

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th DAY OF JULY 2019
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: Sheriff Jacobson and Lt. Bob Clark..... MCSO
Matt Ward. Chronicle Progress
Steve Styler. Styler-Daniels, PC
Miriam Waddingham, Julia Sharp, Kambrie Sharp,
Nadia Sharp, and Alexis Kent. American Legion Auxiliary
Pamela Sheridan, Geoffrey Sheridon, Denise Beggs, Daniel Beggs,
Michael Coats, Garrick Hall, Matt Kesler, Morris Robins, Jackie Robins,
Jason May, Maksym Lozynskyy, and Donna Starley. 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:

Note: Not all agenda items were followed in order.

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 JULY 2, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 2, 2019 were presented for consideration and approval. Following review and consideration of minor corrections,

Commissioner Jackson made a motion to approve the minutes of July 2, 2019, as presented.

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

APPROVAL OF THE 2:00 P.M. PUBLIC HEARING MINUTES OF JULY 2, 2019

The proposed minutes of a public hearing held July 2, 2019 at 2:00 p.m. were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Warnick made a motion to approve the public hearing minutes of July 2, 2019 at 2:00 p.m., as corrected.

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

APPROVAL OF THE 6:30 P.M. PUBLIC HEARING MINUTES OF JULY 2, 2019

The proposed minutes of a public hearing held July 2, 2019 at 6:30 p.m. were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the public hearing minutes of July 2, 2019 at 6:30 p.m., as corrected.

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

Commissioner Draper said that comments were made at this public hearing that his physical demeanor was perceived as inappropriate. He said that there was no intended disrespect on his part and he regrets if it was interpreted that way.

APPROVAL OF THE 2:00 P.M. PUBLIC HEARING MINUTES OF JULY 9, 2019

The proposed minutes of a public hearing held July 9, 2019 at 2:00 p.m. were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Warnick made a motion to approve the public hearing minutes of July 2, 2019 at 2:00 p.m., as presented.

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

FOLLOW UP ACTION ITEMS FROM July 2, 2019

Commissioner Draper said that a comment was made at the 2:00 p.m. Public Hearing in Fillmore regarding the closure of stores in Millard County. Commissioner Draper gave a brief explanation of the closures for Shopko, Kings, and ALCO and said that they didn't go out of business due to a lack of business in the County. They all ceased to operate due to corporate decisions; not local conditions.

GIRLS STATE PRESENTATION

Nadia Sharp and Alexis Kent said that they attended Girls State and thanked the Commission sponsoring them. They said that they have gained a better knowledge of how the government works and shared their favorite part of attending.

INTERIM SUCCESSORS

Interim Successors were presented for the Assessor's Office and the Recorder's Office.

RATIFY THE MOTION TO APPROVE POSTING TWO INTERGENERATIONAL POVERTY (IGP) FACILITATOR POSITIONS

Attorney Finlinson said that this agenda item can be merged into the resolution scheduled at 10:55 a.m.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR BONNEVILLE FARMS PRODUCE - OWNER, BOB ROGERS

A business license application was presented for Bonneville Farms Produce, Owner - Bob Rogers, a business that sells fresh produce at farmers markets and local retail sales in Millard County. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Bonneville Farms Produce, Owner - Bob Rogers.

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

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 19-07-16, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING SECTION 10-18-24 OF THE MILLARD COUNTY CODE, "ANIMAL FEEDING OPERATIONS (AFO AND CAFO)," BY ADDING LANGUAGE AND DEFINITIONS RELATED TO CONFINED CONCENTRATED ANIMAL FEEDING OPERATIONS AND ESTABLISHING MINIMUM SEPARATION DISTANCES AND OTHER TIME, PLACE, AND MANNER, RESTRICTIONS FOR CCAFO ENTERPRISES

Commissioner Draper said that this amendment has received a lot of attention and gave a brief history on the moratorium and public hearings regarding CAFOs. He said that this particular type of agriculture production is on an industrial scale which has not been historically done in the County. He said that this ordinance previously went through the Planning and Zoning Commission who gave a favorable recommendation.

Attorney Finlinson said that anytime two of the commissioners are together it constitutes a meeting so it is a challenge to work between the commissioners to develop and make any changes to the draft. He said that the draft is still essentially what came from the Planning and Zoning Commission and a consensus won't be determined until after the discussion in today's meeting.

A discussion was had on specific details and desired language changes.

Commissioner Draper read the changes to the ordinance into the record.

