

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF JULY 2020
AT THE COURTHOUSE, FILLMORE, UTAH

- PRESENT: Evelyn Warnick. Chairperson
Wayne Jackson. Commissioner
Dean Draper. Commissioner
- Pat Finlinson. County Attorney
Jamie Hair Deputy Clerk
- EXCUSED: Marki Rowley. County Clerk
- ALSO PRESENT: Esther Duncan. Millard County CERT
Ben Stephenson, Ben McDonald, Sheriff Jacobson, Jarid Bennet, Stephanie
Eberle, and Shane Brunson. Millard County Sheriff's Office
Kevin Morris. West Recreation Supervisor
Adam Richins. County Planner
Bonnie Smith. County Auditor
Sheri Dearden. County Treasurer
Pat Manis. County Assessor
John Haderly. Larson and Company
Roger New, Marisa Stephenson, Dean Stephenson, Carlee Stephenson,
and Molly Stevens. 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. Commissioner Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JUNE 16, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 16, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of June 16, 2020, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JUNE 16, 2020

Commissioner Draper referred to the application for local businesses to receive CARES Act funding through the grant the County received. He said that he received an application form from Uintah County and he thinks this application would work for Millard County.

Commissioner Jackson mentioned that the Six Counties Association of Governments (SCAOG) also has an application for available funds through them.

Commissioner Draper said that there is approximately \$493,000.00 in grant funds available and local businesses can apply for a portion of those funds by the end of November.

Auditor Smith said that she understood that part of the money will go to reimburse the PPE that the County has already purchased. She said that other safety measures for office employees are still being bid and considered.

The Commission gave their approval for Auditor Smith to go ahead and reimburse the County for the purchases it has already made.

Commissioner Draper said that the wild horse gathering in the Swasey area is scheduled very soon and the Bureau of Land Management (BLM) will gather every horse that they can. He said that they are looking into contraceptives for wild horses and approximately 100 horses will be selected to be put back in the area after they are done.

RATIFY THE APPROVAL OF ASSIGNMENT, ASSUMPTION, AND CONSENT AGREEMENT BETWEEN MILLARD COUNTY, MILLARD CARE AND REHABILITATION, AND GSBS ARCHITECTS

Commissioner Jackson made a motion to ratify the approval of the Assignment, Assumption, and Consent Agreement Between Millard County, Millard Care and Rehabilitation, and GSBS Architects.

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

RATIFY THE APPROVAL OF A 90 DAY EXTENSION TO THE TEMPORARY PERSONNEL POLICY AUTHORIZING COUNTY EMPLOYEES TO WORK FROM HOME

Commissioner Draper made a motion to ratify the approval of a 90 day extension to the temporary personnel policy authorizing County Employees to work from home.

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

SPECIAL RECOGNITION-SHERIFF JACOBSON

Sheriff Jacobson recognized the work done in the jail by Deputies Ben Stephenson and Stephanie Eberle. He said that work done in the jail is as important as the work done in the communities. Sheriff Jacobson explained that Deputies Eberle and Stephenson discovered that contraband was possibly coming into the jail through the work crew and they began an intensive investigation in addition to their normal duties. He said that their hard work resulted in criminal charges. Sheriff Jacobson read statements from Sgt. Bennett's letter and presented Deputies Eberle and Stephenson with those recognitions.

COUNTY SEAT PROGRAM UPDATE- CHAD BOOTH; DEREK DOWSETT

Chad Booth, County Seat, said that he came to update the Commission on the program. He said that their funds are looking good through September; however, they need to determine what to do next year. He said that he is trying to see the amount of support each County is able to contribute. Mr. Booth said that the rural dialog that the County Seat program provides is very valuable.

Mr. Booth referred to the commercial about Millard County tourism that is currently airing. Commissioner Warnick said that it was well done and thanked Mr. Booth and Supervisor Morris.

Mr. Booth explained their approach during the COVID-19 pandemic including 2-3 weekend vacation ideas and a complete itinerary for places in the County.

Mr. Booth said that they now have a streaming channel on Roku and explained the benefits.

