

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 21<sup>st</sup> 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  
Richard Jacobson and Lindsay Mitchell. . . . . Sheriff's Office  
Bonnie Gehre. . . . . County Auditor  
Sheri Dearden. . . . . County Treasurer  
Pat Manis. . . . . County Assessor  
Matt Ward. . . . . Chronicle Progress  
Elise Tolman, Sarah Chapman, Colleen Eggett, Sherri Westbrook,  
Michelle Lovejoy, and James Warnick. . . . . 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 Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick asked if anyone had an opening statement to give. Attorney Finlinson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF APRIL 7, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 7, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of April, 2020, as presented.

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

carried.

#### FOLLOW UP ACTION ITEMS FROM APRIL 7, 2020

There were none.

#### DISCUSSION AND POSSIBLE APPROVAL OF INCREASING THE PURCHASING CARD LIMIT FOR KEVIN MORRIS

Mr. Morris has \$1,000 limit, with his activity within Tourism, he is needing an increase.

Auditor Gehre said that her office consistently increases his limit each month. He is pretty active and needs to have his card increased. It was suggested to increase the card limit to \$2,000.00

Commissioner Draper made a motion to approve an increase in the amount of on a purchasing card or Kevin Morris to \$2,000.00.

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

#### PUBLIC INPUT

Sarah Chapman shared her concerns with the discontinuation of the Bookmobile. She said that there are a lot of people in a lot of outlying towns who cannot drive to Delta or Fillmore to go to the Library and the Delta City Library charges \$5.00 and has a two week limit on how long patrons can rent a book. Ms. Chapman said that when she uses the bookmobile she is able to get an unlimited amount of books without charge. She said that removing the Bookmobile will also remove books from the Delta City Library. She asked if the County will give funds to the library if the Bookmobile is discontinued. Ms. Chapman said that her children do not have the option of reading books online and said that a lot of people in her town don't have access to the internet. She said that if the Bookmobile is removed, then it takes away education for some.

#### DISCUSSION REGARDING BOOKMOBILE CONTRACT

Commissioner Jackson said that he has heard several concerns regarding losing the bookmobile, but nowhere near the amount of people that is said to have used it. He said that he feels the decision has been made and signing the new contract would be backtracking. Commissioner Jackson said that he would not want to raise taxes in order to keep the Bookmobile.

Commissioner Draper said that it has been said that the Commission has been ignoring the emails, comments, and concerns. He said that this is not the case. Commissioner Draper said that this decision was made at the December 2019 Budget Hearing for the 2020 year. He said that due to the comments and interest from the community, they have chosen to look into it again. He said that the Commission is aware that there is not an endless bank account that allows them to fund everything that comes up.

Commissioner Draper said that they take the budget and tax payer's money very seriously and the County's revenue is dropping each year.

Commissioner Warnick read the following letter regarding the bookmobile:

"County commissioners are tasked with budgeting tax revenues collected from taxpayers in Millard County to fund needed County services.

We, the Millard County Commissioners, have spent much time on the current County budget which was adopted last December. Each budgeting session was open to the public to observe the process. Few were attended by the public.

Our County has experienced the results of inflation experienced by all of its residents. There is recognizable inflation such as hamburger increasing to \$4.99/lb. There is hidden inflation such as a container of ice cream remaining at \$3.99/carton, but the carton shrinking from two quarts to 1.75 or 1.5 quarts.

What does this have to do with the Bookmobile?

Commissioners are faced with the choice: increase taxes or cut services.

The Bookmobile costs the county \$97,437.00 per year. Usage indicated it to be one of a few programs providing the least service to the majority of residents. The 2020 budget does not contain funding for extending bookmobile service beyond the end of June.

A one time Covid-19 Relief Grant of 40% was offered by the State Librarian. The amount was raised to 50 percent. This would only keep the service for one more year, but it is still short \$48,718.50 of what was not budgeted for fiscal year 2020.

The county commissioners were aware of the concern this would create in November 2019. The same awareness exists now.

In providing services for the county, inflation has increased the cost of paving roads, providing law enforcement, protecting revenue sources, paying employees living wages, purchasing trucks, computers, earth moving equipment, toilet paper, and much, much more.

As our society has changed the county has found itself needing other skilled employees in addition to those already employed. We have budgeted to bring new employees to several departments. All county offices and departments cut their budgets to provide a Cost of Living Adjustment. This COLA was only two percent, but it helps keep family budgets solvent. County employees have bills to pay like all others. As you may be aware, Millard County wages have a hard time competing with those in larger Utah counties. And the COLA did not require taxes to be raised.

