

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF JANUARY 2020
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: Bonnie Gehre..... County Auditor
Sheri Dearden..... County Treasurer
Brenden Turner. East Recreation Supervisor
Adam Richins..... County Planner
Matt Ward. Chronicle Progress
Kevin Morris. West Maintenance Supervisor
Klint Penney and John Orullian..... East Millard Maintenance
John Higgins. Landfill Supervisor
Brandon Winget..... Road Supervisor
Brooks Jackson. West Recreation Supervisor
Brandon Stephenson. Sunrise Engineering
Richard Jacobson, Rob Clark, Shane Brunson,
and Richard Warren..... Millard County Sheriff’s Office
Mike Holt..... Fillmore City Mayor
Sharal Young and Eva Timothy..... USU Extension
Sarah Bagley. Central Utah Public Health
Ben Hunter, Kole Christensen, Gray Stevens, Gavyn Bond, Lillie Reid, Trisha Johnson,
Makenzee Thatcher, Conner Woods, Dylan Rees, Emma Woods,
Jocelyn Dean, and Dawson Eliason..... Millard High FFA
JoLynn Stevens, Lauri Mathews, Todd Mathews, Teigen Matthews, Jordynn Wood, Quinn
Kesler, Tamara Engstrom, Jim White, Robert Stevens, Lonnie Hafen, Greg Kesler, Debra Kesler,
Becky Grose, Madison Grose, Tracy Whatcott, Christy Myers, Jeanene Owens, Kamille
Chlarsen, Natalie Nelson, Hayley Nelson, Maclayne Chlarson, JerE Brinkerhoff, Sergio Canales
Jesus Canales, Lori Brinkerhoff, Ed Phillips, Takako Scottorn, Terry Scottorn,
Craig Bartholomew, Randy Bartholemew,
and Millard High School Governor’s Youth Council. 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 Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF DECEMBER 17, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 17, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of December 17, 2019, as corrected.

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

APPROVAL OF DECEMBER 30, 2019 COMMISSION MINUTES

The proposed minutes of a Special County Commission meeting held December 30, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Warnick made a motion to approve the minutes of December 30, 2019, as presented.

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

FOLLOW UP ACTION ITEMS FROM DECEMBER 17, 2019

There were none.

APPOINTMENT OF A NEW COMMISSION CHAIRPERSON AND CHAIRPERSON PRO TEMPORE

Commissioner Jackson made a motion to appoint Commissioner Warnick as the 2020 Chairperson.

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

Commissioner Warnick made a motion to appoint Commissioner Draper as the Chairperson

Pro Tempore.

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

ASSIGNMENT OF COMMISSION DUTIES FOR 2020

Commissioner Draper explained the commissioner duty changes and read all the administrative duties into the record. SEE ATTACHED.

Commissioner Warnick made a motion to approve the commission assignment duties for 2020.

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

DISCLOSURE STATEMENTS

The following disclosure statements were presented to the Commission:

Treasurer Dearden-Dearden Equipment
Clerk Rowley- Fillmore Market
Jamie Hair- Snow X, Inc
Margene Stevens - Margene's Appraisals
Klint Penney-Penney's Outdoor Power

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT REGARDING THE LEASE OF LANDFILL EQUIPMENT

Auditor Gehre said that the County doesn't have a contract and they want the County to fill out a credit application. She said that the Wheeler CAT machinery is vetted on State contracts; however, the financing is not. Auditor Gehre said that the County won't get an exact percentage rate until the credit application is filled out. She said that other financing is available through the State, but has been historically only for smaller vehicles on 12 month leases.

After a brief discussion, it was decided to table this item to the next agenda to give the Commission some time to research the best financial options.

Commissioner Jackson made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF A TELEPHONE CONTRACT

Richard Beckstrand, IT Supervisor, said that the contract was given to Attorney Finlinson. Attorney Finlinson said that he doesn't have any concerns with the contract but is worried about the

County's obligation to Frontier.

Supervisor Beckstrand said that the contracts with Frontier for these buildings in question are on a month-to-month basis and expired in November 2019.

Attorney Finlinson said that he doesn't have any concerns if all the contracts are on a month-to-month agreement.

