

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 24th DAY OF MARCH 2020
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: Brandon Winget..... Road Supervisor
Richard Jacobson and Shane Brunson..... Sheriff's Office
Connie Hansen..... County Recorder
Bonnie Gehre..... County Auditor
Sheri Dearden..... County Treasurer
Richard Beckstrand..... IT Supervisor
Adam Richins..... County Planner
Kary Kesler..... Citizen

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick asked if anyone had an opening statement to give. Commissioner Jackson expressed his appreciation to everyone for helping each other get through this pandemic. Attorney Finlinson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MARCH 10, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 10, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of March 10, 2020, as corrected.

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

FOLLOW UP ACTION ITEMS FROM MARCH 10, 2020

There were none.

RATIFY THE APPROVAL OF A CONTRACT WITH USU EXTENSION

Commissioner Draper made a motion to ratify the approval of a one year contract with USU Extension.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR SPENCER ECONOMY PEST SERVICE, OWNER-TREVOR SPENCER

A business license was presented for Spencer Economy Pest Service, Owner - Trevor Spencer, a business that sprays pesticides. After a review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Spencer Economy Pest Service, Owner - Trevor Spencer.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN INDIGENT BURIAL APPLICATION FOR LINDA BUBLITZ

Commissioner Draper made a motion to approve an indigent burial application for Linda Bublitz.

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

DISCUSSION AND POSSIBLE APPROVAL OF FUNDING FOR THE AMERICAN LEGION LADIES AUXILIARY GIRLS STATE-COMMISSIONER WARNICK

Commissioner Warnick said that there are eight girls hoping to attend Girls State and each girl is requesting a donation in the amount of \$200.00. Commissioner Jackson said that plans to hold Girls and Boys State this year are still going forward.

Auditor Gehre said that these donations were taken out of special projects in past years.

Commissioner Jackson made a motion to fund the American Legion Ladies Auxiliary Girls State for eight girls in the amount of \$200.00 each.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-03-24, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS, ADOPTING A SCHEDULE OF FEES FOR THE MILLARD COUNTY EQUESTRIAN FACILITIES “DUE TO PUBLIC SAFETY CONSIDERATIONS, A PUBLIC HEARING WILL STILL BE HELD FOR INPUT ON THE FEES AT A LATER TIME WITH THE POSSIBILITY FOR ADJUSTMENTS”

Attorney Finlinson said that this resolution acknowledges that this language is not intended to be the final product and will be revisited as part of the broader equestrian facility process which needs to include public hearings.

Commissioner Draper said that committees from each side of the County have collaborated and submitted their suggestions. He said that the fee schedule being approved with this resolution includes the fee recommendations from those groups. Commissioner Draper said that the public will have the opportunity to share their opinions on this during public hearings that will be held in the future. He said that the fee schedule may change after those public hearings are held. Commissioner Draper said that fee changes are needed and they need to be consistent on both sides of the County.

Commissioner Draper made a motion to approve Resolution 20-03-24, a resolution of the Board of County Commissioners of Millard County, Utah, adopting a schedule of fees for the Millard County Equestrian Facilities.

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

CONSIDERATION AND DECISION REGARDING THE FOURTH OF JULY ARENA PROPOSALS

Commissioner Warnick said that no proposals have been received. After a brief discussion, it was decided to put this on the agenda after a proposal has been received.

AWARDING OF THE BID FOR LABOR ONLY TO CONSTRUCT THE NEW ROAD DEPARTMENT SHOP IN FILLMORE

Attorney Finlinson gave a brief history of the bids. He said that the bids received didn't quite match the needs of the County and the County purchasing policy showed they were priced above what had been estimated. He said that the bid can be awarded; however, there may be a substantial risk. Attorney Finlinson said that another option would be for him to work with Supervisor Winget to revise the request for bids and resend them.

Commissioner Draper made a motion to reject all the bids for labor on the Road Department shop.

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

DISCUSSION REGARDING THE ROAD DEPARTMENT PURCHASING VEHICLES FROM THE SHERIFF'S OFFICE

Supervisor Winget said that the Road Department would like to purchase two vehicles from the Sheriff's Office. He said that bids received on these vehicles were \$500.00 for one and \$1,000.00 for the other.

Auditor Gehre requested that Supervisor Winget get her office the last four vin numbers on those vehicles.

Commissioner Draper made a motion to approve the road department purchasing two vehicles from the Sheriff's Office.

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

DISCUSSION AND POSSIBLE APPROVAL OF PAYMENT FOR ATTORNEY MARK WARD REGARDING WEST DESERT WATER LITIGATION

Commissioner Draper said that Mr. Ward represents Millard County in the West Desert water litigation and gave a brief history of the case. He said that the fee is \$7,500.00 split between Millard and Juab Counties.