Several new county employees are being added. An additional attorney has been hired to help meet the challenges of large, new industries moving into the county. An additional building inspector will be needed as growth comes to the county. Help is needed at the landfill. Also, two new buildings are needed to protect county records and equipment.

The Sheriff's Office provides all law enforcement services for Millard County. The towns and two cities do not have police forces. This stretches the physical and financial resources of this Office. There is a need for an additional three deputies to balance demands. This includes health, safety and welfare in their plainest terms for all county residents.

As to the petition with 1300 signatures asking to keep the Bookmobile, it was not ignored. Neither have the emails the commissioners have been receiving. Appropriate responses require

consideration of the whole issue.

Commissioners are elected to represent all of the people in the County. Within Millard County there are multiple services of which different groups are fond. Three of the most recent, separate petitions have been circulated at different times in the county regarding the golf course, the equestrian arenas, and the Bookmobile among others. While bringing these separate items to the attention of many residents, some residents perhaps favor one and have little or no concern for the other(s). While the petitions are informative, government is not conducted by petition(s).

Multiple interests compete for tax dollars during the budgeting process. That process for the next year's expenditures usually begins in October and ends in December. Duly elected officials weigh budget requests based on the needs services to be provided for the entire county. Funding is then awarded on a ranked basis of importance. Some items receive funding cuts or are completely cut out of the budget.

Of the 1300 Bookmobile petition signers, 824 are from outside Millard County, from elsewhere in Utah, or outside the state. About 476 signatures have direct bearing on Bookmobile usage—these people represent local taxpayers. Some signatures were not counted because there was no local address attached. Signatures from Baker, NV, were counted because of school agreements in EskDale, Garrison and Baker.

Petitioners from Juab and Tooele Counties need to contact their respective county commissions. Juab had 47 affected signers and Vernon in Tooele County had 14.

As with all comments directed to elected officials, some were helpful and courteous. Some were not. The reasons given were to maintain literacy, convenience and sentimental nostalgia-tradition-heritage. Most people being unaware of the nearly \$100,000.00 continued yearly expense of the service. Advances in technology have made access to countless resources. The preponderance of users in the county are the elementary school children. The school district has provided all of them with computer access to information.

It is acknowledged that having a real book in one's hand has several advantages. There are two public libraries in the county that can still provide that experience. Each school has its own library with the possible exception of those near the Utah/Nevada border. Alternative solutions to provide access to books for the more remote areas can be considered in the future.

The mayors and school district were contacted for input regarding the change. The majority indicated the cost of the program did not warrant the expenditure, they did not have the financial ability to share the cost. Each of the cities and towns in the county are experiencing strains on their budgets to provide services as well."

Commissioner Warnick said that she has previously visited with Ms. Chapman. She said that the Delta City Library Fee is \$5.00 per household, per year. Commissioner Warnick said that she has also discussed this issue at length with the school libraries and local libraries who offer service each weekday and Saturdays. She said that the Commission's intention is not to eliminate programs and she has looked into several possible avenues. She asked for patience and let people know that they are working on this.

Commissioner Draper said that they have no control of the charge by the libraries.

Commissioner Jackson said that the Fillmore City Library charges the towns a dollar per person; not the public.

Commissioner Warnick said that the Fillmore City Library also offers a “books on wheels” program.

Commissioner Draper addressed the inter library loan charge, and said that is the user’s responsibility to pay; not the County’s responsibility. He said that he has received comments from individuals in Eskdale, Garrison, and Baker, Nevada. He said that if the school in that area doesn’t have a library, it is the School District’s responsibility. Commissioner Draper said that they decided to pass up the funding offer from the State because it was only 50% for one year and the other \$48,000.00 isn’t budgeted.

Commissioner Draper said that the Commission has to make choices on what services are offered. He said that services like law enforcement are mandatory and went over a few other employee positions. Commissioner Draper said that they were left with a choice of either raising taxes or cutting services; so they began to look at each service and determine which are used by the most people.

Commissioner Draper said that he appreciates the opportunity to reconsider the Bookmobile contract and said that the contract is due at the end of June. He said that if they agree to renew the contract, they will have to find things to cut in the budget to cover the renewal.

Ms. Chapman said that at least a quarter of the books in the Delta City Library belong to the Bookmobile. She asked if there is a plan in place to replace those books.