Supervisor Beckstrand said that they will double check that all contracts impacted by this new contract are on a month-to-month basis.

Commissioner Jackson made a motion to approve a phone contract with CentraCom contingent on it not creating any conflicts with existing contracts.

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

DISCUSSION REGARDING EAST MILLARD ARENA RULES- KAMILLE KHLARSON

Kamille Khlaron said that she is aware that the County will be losing a lot of funding and that there has been some issues with both arenas in the County not bringing in enough money to help keep them open.

Ms. Khlaron presented several arena funding, scheduling and operating ideas to the Commission including assigning a facilities manager over the arenas and creating memberships with associated fees. She said that the memberships would be similar to dedicated hunters and have required service hours. Ms. Khlaron asked that a discussion and possible action regarding arena facility managers be put on the February 4, 2020 commission meeting agenda.

Commissioner Draper said that resolutions regarding the arenas were originally on the draft agenda but they were changed to discussions on the agenda because the proposed changes were not in final form and the Commission wasn't ready to take action. He explained that an ad hoc organization was formed by community members who previously brought their proposed rule changes to the Commission. He said that when the Commission takes action, the same rules and fees will apply to both arenas. He said that input on this is very important to cover everything that should be covered. Commissioner Draper said that in 2017 new rules were adopted for use of these facilities that haven't been implemented. He said that a part of this process will be to make certain those rules that are already in place will be considered with the new rules.

DISCUSSION REGARDING AMENDING EAST AND WEST MILLARD ARENA RULES

Commissioner Jackson asked if rodeo ground security for events has been addressed.

Commissioner Draper explained that in the past the Sheriff's Office often provided security for events that were sponsored by the County. He said that private individuals are now looking to bring large events to the facilities and have inquired about security.

Commissioner Draper said that funds are low and the action contemplated by the Commission was to find a way for the arenas to pay for themselves. He said that the general fund has made up the cost difference for several years.

Commissioner Draper referred to a Facebook posting regarding the arenas and said that it stirred up a lot of emotions. He said that the post was not representative of the feelings of the

Commission and did not reflect possible action. He said that no one intends to shut anything down on a permanent basis. Commissioner Draper said that they will be managed and there will be fees associated with it and the commissioners have looked at other arenas around the State to see how they are operated.

Commissioner Draper asked Commissioners Warnick and Jackson if they would prefer to have a public hearing on this issue or have the community groups work with Attorney Finlinson to integrate their proposals into a final resolution.

Commissioner Warnick said that she thinks that some of the proposals by Ms. Khl Larson can be integrated into current county policies.

Attorney Finlinson said that he appreciates the community involvement and said that Ms. Khl Larson has some really good ideas. He gave a brief history of the rule changes for the arenas and said that there wasn't a lot of community involvement when those were passed, such as was expressed in today's meeting. Attorney Finlinson said that he would be happy to work with the community groups to integrate the proposed changes into the policy. He said that after he works with the groups to find a consensus, then a public hearing could be held to receive comments from the public on those specific proposed rules.

Commissioner Warnick would like to use the committees first to find a consensus and if they can't agree, then hold public hearings.

Commissioner Draper said that he would like the groups to work with Attorney Finlinson to integrate their proposals into the existing rules. He asked that the proposals be submitted to the Commission in a more formal form and then a public hearing can be scheduled to receive more input from the public.

DISCUSSION AND POSSIBLE RENEWAL OF LEASE FOR FAIRGROUND STALLS- JERE BRINKERHOFF

Commissioner Jackson said that Mr. Brinkerhoff's lease was due last June and the County renewed it for one year.

Attorney Finlinson said that there was originally a 20 year lease and it was renewed for one year. He said that the County could extend the lease or formalize an arrangement where Mr. Brinkerhoff would be a licensee of the property. He said that licensees would be permitted to use the property until the County gives them notice to leave.

Mr. JerE Brinkerhoff said that he is open to either a formalized agreement as a licensee or extending the lease. He said that there hasn't been any issues.

Commissioner Jackson said that he would like to move forward and make Mr. Brinkerhoff a licensee so that he can use it until the County needs the land for other purposes.

Attorney finlinson said that the contract will automatically renew if the Commission doesn't take action.