Commissioner Jackson made a motion to approve a payment in the amount of \$3,750.00 to Attorney Mark Ward in regards to the West Desert water litigation.

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

DISCUSSION AND POSSIBLE APPROVAL OF A PAYMENT TO WASHINGTON, D.C. LOBBYIST, BOB WEIDNER

Commissioner Draper said that Mr. Weidner is a lobbyist working in Washington, D.C. whose work includes ensuring payments in lieu of taxes (PILT) from the Bureau of Land Management (BLM) and Secure Rural Schools (SRS) payments. He said that the invoice received is in the amount of \$16,000.00. Commissioner Draper said that the PILT and SRS payments make up a significant portion of the County's budget each year.

Auditor Gehre said that each year Millard County receives approximately \$1,500,000.00 in PILT payments and between \$30,000.00 and \$40,000.00 in SRS payments.

Commissioner Draper made a motion to approve a payment in the amount of \$16,000.00 to Bob Weidner, Washington, D.C. Lobbyist.

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

DISCUSSION AND POSSIBLE APPROVAL OF INTERLOCAL AGREEMENT WITH DELTA CITY REGARDING BUILDING INSPECTION SERVICES

Attorney Finlinson said that this has been in the works for a long time and the Planning/Building Official Department feels like they are in a position to do this.

Building Official Richins said that Millard County would provide inspection services for Delta City. He said that it doesn't significantly add to the cost of running the department and it will bring in additional revenue.

Commissioner Draper said that the County has provided these services to all municipalities in the past. He said that additional inspectors have been budgeted for if necessary. Commissioner Draper said that Delta City approached the County requesting these services.

Commissioner Jackson asked if this puts the County in competition with any local businesses.

Planner Richins said that there may be individuals who would be interested in offering these services; however, this isn't an uncommon service for government to provide.

Commissioner Jackson made a motion to approve an interlocal agreement with Delta City regarding building inspection services.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-03-24A, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS, AUTHORIZING CLOSURE OF OFFICES AND FACILITIES AND ADOPTING A TEMPORARY POLICY REGARDING WORKING FROM HOME

Attorney Finlinson said that this formally enacts the policy regarding working from home that was issued as an administrative policy last week. He said that it also recognizes the authorization of each elected official to close their offices to in person interaction.

Attorney Finlinson read the recitals in the resolution. Attorney Finlinson explained the measures that have been taken by the courts.

Commissioner Draper said that he serves on the Central Utah Public Health Board and explained the latest updates regarding COVID-19. He said it is wise to make this resolution flexible so it can incorporate any changes. Commissioner Draper said that there haven't been any reports of cases of COVID-19 in Millard County as of today.

Recorder Hansen said that it is hard to close everything in her office and explained some of the measures that her office has taken.

Commissioner Jackson made a motion to approve Resolution 20-03-24A, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing closure of offices and facilities and adopting a temporary policy regarding working from home.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-03-24B, ADOPTING A PERSONNEL POLICY COMPLYING WITH THE FAMILIES FIRST CORONAVIRUS RELIEF ACT

Auditor Gehre explained that the Families First Coronavirus Relief Act (FFCRA) mandates paid sick leave and expands FLMA and pointed out some of the important changes. She said that this could have a substantial financial impact on the County.

Deputy Clerk Hair said that she worked with Auditor Gehre to create a personnel policy; however, a lot is still unknown. She said that the County has to comply with the FFCRA by April 1, 2020.

Attorney Finlinson said that this resolution adopts the policy; however, it also gives the Auditor and Human Resource Specialist the flexibility to make changes as more information is clarified from the Department of Labor.

Commissioner Draper made a motion to approve Resolution 20-03-24B, a resolution of the Board of County Commissioners of Millard County, Utah, adopting a personnel policy complying with the Families First Coronavirus Relief Act.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-03-24C, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS DECLARING A STATE OF EMERGENCY IN MILLARD COUNTY

Attorney Finlinson said that it is unknown if this may be helpful to recoup costs or if it will even be necessary.

Sheriff Jacobson said that 15 of 29 counties in Utah have made a similar declaration and this would be to follow suit and also provide our citizens notice that this County recognizes its responsibility.

Commissioners Jackson and Draper said that they think this is a necessary precaution.

Commissioner Jackson made a motion to approve Resolution 20-03-24C, a resolution of the Board of County Commissioners of Millard County, Utah, declaring a state of emergency in Millard County.

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

MONTHLY FINANCIAL REVIEW

Auditor Gehre said that she verified balances with Treasurer Dearden this morning. Commissioner Warnick said that the Commission has had a chance to review the reports.