Commissioner Warnick said that she spoke with Michelle Lovejoy at the library and was told that there are more library owned books in the library than what is owned by the Bookmobile and Ms. Lovejoy has the same purchasing ability as the Bookmobile.

Commissioner Draper said that the Commission does not control the libraries and each are run by the cities as they see fit.

Commissioner Warnick said that they have looked at other options and feels like there are ways around this. She said that the Delta High School Librarian said that she has a lot of books and wants people to borrow as many as they want for the Summer. She said that the School District is also willing to look at the Eskdale and Garrison areas for a solution. She said that the Commission does not take this decision lightly.

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

Commissioner Draper said that the bid from C&C Masonry, Inc was the lowest bid. He said that he recommends to award to the lowest bidder.

Commissioner Draper made a motion to award the bid for construction on the new Road Department Shop in Fillmore to C&C Masonry, Inc in the amount of \$190,000.00.

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

Attorney Finlinson said that he will work with Road Supervisor Winget to get a contract ready.

## PUBLIC HEARING FOR THE PURPOSE OF OPENING THE 2020 BUDGET

Commissioner Jackson made a motion to enter into a public hearing for the purpose of opening the 2020 budget.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:55 a.m..

Present were: Auditor Gehre, Sheriff Jacobson, Richard Beckstrand, Treasurer Dearden, Lindsay Mitchell, Matt Ward, and James Warnick.

Auditor Gehre said that the Weed Board received approximately \$30,000.00 more than they requested making the total grant amount \$69,600.00 . She said that the additional \$30,000.00 was supposed to be spent by June 1, 2020; however, due to Covid-19 they are requesting the deadline be extended to August.

Auditor Gehre said that \$10,500.00 was received from UCA for 911 relief. She said that a distribution was also received from the CARES Act in the amount of \$12,900.00 for Ambulance. Auditor Gehre said that there are restrictions on the spending of this.

Attorney Finlinson explained that the resolution is very broad. He said that it specifies the Weed Board funding, and makes it broad for the other unexpected grant money received as part of State and Federal Covid-19 responses. Attorney Finlinson said that this give the Auditor the authority and discretion to accept the funds and apply it appropriately.

Auditor Gehre said that another consideration is for the Landfill Department who purchased a scraper. She said that the scraper was bid out for financing and the scraper was obtained through a contract. Auditor Gehre said that the Landfill Department is now looking into purchasing a compactor truck and bins. She said that she suggests to loan the funds to the Landfill from the Capital Fund and then have the Enterprise Landfill Fund pay that back within 4-5 years. Auditor Gehre said that this will save the County interest. She said that the compactor truck is approximately \$289,000.00 and the bins are \$106,000.00.

Auditor Gehre said that the bins are not state contracts so sealed bids would be required. She said that the total amount for these is just under \$400,000.00 but the landfill budget has only \$190,000.00 anticipated for these types of purchases. Auditor Gehre went over the lease payments and a few other options for this equipment purchase.

Commissioner Jackson said that the quote is for 100 bins and they will be placed in EskDale and the Garrison areas which will allow less trips. He said that this will save on a lot of costs.

Sheriff Jacobson said that he has read through some of the restrictions and terms and conditions regarding the ambulance funds that were received. He said that it is a legal document that he needs to review it further and that there is a 30 day window of acceptance on it.

There were no other comments made.

Commissioner Jackson made a motion to close the public hearing.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:06 a.m..

The regular meeting reconvened.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-04-21; A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING THE 2020 MILLARD COUNTY BUDGET**

Attorney Finlinson discussed the resolution language with Auditor Gehre and then read the operative language.

Commissioner Jackson said that the amount needed from Capital Fund for the landfill loan is approximately \$310,000.00 and would be paid back over 4 years.

Treasurer Dearden asked if the ambulance was included in the resolution. Attorney Finlinson explained that he did not specify the ambulance but it is included in the broad statement regarding the COVID-19 grants. He said that it will be cleaned up in a couple of months when the budget is reopened.

Commissioner Draper made a motion to approve Resolution 20-04-21, a resolution of the Board of County Commissioners of Millard County, Utah, amending the 2020 Millard County Budget.

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 20-04-21A; A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, REDUCING THE BASE HOURS OF THE IT SPECIALIST POSITION**

Supervisor Beckstrand explained that due to personal reasons Ryan Lang has asked that his hours be reduced down to the 32 hours a week which is required to be done by resolution.