Commissioner Warnick made a motion to adopt Ordinance 19-07-16, an Ordinance of the Millard County Commission amending Section 10-18-24 of the Millard County Code, "Animal Feeding Operations (AFO and CAFO)," by adding language and definitions related to confined concentrated animal feeding operations and establishing minimum separation distances and other time, place, and manner, restrictions for CCAFO enterprises with the understanding that she intends to revisit how the County defines buffer zones within the next 3 to 4 months.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-07-16, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AUTHORIZING THE FILING OF CROSS-APPEALS TO 2019 APPEALS FILED BY TAXPAYERS SUBJECT TO CENTRAL ASSESSMENT

Attorney Finlinson said that the County received two appeals from Century Link and Pacific Corp. He said that authorization is needed to pursue those.

Commissioner Jackson made a motion to approve Resolution 19-07-16, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing the filing of cross-appeals to 2019 appeals filed by taxpayers subject to central assessment.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-07-16A, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AUTHORIZING THE TRANSFER OF HUMAN RESOURCES FUNCTION FROM THE COUNTY ATTORNEY'S OFFICE TO THE COUNTY CLERK'S OFFICE AND THE COUNTY AUDITOR'S OFFICE

Attorney Finlinson gave a brief history of human resource functions for the County and explained how it has caused some issues being housed in the Attorney's Office. Attorney Finlinson explained the human resource functions that will be moved to the Clerk's Office and the Auditor's Office.

Commissioner Jackson made a motion to approve Resolution 19-07-16A, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing the transfer of human resources function from the County Attorney's Office to the County Clerk's Office and the County Auditor's Office.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE INTERGENERATIONAL POVERTY (IGP) GRANT FROM THE DEPARTMENT OF WORKFORCE SERVICES

Commissioner Warnick said that the IGP board received this grant from the Department of Workforce Services and she and Auditor Gehre have figured out the Step and Grade for the facilitators to fall within the grant amount. She said that the grant only runs from July 1, 2019 to June 30, 2020. She said that there may be additional grants available to apply for in the future.

Commissioner Warnick said that one requirement of the grant is to have a designated grant administrator and the Board would like to designate Darla Ewart for that position.

Attorney Finlinson asked what kind of organization is the IGP Board and asked how the County will filter the money for this grant.

Auditor Gehre said that there is enough money in Fund 22 to cover the grant.

Attorney Finlinson said that Ms. Ewart's and the IGP Board's role in relation to the County needs to be decided. He said that the options are to employ her through the County and place the position on the step and grade scale or have Ms. Ewart be considered as a contract employee. Attorney Finlinson said that the USU Extension is an example of how the County has a contracted person supervising county employees.

A discussion was had on the designation of Ms. Ewart's position and the IGP Board's relation to the County. Attorney Finlinson said that the grant administrator position isn't on the agenda for discussion today so it can be looked into further.

Commissioner Jackson made a motion to approve of the IGP Grant from the Department of Workforce Services.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-07-16B, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING THE MILLARD COUNTY STEP AND GRADE SCHEDULE BY ADDING THE PART TIME POSITION OF INTERGENERATIONAL POVERTY (IGP) FACILITATOR

Commissioner Warnick made a motion to approve Resolution 19-07-16B, a resolution of the Board of County Commissioners of Millard County, Utah, amending the Millard County Step and Grade Schedule by adding the part time position of Intergenerational Poverty (IGP) Facilitator.

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

PUBLIC HEARING TO CONSIDER A PETITION TO VACATE CERTAIN MILLARD COUNTY CLASS D ROADS AND AUTHORIZING THE REMOVAL OF SUCH ROADS FROM THE MILLARD COUNTY GENERAL PLAN AND TRANSPORTATION MAP

Commissioner Jackson made a motion to enter into a public hearing for the purpose of

considering a petition to vacate certain Millard County Class D Roads and authorizing the removal of such roads from the Millard County General Plan and Transportation Map.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:07 a.m..

Present were: Lt. Clark, Matt Ward, Adam Richins, Bonnie Gehre, Connie Hansen, Assessor Manis, Treasurer Dearden, Donna Starley, Maksym Lozynskyy.

Attorney Finlinson gave a brief history of Mr. Lozynskyy's property and why it is being discussed in a public hearing today.

Mr. Lozynskyy said that the property has always had a fence around it and he repaired the gate that crosses the Class D county road. He said that they bought the property and took it out of greenbelt in order to put their bunk house on it. He said that they currently use it as recreational property, but hopes to make a dirt track and hold events there in the future. He said that his fear is that anyone can access the property now and he is worried about people riding on the track and that there isn't a way to keep trespassers off. Mr. Lozynskyy said that the road on his property offers a shortcut to other county roads but doesn't cut off access to those roads. He said that he is willing to work with individuals who have adjacent property but doesn't want the general public on his property.

Attorney Finlinson said that the Commission's options is to vacate the road and have Mr. Lozynskyy work with other nearby property owners to provide a key to his gate or keep its designation as a Class D road in which you can't block public access.

