

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF APRIL 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: Richard Beckstrand..... IT Director
Adam Richins..... County Planner
Sheri Dearden..... County Treasurer
Bonnie Gehre and Vickie Bennett..... Auditor’s Office
Richard Jacobson..... County Sheriff
Pat Manis..... County Assessor
Brandon Stephenson..... Sunrise Engineering
Chad Whitaker..... Corn Creek Irrigation Company

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 Draper said that we are blessed to live in Millard County, which is a safe environment for our children, and allows us to pursue the hobbies and lifestyles that we want to. He said that the 11% of privately owned land in Millard County is predominantly agriculture and the Commission is dedicated to preserving the agriculture that we have now, which provides the lifestyle that we have enjoyed for decades.

Commissioner Jackson expressed his appreciation to those on the medical field front lines for all the work that they are doing.

Commissioner Warnick said that she is amazed at the outpouring of service in the

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

APPROVAL OF MARCH 24, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 24, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of March 24, 2020, as corrected.

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

FOLLOW UP ACTION ITEMS FROM MARCH 24, 2020

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR THE HEALTHY WEBSTORE, LCC, OWNERS-MARION AND HELEN LEE

A business license application was presented for The Healthy Webstore, Owners - Marion and Helen Lee, a business that sells food supplements and vitamins online. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for The Healthy Webstore, Owners - Marion and Helen Lee.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-04-07, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS AUTHORIZING AN ANNUALLY RENEWABLE LEASE, A MASTER RESOLUTION, SECURITY DOCUMENTS AND THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS LOCAL BUILDING AUTHORITY OF MILLARD COUNTY, UTAH LEASE REVENUE BOND, SERIES 2020 TO FINANCE THE COST OF CONSTRUCTION OF IMPROVEMENTS TO A CARE CENTER AND RELATED FACILITIES; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED

Attorney Finlinson said that this resolution is complex and gave a brief background of the necessity for a dining area upgrade at the care center. He said that the County owns the facility and submitted an application to the Community Impact Board (CIB) to secure funding for the project.

Attorney Finlinson said that the CIB offered the County a grant and loan together. He said that the contract with CIB for the loan needs to be signed and the County will need to issue a bond to fund the loan.

Attorney Finlinson said that the County has worked with Chamberlain and Associates in the past to prepare the paperwork for bonds and this resolution will authorize them to start the process for this bond. He said that Millard County has a Building Authority which will be the repository for

the bonded loan.

Attorney Finlinson briefly explained the exhibits that are included in the resolution. He said that he is working with Chamberlain and Associates and state officials to meet all security requirements for public hearings regarding the bond.

Commissioner Draper said that this is the most beneficial use of funds and without making appropriate changes the County could lose the care center facility.

Commissioner Draper made a motion to approve Resolution 20-04-07, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing an annually renewable lease, a master resolution, security documents and the issuance and sale by the authority of its local building authority of Millard County, Utah lease revenue bond, series 2020 to finance the cost of construction of improvements to a care center and related facilities; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated.

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.

CONVENE AS A MILLARD COUNTY BUILDING AUTHORITY

Commissioner Draper made a motion to convene as a Millard County Building Authority.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The Millard County Building Authority meeting began at 10:18 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-04-07, A RESOLUTION OF THE MILLARD COUNTY BUILDING AUTHORITY AUTHORIZING AN ANNUALLY RENEWABLE LEASE, A MASTER RESOLUTION, SECURITY DOCUMENTS AND THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS LOCAL BUILDING AUTHORITY OF MILLARD COUNTY, UTAH LEASE REVENUE BOND, SERIES 2020 TO FINANCE THE COST OF CONSTRUCTION OF IMPROVEMENTS TO A CARE CENTER AND RELATED FACILITIES; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED

Attorney Finlinson said that this resolution is an exact replica of the previous resolution and that the Commission is the Building Authority Board of Directors.

Commissioner Jackson made a motion to approve Resolution 20-04-07, a resolution of the Board of the Millard County Building Authority authorizing an annually renewable lease, a master resolution, security documents and the issuance and sale by the authority of its local building authority of Millard County, Utah lease revenue bond, series 2020 to finance the cost of construction of improvements to a care center and related facilities; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated.

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.

Commissioner Jackson made a motion to close the Millard County Building Authority Meeting.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The Millard County Board Authority meeting closed at 10:20 a.m..