DISCUSSION REGARDING CERT FUNDING

Esther Duncan, CERT Captain, said that she is requesting additional funds for the CERT program in Millard County. She said that they have \$2,000.00 in the budget and they plan to upgrade supplies and purchase additional radios. She said that they are asking for \$1,500.00 per year.

Commissioner Warnick said that this will be considered during the budget process later in the year and the Commission will get back with her.

DISCUSSION AND POSSIBLE APPROVAL A PROPOSED ROAD DEDICATION (7000 W 4500 N ABRAHAM) - ROGER NEW

Roger New said that he has subdivided a parcel in Abraham and a 66 foot easement was requested by the County Road Department. He said that when the parcel was recorded a sliver was created between the road and where the lots begin.

Mr. New said that his intent is to deed that sliver to the County as a road right of way deed. He said that the survey was done and the deed has been prepared.

Attorney Finlinson asked a few specific questions regarding the inconsistent language in the prepared deed.

Mr. New said that he will have the title company call Attorney Finlinson to get correct

language.

Commissioner Draper asked if there is a benefit to the County taking these roads. Attorney Finlinson said that if it is an easement, there is a minuscule amount of collected taxes.

Assessor Manis said that the revenue is fairly insignificant.

Commissioner Jackson made a motion to accept the conveyance or easement consistent with the original road conveyance (7000 W 4500 N Abraham) - Roger New.

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

DISCUSSION AND POSSIBLE DECISION REGARDING AWARDING OF ROAD SHED ROOF BIDS

Commissioner Draper gave a brief history of the bids and said that the County budgeted a certain amount of money and the two bids received were over the estimate. He suggested that the County reassess the roof construction and costs to look at other possible solutions.

Commissioner Draper made a motion to reject all bids.

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

DISCUSSION AND POSSIBLE DECISION REGARDING AWARDING OF CARE CENTER ADDITION BIDS

Commissioner Draper gave a brief history of the need for the dining room upgrade. He explained the three bids that were received. Commissioner Draper read a prepared the following statement:

“In an invitation for bid situation, as opposed to requests for proposal, we normally go with the low bid unless there are clear and significant reasons to do otherwise. In this case, after speaking with the references provided by the bidders, we believe there are issues that force us to take a deeper look. With Big B, one reference acknowledged that Big B had done work but would not give a favorable or unfavorable recommendation. The other references said that they had experienced significant negative issues and would not use them again.

All of the references for Crew were favorable. Broderick and Henderson’s references were all favorable.”

Commissioner Draper made a motion to award the bid to Crew General Contractors on the following conditions: 1. They can obtain performance and payment bonds for CIB requirements. We understand that this will increase the contract amount. 2. Millard Care and Rehabilitation and/or Traditions Healthcare are able to bear a significant portion of the amount not budgeted. 3. Successful closing of the CIB loan and grant. 4. Agreement as to terms with the contractor.

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

carried.

DISCUSSION AND POSSIBLE DECISION REGARDING AWARDING OF BROADCAST TELEVISION TRANSMISSION SYSTEM MAINTENANCE PROPOSALS

Commissioner Warnick said that three proposals were received and briefly went over each.

Commissioner Draper said that Commercial Business Radio went point by point through items and how they would charge for different activities. He said that the other two weren't as detailed.

Attorney Finlinson said that these were Requests for Proposals (RFPs) and explained that a proposal situation, the County is looking for a problem to be solved, not just a price. He said that the discussion should not include any past dealings that the commissioners may have had with those who have submitted proposals.

Commissioner Warnick said that bids from local businesses are looked at closely because they like to support the local businesses.

Commissioner Draper said that the County legislative body is tasked with choosing the lowest price with highest value. He said that he thinks Commercial Business Radio presented the best value.

Commissioner Draper made a motion to award the broadcast television transmission system maintenance proposal to Commercial Business Radio.

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

OPENING OF BIDS FOR LANDFILL BINS

Auditor Smith opened the following emailed bids:

- Thorn Industries \$115,250.00 shipping is included.
- Waste Equip \$91,400.00 shipping is included.

