden said that there is a line item in Capital to pay for this project so the budget will not have to be opened.

Attorney Finlinson said that this doesn't need a motion and whichever commissioner is over IT can move forward on this project.

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in April 2019. She said that a thorough review was done on May 13, 2019 by her, Auditor Gehre, and Commissioner Draper.

OPENING OF REQUEST FOR PROPOSALS FOR OFFICE/CLINIC SPACE FOR CENTRAL UTAH PUBLIC HEALTH IN DELTA

Chief Deputy Auditor Madsen opened the following RFPs:

- HABB, LLC
- Plaza Office Building

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

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

SPECIAL RECOGNITIONS-SHERIFF JACOBSON

Sheriff Jacobson said that he would like to present a Letter of Commendation and recognize Dispatcher Jenni Jensen for her actions regarding an intoxicated driver on interstate 15. He said that Dispatcher Jensen was able to calm the driver and negotiate his compliance while updating pursuing units and handling other tasks at the console. Sheriff Jacobson said that Dispatcher Jensen is an incredible staff member and thanked her for her service.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Attorney Finlinson presented a business license application for Lance's Honey Do Handy Man Service, Owner - Lance Ward Johnson, a handyman business that does small repairs around people's homes and yards. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Lance's Honey Do Handy Man Service, Owner - Lance Ward Johnson.

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

Sheriff Jacobson said that the Sheriff's Office has hired two new deputies; Sean Cain and Brennen Ellett.

Planner Richins said that he has two subdivision documents that have previously been approved by the Commission and he needs them signed and attested.

Commissioner Warnick said that she will be absent from the next commission meeting on June 4, 2019.

Commissioner Warnick said that the Delta North Elementary has asked to use the fair building for their activity tomorrow due to inclement weather. They are asking that the fee be waived. The Commission agreed to waive the fee.

Commissioner Warnick said that the Wellness Committee would like to offer incentives to those who participate. She said that the incentives discussed were Zumba classes, Swim Passes, and golf passes. Commissioner Warnick said that she has cleared this with the Auditor's office and incentives need to stay under \$100.00 and cannot be redeemed for cash.

Commissioner Jackson made a motion to offer use of the county owned pool and golf course as wellness incentives.

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

Clerk Rowley said that Delta City has requested to contract with the Clerk's office in order to run their upcoming municipal election. She said Attorney Finlinson is working on the contract and she will work with the Auditor's office on the finances. She said that when the County purchased the new voting equipment, her thoughts were to contract with the municipalities to help them and reduce confusion for voters in the county.

Commissioner Draper said that he has received a document to sign which allows those attending NACO to vote.

Commissioner Draper said that he received a notification from the Great Basin National Park who is currently receiving public input regarding Lehman's Cave, Wild Caves, and Karst management plans. He said that comments are being accepted through June 14, 2019.

Commissioner Draper said that he received a notification from The Bureau of Reclamation who is inviting participation in developing a PA to streamline mitigation procedures associated with modifications to irrigation infrastructures. He said that he will find out more about 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.

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

Commissioner Draper said that the Secretary of Agriculture will be in Salt Lake City tomorrow and two commissioners from the UAC body have been asked to meet with him. He said that former Commissioner Withers has been invited to attend that meeting and he will discuss agricultural issues on behalf of Millard County if the opportunity arises.

Commissioner Draper said he will be attending the Wild horse and Burro Conference on May 29-31, 2019.

AUDITOR REPORT

Chief Deputy Madsen presented the Payroll and Liabilities for May 10, 2019, and Check Edits on May 10, 2019, May 14, 2019, and May 21, 2019.

Commissioner Jackson made a motion to recess.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:41 p.m..

Commissioner Jackson made a motion to reconvene the meeting.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the meeting reconvened at 2:00 p.m..

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

Commissioner Warnick made a motion to enter into a BOE.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 2:01 p.m..

Karen Jordan, Deputy Auditor, said that the Commission decided to remove the exemption from the Bible Baptist Church in March because they didn't respond to their renewal notice. She said that the Bible Baptist Church has since filled out the proper paperwork and now the Commission has the option to deny the exemption, grant it, or send it to the tax sale. She said that the estimated 2019 taxes are \$314.00.

Commissioner Jackson made a motion to grant the exemption to the Bible Baptist Church.

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

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 2:06 p.m..

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 2:15 p.m..

Attest: _____

Approved: _____