DISCUSSION AND POSSIBLE RESOLUTION 20-04-07A, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS POSTPONING THE MAY TAX SALE TO 2021

Attorney Finlinson said that statute states that it is within the Auditor's authority to pull any and all parcels from the tax sale if it is deemed to be in the best interest of the public. He said that this resolution certifies her decision to pull all of the parcels from the tax sale. Attorney Finlinson read the recitals in the resolution.

Commissioner Draper made a motion to approve Resolution 2-04-07A, a resolution of the Board of County Commissioners of Millard County, Utah, cancelling the 2020 tax sale.

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.

OPENING OF THE BIDS FOR LABOR TO CONSTRUCT THE NEW ROAD DEPARTMENT SHOP IN FILLMORE

Clerk Rowley said that two bids were received; one bid was emailed and one was mailed. She said that the emailed bid was placed in a sealed envelope.

Clerk Rowley opened the following bids:

- Butterfield Masonry \$194,720.00 - mailed bid
- C&C Masonry, Inc. \$190,000.00 - emailed bid

Commissioner Draper 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 UPDATE REGARDING THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA) TEMPORARY PERSONNEL POLICY

Deputy Clerk Hair said that the effective date was changed from April 2, 2020 to April 1, 2020 after receiving further clarification.

Deputy Auditor Bennett gave a powerpoint presentation on the FFCRA.

Auditor Gehre said that government entities are not eligible for tax credits and there are still a lot of unanswered questions regarding possible reimbursement. She said that the two week emergency paid sick leave will come out of each department's budget.

A discussion was had on employees supplementing the benefits of the act with their own accrued time, as well as, possible exempt positions.

DISCUSSION AND POSSIBLE ACTION REGARDING THE - PL566 WFPO PROPOSAL – CORN CREEK FLOOD CONTROL AND AGRICULTURAL WATER MANAGEMENT PLAN

Attorney Finlinson said that the level of the County's involvement needs to be decided.

Brandon Stephenson, Sunrise Engineering, explained the water management plan and said that they have approached local entities to provide letters of support for this project. He said that the Corn Creek Irrigation Company would like Millard County to be the chief sponsor so they can provide the accounting and pass through for the funds. Mr. Stephenson said that there is no cost requirements for Millard County by being the main sponsor.

Commissioner Draper read the sponsor responsibilities that were listed in a letter sent to the commissioners. He said that the responsibilities listed are more than just accounting and providing a pass through for funds. He asked why the Commission wasn't approached sooner and said that he didn't feel comfortable making a quick decision on this.

A brief discussion was had on who should be the chief sponsor. Mr. Stephenson said that the best situation is to have a chief sponsor who has accounting abilities to serve as a pass through for funds. He said that the application deadline is April 17, 2020. Mr. Stephenson said that he is happy to approach Kanosh Town regarding being the chief sponsor of the project.

Commissioner Draper asked if the Paiute Band had been contacted regarding this project. Mr. Stephenson said that he was not sure who had been contacted by the Corn Creek Irrigation Company.

Mr. Chad Whitaker, Corn Creek Irrigation, said that pressurized irrigation is already in Kanosh Town and the pressurization referred to in this project is pressurized sprinklers in the fields surrounding Kanosh. He said that they are looking for a letter of support so they can continue planning and secure funding.

Commissioner Draper said that he is concerned that the letter is a letter of commitment instead of simply a letter of support and he isn't comfortable to approve this on such short notice.

Mr. Stephenson said that this is a fluid document and the letter can be changed to simply state that the County will serve as a pass through.

Attorney Finlinson asked Mr. Stephenson if the deadline can be extended so that further review and possible action may be taken at a future commission meeting.

Mr. Stephenson said that he will contact the County at a future date.

DISCUSSION REGARDING BOOKMOBILE CONTRACT

Commissioner Warnick said that the Commission is aware that the public has been concerned about the discontinuation of the Bookmobile. She said that the decision was made during a budget hearing which was open to the public in December of 2019. Commissioner Warnick said that the yearly contract cost is \$94,599.00 and that she has spoken with a lot of people including local mayors

and most have been surprised at the cost. She said that there are a lot more electronic options available today and those were taken into consideration when making the decision.

Commissioner Draper said that hiring a deputy sheriff or other positions did not factor in the decision to discontinue the Bookmobile. He said that the COLA adjustment for employees was not a contributing factor either. Commissioner Draper said that every county department was asked to cut their budgets.