Commissioner Jackson said that he has been informed of this and approves of the change. Attorney Finlinson gave a brief explanation of the June 2019 resolution that allowed employees to have their hours reduced to 32 hours a week with approval from the elected official over the department.

Commissioner Jackson made a motion to approve Resolution 20-04-21A, a resolution of the Board of County Commissioners of Millard County, Utah, reducing the base hours of the IT Specialist position.

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.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-04-21B; A RESOLUTION**

## OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING SECTION IX OF THE MILLARD COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL BY REVISING THE CREDIT GIVEN FOR PRIOR EXPERIENCE

Attorney Finlinson said that County policy has changed in the last few years to allow a new hire to be given credit for prior years experience that directly relates to the position in which they are being hired. He said that the policy changes did not address future increases on the step and grade scale. Attorney Finlinson said that there has only been one situation where this has been an issue. He said that when an employee was hired at an odd number of years for credit experience, the employees first step increase is delayed. Attorney Finlinson said that this resolution makes a minor change and allows the Auditor's Office to take into account the number of years that credit was given to an employee when assigning that first step increase.

Commissioner Jackson said this needs to be addressed.

Commissioner Draper said that allowing years of credit to be given helps the County compete with other counties across the State to acquire qualified employees.

Commissioner Draper made a motion to approve Resolution 20-04-21B, a resolution of the Board of County Commissioners of Millard County, Utah, amending Section IX of the Millard County Personnel Policies and Procedures Manual by revising the new hire step procedure.

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.

## MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in March 2020. She said that quarterly distributions have been distributed to all entities except to Drainage District #1 and Drainage District #4 because they are still under order to hold funds for them.

## OTHER BUSINESS

There was none.

## DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper said that is still working on the openings in a few of his 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 Draper said that the Central Utah Public Health Department reports the number of COVID-19 cases throughout the County. He said that Millard County currently has five cases reported, one of which has fully recovered. He said that the other four individuals are still under quarantine.

Commissioner Warnick said that she feels as a county, people have been doing what is needed to stay well. She said that copies of the Utah Governor's Utah Leads Together 2.0 Plan can be found online and printed. Commissioner Warnick said that Millard County is still in the red urgent phase where social distancing is still in affect. She said that they are hoping to be in a stabilization orange phase from May to September. Commissioner Warnick said that in October, the new norm phase will begin and will continue through March 2022. She went over the current unemployment figures and those who have a job to return to. Commissioner Warnick encouraged everyone to find this document at [coronavirus@utah.gov](mailto:coronavirus@utah.gov) to find the printout.

Commissioner Warnick said that she checked in with a few local businesses to see how they are doing. She said that most said that they are staying busy and doing well. She said that she spoke with Great Lakes Cheese as well who is willing to donate cheese to anyone who may need it. She expressed appreciation to those who are still supporting local businesses and encouraged everyone to hang on through this.

#### AUDITOR REPORT

Auditor Gehre said that an email was sent from Utah Association of Counties requesting information regarding the impacts of COVID-19 to the County. She said that she is asking for everyone's help in letting her know what needs to be included in this answer. Auditor Gehre said that they need this information as soon as possible, but it is a work in progress.

Auditor Gehre gave the following reports:

##### Check Edits:

April 10, 2020 - \$146,815.97

April 17, 2020 - \$217,126.47

##### Payroll Liabilities:

April 10, 2020 - \$164,642.15

#### 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 all three commissioners, Attorney Finlinson and Planner Richins.

After the closed executive session the regular meeting reconvened at 11:58 am..

Attorney Finlinson said that Brent Batemen contracted with the County to serve as the Land Use Hearing Officer and he heard the notice of non-compliance appeal on Jennifer and Jason Christensen's pig farm. He said that Mr. Batemen rendered his decision and found against the County on the basis of zoning estoppel.

Attorney Finlinson said that they just completed a closed session where strategy, relevant material, and potential defenses were discussed. He said that he would like some direction from the Commission on moving forward with respect to pursuing judicial review of the hearing officer's decision.

Commissioner Draper said that his opinion is that further action in this matter could be extremely costly and he suggests not to pursue this further.

Commissioner Jackson made a motion to cease any further legal action.

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

Commissioner Draper said that the County received an invoice in the amount of \$500.00 from the Nevada State Bar Association for the annual renewal of out-of-state attorney fees. He said that there are five items available to choose from. He said that item number four states that the case has been adjudicated and Millard County will not appeal or participate in the appeal. Commissioner Draper said that he will give this to the Auditor's Office.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 12:01 p.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_