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

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

DISCUSSION AND POSSIBLE APPROVAL OF AN UPDATED WEBSITE MAINTENANCE AGREEMENT WITH UTAH ASSOCIATION OF COUNTIES (UAC)

Attorney Finlinson said that this is consistent with what it has been in past years except that it is increasing by approximately \$100.00 per month.

Auditor Smith said that this is putting the budget over the line item total, but said that the

department won't be over budget.

Commissioners Warnick and Jackson said that they appreciate the benefits UAC has provided.

Commissioner Jackson made a motion to approve an updated website maintenance agreement with Utah Association of Counties (UAC).

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

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2020 YEAR. BUDGETS TO BE INCREASED APPROPRIATIONS AND/OR TRANSFERS ARE: ALL BUDGETS COULD BE DISCUSSED AND CONSIDERED IF NECESSARY. OPENING BUDGET WITH INTENT TO MOVE RODEO EVENTS BUDGET TO EITHER CAPITAL OR RECREATION MAINTENANCE FUNDS TO IMPROVE OUTDOOR ARENA.

Commissioner Jackson made a motion to enter into a public hearing for the purpose of opening budgets for the 2020 year. Budgets to be increased appropriations and/or transfers are: all budgets could be discussed and considered if necessary. Opening budget with intent to move Rodeo Events Budget to either Capital or Recreation Maintenance funds to improve outdoor arena in Delta.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:14 a.m..

Present were: Adam Richins, Kevin Morris, Sheriff Jacobson, Richard Beckstrand, John Hatterly, and Bonnie Smith.

Auditor Smith said that funds need to be moved from the Rodeo Fund to Capital for the infrastructure project. She said that the Wellness Committee also received a \$350.00 award that needs to be put into that budget.

A brief discussion was had on the improvements to the rodeo grounds and the rodeo budget.

Commissioner Warnick said that the rodeo was unable to be held this year due to COVID-19 so the funds for the rodeo are going to possibly be moved to capital in order to improve the arena.

Supervisor Morris explained the history of improvement ideas for the arena and the options that are available.

Commissioner Draper said the budget for the improvements is still approximately \$20,000.00 short and asked Mr. Morris to explain why funds are being spent on the National Finals Rodeo (NFR).

Supervisor Morris said that approximately \$1,000.00 is spent each year to help members of the rodeo committee travel to the NFR where they search for and accumulate talent for the Days of the Old West Rodeo.

Sheriff Jacobson said that things are developing this year that can be potentially fiscally damaging to the County. He said that some decisions by the State may impose a significant cost to the Sheriff's Office like requiring body cameras. He said that we are facing unknown times and the

reality is that large expenses may be coming to the County. He said that he just wants the Commission to be aware.

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 11:33 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-0707, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TO OPEN THE 2020 MILLARD COUNTY BUDGET AND AMEND THE GENERAL FUND, CAPITAL, RECREATION FUNDS AS DISCUSSED IN THE PUBLIC HEARING

Commissioner Draper asked the Sheriff if there is a time frame for body cameras and a time frame to come into compliance. Sheriff Jacobson said that he believes it will happen quickly. Attorney Finlinson said that he believes there will be time for agencies to comply.

Commissioner Draper said that he would love to see this project accomplished; however, the County is expecting big changes and reduction to its revenue. He mentioned a few other items that are of concern financially and said that the County doesn't know what changes are coming.

Commissioner Warnick said that the funds can be moved to the General Fund since the rodeo has already passed but not include the expenditure until further discussion has been had on this project.

Commissioner Jackson asked about the county fair budget and asked if it would be appropriate to move some of those unused funds to the General Fund as well.

Treasurer Dearden said that the reduction in revenue needs to be looked at as well and departments have to be provided notice and be given the opportunity to speak to that reduction.

After a brief discussion, it was decided to take no action at this time - no funds will be transferred.

DISCUSSION AND POSSIBLE APPROVAL OF THE ANNUAL SECURITY AND BAILIFF CONTRACT

Commissioner Draper made a motion to approve the annual Security and Bailiff Contract.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE ANNUAL STATE COURT CONTRACT

Commissioner Jackson made a motion to approve the annual State Court Contract.