Mr. Brinkerhoff said that he would like a decision on this very soon because it will be a large undertaking if they have to move. He said that he is also very willing to pay fees for the use of the facilities.

A brief discussion was had on a time-frame for notice. The Commission agreed to a 90 day notice.

Mr. Brinkerhoff asked if the building would come with them if they receive notice to leave

or if the County would retain that building.

After a brief discussion, it was decided that the County doesn't seem to have a use for the building and if Mr. Brinkerhoff can take it, he can have it.

Commissioner Jackson made a motion to terminate the lease agreement and to allow the Brinkerhoffs to remain as licensees until the County needs the property and to give the Brinkerhoffs a 90 day vacate provision in a letter and to allow them to remove the fixtures from the property upon them being asked to vacate.

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

DISCUSSION REGARDING A COUNTY SMOKE FREE POLICY-SARAH BAGLEY

Ms. Sarah Bagley said that she is here with Governor's Youth Council students from both Millard High and Delta High. She said that they would like to propose a County smoke free policy and presented a packet to the Commission.

The first speaker shared a few reasons as to why they want to have a County smoke free policy including the negative impacts of second hand smoke, addiction, and how smoking harms relationships.

The second speaker shared the impacts of Smoking and said that 9.2% of adults smoke in Utah and 1,300 lives are taken each year.

Jamie Mitchell spoke about the second hand effects of smoking and shared that she suffers from asthma and has been hospitalized by being around cigarette smoke.

Kenna Knight said that the derby's and rodeos held at county facilities are family centered activities and if kids see smokers at these facilities they are more likely to choose to do that as well.

Carter Roper said that the Central Utah Health Department would like to provide the signs to be posted at county buildings and facilities. He said that the signs will be provided at no cost to the County.

Ms. Bagley said that there is a sample policy in the handout and Delta and Fillmore Cities have smoke free policies at their facilities.

Commissioner Warnick asked what the signs look like. Ms. Bagley said that they can order specific ones or get the basic ones.

Attorney Finlinson said that this would need to be passed by resolution and he can refer to the handout to draft a resolution.

Commissioner Draper thanked the youth for their presentation and involvement in the community.

AWARDING OF THE BIDS FOR SHERIFF OFFICE VEHICLES

Sheriff Jacobson referred to a previous discussion at the last commission meeting regarding the west desert patrol truck. He would like to award the bid to Sahara Motors. He said that they are still weighing the difference between purchasing a 3/4 ton pickup or a 1/2 ton pickup.

Commissioner Warnick made a motion to award the bid for a 3/4 ton pickup in the amount of \$35,200.00 to Sahara Motors.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR DEPUTY CLETE CARTER-SHERIFF'S OFFICE

Sheriff Jacobson said that Commander Kerry Ekker has retired and the Strike Force Board has discussed and nominated Clete Carter to become the new commander of that unit.

Commissioner Jackson made a motion to approve a credit card with a limit of \$1,000.00 for Deputy Clete Carter-Sheriff's Office.

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

K9 INTRODUCTIONS

Sheriff Jacobson introduced Deputy Richard Warren and his K9 partner Bonsai who has been with the County almost a year. He said that Bonsai is certified in patrol service and has been a great asset to the County. Sheriff Jacobson read Bonsai's record.

Attorney Finlinson said that the County is very fortunate to have Deputy Warren and Bonsai.

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR EVA TIMOTHY-USU EXTENSION

Commissioner Jackson made a motion to approve a credit card with a monthly limit of \$5,000.00 and a single purchase limit of \$1,500.00 for Eva Timothy-USU Extension.

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

PUBLIC INPUT

Mr. Ed Phillips said that a Facebook post made him aware of the arena issues and asked what generated the stalls being torn down.

Commissioner Draper said that the stalls were removed to make room for the County Road Department barn.

Mr. Phillips said that there is a quite a bit of concern about these buildings being maintained. He said that those facilities were fought for and service was donated to put them up so to see them being torn down blind-sided a lot of people in the community.

Mr. Phillips asked what the long term plan is for the facilities. Commissioner Draper said that long term usage of the racetrack has come in conflict with those who play soccer and the commission is in the process of finding middle ground so it is available for all to use.