OTHER BUSINESS

Mr. Kerry Kesler said that Millard County is designated as a fenced in county. He said that he would like the Commission and others to look at this designation particularly in the area south of Fillmore near the foothills where there was a wildfire last year. He suggests letting grasses be grazed in certain areas to help with fire prevention.

Attorney Finlinson said that he visited with Mr. Kesler a few weeks ago and said that the Commission is a good way to start this conversation. He said that due to the gathering restrictions, public hearings regarding this topic can't be held at this time. He said that this can definitely be looked at in the future.

Commissioner Draper said SB95 was passed and read the following changes that will impact the County:

- Rural Fast Track (RFT):
 - Eliminates the RFT as of June 30, 2020.
 - The last submission date for RFT applications will be May 22, 2020 to meet GRPB and GOED deadlines.
 - Existing RFT contracts are still in effect and will be honored until their expiration dates.

- Business Expansion and Retention (BEAR):
 - Eliminates the BEAR program as of June 30, 2020.
 - BEAR reimbursement requests will be made until midnight through June 30, 2020.

- Enterprise Zones:
 - The final deadline for municipalities or counties to apply or reapply for an enterprise zone designation is January 1, 2021.
 - The non-profit aspect of the enterprise zone program will be eliminated as of June 30, 2020.

- Rural Co-working and Innovation Center (RCIC):
 - Proves \$2,000,000.00 one-time funding and \$250,000.00 ongoing for the rural Co-working and Innovation Center (RCIC) program and \$250,000.00 is allocated for the Building Speculation Initiative.

- Recycling Market Development Zone Tax Credit:
 - Moves the Recycling Market Development Zone Tax Credit for Governor's Office of Economic Development to the Department of Environmental Quality, effective July 1, 2020.

- Rural County Grant Program:
 - The Rural County Grant Program will provide up to \$200,000.00 in FY21 to rural counties to address economic development needs to include (1) business recruitment, development, and expansion, (2) workforce training and development, and (3) infrastructure and capital facilities improvements for business development.

 - Counties that apply for a rural county grant must create and appoint at least five members to a County Economic Development Advisory Board (CEDS). The CEDS Board will assist and advise the Council or Commission on the grant application with proposed projects and to meet reporting requirements.

 - GOED's Office of Rural Development will work with the Governor's Rural Partnership Board (GRP) to develop an application and reporting process. The GRP will review the application, including the process and deadlines, scoring, and determination of each grant award. The GRP will also receive reports from the counties receiving the funding.

Commissioner Draper said that Millard County is eligible for the grant program. He said that not all rural development programs are changing. He said that the Rural Economic Development Incentive (REDI), the Utah Rural Jobs Program, the Targeted Business Tax Credit (TBTC) and the Rural Co-Working and Innovation Center Grant (RCIC) will not be affected by SB95.

Commissioner Draper said that the Millard Care and Rehabilitation Board will be meeting this Thursday in Delta. He said that they received a \$250,000.00 loan and a \$250,000.00 grant to build a new dining room facility at the care center.

Attorney Finlinson said that the bond will be issued through the building authority; however, there are concerns because a bond requires public hearings. It was decided to put this on the April 7, 2020 commission meeting agenda. Attorney Finlinson said that he will try to work out the bond issue.

Commissioner Draper said that the Foothill Blvd construction is beginning today which begins in McCornick and runs to Oak City.

Attorney Finlinson gave an update on the initiative and said that signatures have been submitted and the verification process will soon begin in earnest. He then gave a brief time line of what happens after the signatures are verified. He said that if the County provides an alternative initiative, both initiatives will be on the ballot in November.

Attorney Finlinson said that the administrative appeal in the Christensen case is scheduled on April 8, 2020 in this chamber. He said that this was agreed to before the formal restrictions regarding COVID-19 took place.

Commissioner Warnick said that the County is working on the RFPs for a T.V. technician.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Warnick said that Brian Ashton resigned from the Tourism Board. She said that she would like to appoint Woody Johnson to replace him.

Commissioner Jackson made a motion to appoint Woody Johnson to the Tourism Board.

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

Clerk Rowley said that the Water Conservancy Board vacancies have been advertized.

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

There was none.

AUDITOR REPORT

Auditor Gehre gave the following reports:

Check Edits:

March 13, 2020 - \$161,176.66

March 20, 2020 - \$176,955.13

Payroll Liabilities:

March 31, 2020 - \$167,135.55

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

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

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

After the closed executive session the regular meeting reconvened at 11:42 a.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 11:43 a.m..

Attest: _____

Approved: _____