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

INTERIM SUCCESSORS

Interim successors were presented for the following:

- East Maintenance Department
- Assessor's Office
- Treasurer's Office
- Recorder's Office
- Clerk's Office
- Attorney's Office
- Auditor's Office.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR HAFEN AGRITOURISM, LLC, OWNER - JESSICA AND LONNIE HAFEN

This agenda item was tabled.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR HAFEN GAME BIRD RANCH, LLC OWNER - JESSICA HAFEN

This agenda item was tabled.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Sheriff Jacobson presented a payroll change notice for Kenyon James a new hire in the Sheriff's Office.

Attorney Finlinson said that the indigent defense grant was received which was approximately \$6,000.00 less than what it was last year.

Commissioner Draper said School State Institutional Trust Lands notified the Commission that they are selling a piece of property north of Oak City and the County has until the end of the month to secure easements and right-of-ways.

Commissioner Draper said that Frontier Communications has filed chapter 11 bankruptcy. Attorney Finlinson said that they are watching it and no action needs to be taken right now. Attorney Finlinson said that Deputy Attorney Elise Harris will handle bankruptcy claims and notices moving

forward.

Supervisor Beckstrand said that Centra Com has been switching phones. He said that there have been a few hiccups but those should be cleared up this week.

PRESENTATION OF THE 2019 INDEPENDENT AUDIT

John Hatterly, Larson and Company PC, presented the 2019 Independent Audit Report and went over their findings with the Commission. He said that Millard County complied in all material respects.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There were none.

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

Commissioner Jackson said that Representative Stewart will be at the Territorial Statehouse on August 4, 2020 at 11:00 a.m..

Commissioner Jackson said that the Rock fire near Milford is now closed and the Canal Fire will hopefully close this Friday and has cost approximately \$5,841,167.00 and burned approximately 72,000 acres.

Commissioner Jackson said that local businesses have received a combined total of approximately \$158,000.00 in financial relief due to the COVID-19 pandemic.

Commissioner Draper said that when he last looked Millard County had a total of 64 cases of COVID-19, 1 hospitalization, and no deaths. He said that the increase has been enough to capture the attention of the Central Utah Public Health Department and encouraged citizens to be cautious.

Sheriff Jacobson said that he appreciates the support that the other elected officials have given to the Sheriff's Department. He also thanked local citizens for their support and kind actions. Sheriff Jacobson said that the reasonable person would believe that people in law enforcement should know that they should not abuse their power. He said that it doesn't mean that it doesn't happen, but it means there is an oath in place. Sheriff Jacobson said that when his deputies are sworn in, he makes it clear to them that it is a significant moment.

Sheriff Jacobson said that body cameras won't fix everything and they can actually aggravate

logistics, procedures, and policies. He said that they may predispose law enforcement to unfair judgement. He said that a balance needs to be found because body cameras will come with their inherent problems.

Sheriff Jacobson reiterated his commitment to the County and said that they will do their best to continue to serve the County.

Attorney Finlinson said that municipalities and counties do not have separate sovereignty from the State. He said that he has heard of three possible things that the State may implement and those are body cameras, additional trainings, and state level investigations.

Commissioner Draper said that he would like to commend Sheriff Jacobson, the local fire departments, Forest Service, Bureau of Land Management, and the County Road Department for their work on the Canal fire.

AUDITOR REPORT

Auditor Smith said that she has an invoice from the Millard County Peace Officers Association in the amount of \$4,000.00 and explained what they do and who should handle the funds.

Auditor Smith said that they have located a vendor who has bulk disinfectant wipes and asked if other departments or the County was interested in ordering. Sheriff Jacobson said that it may be worth doing and Deputy Brunson can help get those. Auditor Smith said that she will contact Deputy Brunson to acquire these.

Auditor Smith presented the following:

A/P Check Registers:

June 19, 2020 - \$127,523.66
June 26, 2020 - \$133,168.57
June 26, 2020 - \$15,935.34 (Zions Draft)
July 2, 2020 - \$442,145.74

Payroll Liabilities Check Register:

June 15, 2020 - \$411,141.88
July 2, 2020 - \$171,833.50

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 12:47 a.m..

Attest: _____

Approved: _____