A brief discussion was had on who uses the road.

Commissioner Jackson said that he would like to ask the road department to look at moving the road.

Mr. Lozynskyy said that he would be ok with the road department looking at the area.

There were no other comments made.

Commissioner Warnick made a motion to close the public hearing.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:37 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 19-07-16A, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION VACATING CERTAIN MILLARD COUNTY CLASS D ROADS AND AUTHORIZING THE REMOVAL OF SUCH ROADS FROM THE MILLARD COUNTY GENERAL PLAN AND TRANSPORTATION MAP

Commissioner Jackson made a motion to table this agenda item for further review.

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

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in June 2019.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Attorney Finlinson said that the Commission needs to give some direction on purchases for employees within different departments. He said that the Auditor's Office received some receipts that were outside the scope of what should be provided to the employees. Attorney Finlinson explained that some items are required to be given to employees in order to meet OSHA requirements; however, other items can be considered de minimis and the Commission needs to decide if a policy is necessary regarding these items.

Comments and opinions were received from all present elected officials and supervisors regarding these purchases.

After a brief discussion, it was decided to let the elected officials over their respective departments use discretion rather than create a policy.

Commissioner Jackson said that the Forest Service and Bureau of Land Management (BLM) will be meeting with the Piute Trail Committee tomorrow morning at 10:00 a.m. regarding the Chalk Creek road which is completely blocked off. He is concerned that if it is closed, it may be closed permanently. Attorney Finlinson said that the road won't go away as long as it is on the county map. Commissioner Jackson said that he and Brandon Winget will be attending this meeting. Sheriff Jacobson said that someone from the Sheriff's Office will attend as well.

Commissioner Jackson asked if the National Guard Armory lease was done. Attorney Finlinson said that it was and will be put on the next meeting's agenda.

Treasurer Dearden presented a handout stating the Utah State Tax Commission's schedule of upcoming status conferences and hearing dates.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

-Hinckley Deseret Cemetery District

Commissioner Draper said that the Hinckley Deseret Cemetery District are not currently authorized as a district, according to State law, because their members weren't officially appointed by the County. He said that six people have contacted the Clerk's Office to apply for the Board.

It was decided to interview the applicants at the next commission meeting.

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 Warnick said that the Housing Board needs two new members. Commissioner Draper said that these two positions need to be advertized. Clerk Rowley said that she would advertize them.

Commissioner Draper said that he and Commissioner Warnick attended the National Association of Counties (NACo) where Payments in Lieu of Taxes (PILT) were discussed. He said that the disbursement of PILT is under scrutiny for possible changes and one recommendation was to create several special districts in order to continue receiving funds.

Attorney Finlinson said that he isn't sure if State Law would allow creating more.

Commissioner Warnick said that the new Miss Millard is Sierra Riding and she will make arrangements for Ms. Riding to come to a commission meeting.

AUDITOR REPORT

Auditor Gehre presented the following reports:

Check Edit:

July 9, 2019 - \$87,655.45

July 12, 2019 - \$200,416.82

Payroll Liabilities:

July 5, 2019 - \$178,338.44

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

-Tom Lovell

Commissioner Jackson made a motion to enter into a BOE.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 12:55 p.m..

Deputy Auditor Karen Jordan explained that this property was brought before the BOE a few meetings back and reminded the Board as to what took place. She said that Mr. Lovell has requested that his property remain on greenbelt; however it was determined to not qualify due to the original application not containing all owners' signatures.

Commissioner Draper explained that there are 11 people listed as owners on the property and

Mr. Lovell appears to be the only surviving owner.

Attorney Finlinson said that greenbelt is not clear on how to handle this situation.

Assessor Manis explained that item D listed under State Code 59-2-508, states that the application must be signed by all owners of the land. He said that since the original application does not contain all owner signatures this property does not qualify as greenbelt. He said that he has given Mr. Lovell two years to do what is needed to qualify for greenbelt, which has not been done.

Commissioner Draper said that if Mr. Lovell does not qualify, there is nothing that the BOE could do.

Assessor Manis said that there was a question last time on abating the back taxes.

Treasurer Dearden said that she has given Mr. Lovell, the paperwork for an abatement; however, the BOE must make a decision regarding the greenbelt first.

Commissioner Warnick made a motion to deny greenbelt status on Mr. Lovell's property.

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

Commissioner Jackson made a motion to close the BOE.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 1:02 p.m..

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 enter into a closed executive session for the purpose of discussing pending and/or threatened litigation.

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

After the closed executive session the regular meeting reconvened at 1:22 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 1:23 p.m..

Attest: _____

Approved: _____