Mr. Phillips asked why the County took over recreation and said that Millard is the only

county in the State that sponsors a full scale recreation program. He said that maybe it is time for Fillmore City and Delta City to be asked to pay their share of the facilities within their city boundaries.

Mr. Phillips asked when the decision was made to tear down the building. Commissioner Draper said that it was approximately 3 months ago.

Attorney Finlinson said that the decision was administrative and not made in a commission meeting.

Commissioner Jackson said that the decision to tear down the old building was an administrative decision by him and that the building was in really bad condition.

Attorney Finlinson said that the future of the facilities will be helped by the involvement of the community. He said that the voice from the users of the facilities will help the County develop a future plan for them.

Mr. Phillips said that more notice to the public and more transparency from the County Commission is necessary when they make decisions to take buildings down.

OTHER BUSINESS

Attorney Finlinson said that the Bureau of Land Management (BLM) accepted the transfer documents and the red dome mining claim fees have been paid. He said that the County needs to send a letter vacating the claim so it can get the open use permit from the local office. The Commission agreed to have Attorney Finlinson send that letter.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Warnick said that Ray Searle will be replacing Lonnie Hales on the Mosquito abatement board. She said that Tony Anderson has agreed to serve another term.

Commissioner Warnick made a motion to reappoint Tony Anderson to the Mosquito Abatement Board.

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

Commissioner Warnick said that all those expiring members on the Drainage District Board said that they are willing to serve another term.

Clerk Rowley questioned whether these need to be posted before reappointing and said that she will look into this.

Treasurer Dearden said that the State Auditor is still requiring the County to hold funds on Districts 1 and 4 because of missing paperwork.

Commissioner Draper said that he has been asked to seek replacements on the Millard Care and Rehabilitation Board for Gale Chapman, Tony Dearden and Craig Bartholomew. He said that this needs to be advertized. Clerk Rowley said that she will advertize those openings.

Commissioner Draper said that he received nine applicants for one opening on the Planning

and Zoning Commission. He said that interviews need to be taken care of in an open meeting and asked if interviewees can be asked to leave the room during other interviews, even though its in an open meeting. Attorney Finlinson said that he will look into this.

Commissioner Draper made a motion to reappoint David Sterling to the Planning and Zoning Commission.

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

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

There were none.

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

Attorney Finlinson said that the process to fill the vacancy for Mr. Waddingham's position has began and will be in this week's paper.

Commissioner Draper said that they attended a meeting with the Utah Department of Transportation (UDOT) regarding the Brush Wellman Highway project. He briefly explained the scope of the project and said that UDOT has chosen four engineering firms who will send their proposals to the commission. He said that the Commission will award the actual project to one of those firms.

Commissioner Warnick said that there is a meeting regarding the census in Delta next Monday, January 13, 2020, at 9:00 a.m. and in Fillmore at 1:00 p.m.. She said that a grant was received in the amount of \$5,000.00.

AUDITOR REPORT

Auditor Gehre said that she received invoices from Six Counties Association of Governments for the 2020 congressional briefing. She said that last year the County paid \$1,000.00. Auditor Gehre said that they are asking for a minimum of \$1,500.00 this year.

Commissioner Jackson said that he thinks its worth it and a lot of the County's information was taken back to Washington last year.

Commissioner Jackson made a motion to pay \$1500.00 out of the Public Lands fund.

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

Auditor Gehre said that she received an invoice for the bookmobile contract. She said that the contract can be terminated with a 60 day notice. After a brief discussion it was decided to put this on the next agenda.

Auditor Gehre presented the following reports:

Check Edits:

- December 20, 2019 - \$449,219.00
- December 27, 2019 - \$100,696.27
- December 27, 2019 Zions - \$28,471.34
- January 3, 2020 - \$443,503.27

Payroll liabilities:

- January 3, 2020 - \$169,676.03
- December 20, 2019 - \$397,966.09

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

There were none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

Commissioner Warnick made a motion to go into a closed executive session for the purpose of discussing pending and/or threatened litigation.

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

After the closed executive session the regular meeting reconvened at 12:44 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 12:45 p.m..

Attest: _____

Approved: _____