Commissioner Draper said that he agrees with the saying: "There's nothing like having a book in your hands." He said that the bookmobile numbers show that it has some loyal clientele; however, it is not the case in all areas.

Commissioner Draper said that the Commission did not desire to impose a hardship on anyone and were trying to serve the County in its best interest.

Commissioner Warnick mentioned several alternatives including home bound deliveries, book lockers, books on wheels, and library loan programs. She said that they do not want people to go without books and ways can be found to get books to the people. Commissioner Warnick said that she wants to work with the communities to make sure options are available.

Commissioner Jackson said that he contacted the mayors on the east side of the County and most have opted out of contributing to the cost of the Bookmobile because they are already paying Fillmore City for use of its library.

Commissioner Warnick said that she anticipates programs that will help put books into peoples hands and hopes to work with the local libraries to make it happen.

Commissioner Draper said that the School District does not carry any of the financial costs of the Bookmobile and that school children make up the majority of those who use the Bookmobile services. He said that the deadline for the contract is in June and there is still time to work with other entities on this.

DISCUSSION AND POSSIBLE APPROVAL OF CONTRACTING WITH UTAH ASSOCIATION OF COUNTIES (UAC) TO PROVIDE ECONOMIC DEVELOPMENT SERVICES FOR THE COUNTY

Attorney Finlinson said that he has reviewed the contract and it looks good.

Commissioner Draper said that is a yearly contract in the amount of \$60,000.00 and will be covered under the Economic Development Budget. He said that the people executing this contract have access to information and resources that may bring industry into Millard County allowing residents to be trained and employed in single earner family jobs.

Commissioner Jackson said that he thinks this is a very good idea.

Commissioner Draper made a motion to approve the contract with UAC to provide economic development services to the County.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Attorney Finlinson said that the American Civil Liberties Union (ACLU), Utah Disability Law Center, and the Association of Criminal Defense Attorneys have filed a petition of extraordinary writ asking that several counties in Utah release their inmates. He said that the counties are working together on a unified response and the response should be ready before the deadline.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

-Water Conservancy Board

Clerk Rowley said that no applications and/or interest have been received/expressed for the Water Conservancy or the Health Department Boards.

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 Jackson said that the County is trying to keep the pool employees who still want hours working for as long as possible and explained some projects that they were working on. He said that so far it is working out well.

Commissioner Draper gave an update from the Central Utah Public Health Department regarding Covid-19 cases in Millard County. He said that so far, there are two documented cases in Juab county and two cases in Millard County. He said that the admonition to stay at home and stay apart has been greatly helped by the open spaces in our County.

Commissioner Draper said that a cattle guard is being installed with the help of the road department on the frontage road between the top of the Scipio pass and the town of Scipio. He said that installing cattle guards requires a permit from the Road Department and may save individuals on costs if the Road Department helps install it.

Commissioner Warnick gave an update on the census and it appears that 29.3% of individuals in the County have already taken it. She said that there is still a long way to go and it is very important. Commissioner Warnick said that information can be found on Millard County's website at www.millardcounty.org.

AUDITOR REPORT

Auditor Gehre gave the following reports:

Check Edits:

March 24, 2020 - \$28,695.48 (draft Zions Bank)

March 27, 2020 - \$157,697.13

April 3, 2020 - \$117,448.18

Payroll Liabilities:

March 27, 2020 - \$409,172.50

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

Commissioner Jackson made a motion to enter into a BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 11:51 a.m..

Assessor Manis said that there is a parcel in scipio where the individual has been deceased for some time. He said that the parcel is in greenbelt and shouldn't be. Assessor Manis gave a brief history and circumstances of the parcel. He said that it is currently in probate and will be split. One individual filed an appeal to have her portion waived because it will qualify for greenbelt.

Commissioner Draper disclosed that he has a conflict of interest.

Commissioner Jackson made a motion to waive 1/3 of the taxes on the parcel.

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

Commissioner Jackson made a motion to close the BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:58 a.m..

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Attorney Finlinson said that the contract with CIB regarding the care center dining room facilities is a standard CIB contract.

Treasurer Dearden said that this contract is the grant portion of what CIB has offered the County.

Commissioner Draper made a motion to approve the CIB grant contract.

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

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 11:59 a.m..

Attest: _____

Approved: _____