

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 6th DAY OF AUGUST 2019
AT THE COURTHOUSE, FILLMORE, UTAH

- PRESENT: Dean Draper..... Chairperson
Evelyn Warnick. Commissioner
- Pat Finlinson. County Attorney
Marki Rowley. County Clerk
Jamie Hair Deputy Clerk
- EXCUSED: Wayne Jackson..... Commissioner
- ALSO PRESENT: Matt Ward. Chronicle Progress
Sheri Dearden..... County Treasurer
Bonnie Gehre..... County Auditor
Richard Jacobson..... County Sheriff
Adam Richins..... County Planner
Scott Barney..... Millard County Economic Development
Byron Kroeger, John Brammall..... Millard Care and Rehabilitation
Scott Patton. Delta Egg Farm
Maksym Lozynskyy..... 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 Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper excused Commissioner Jackson who is recovering from surgery. Clerk Rowley said that Commissioner Jackson asked her to inform the Commission that the surgery went well and he will be going home today. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JULY 16, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 16, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Warnick made a motion to approve the minutes of July 16, 2019, as corrected.

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

APPROVAL OF THE 7:00 P.M. PUBLIC HEARING MINUTES OF JULY 9, 2019

The proposed minutes of the 7:00 p.m. public hearing held July 9, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Warnick made a motion to approve the minutes of the 7:00 p.m. public hearing minutes held July 9, 2019, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JULY 16, 2019

Commissioner Draper referred to the last meeting where Commissioner Jackson explained that the Chalk Creek Road above Fillmore was washed out due to heavy rainfall. He said that the road has since been rehabilitated and reopened.

DISCUSSION AND POSSIBLE APPROVAL OF A LEASE FROM FILLMORE CITY FOR USE OF THE NATIONAL GUARD BUILDING

Attorney Finlinson said that Commissioner Jackson has the agreement and he had a couple of concerns. He said that the lease requires the County to carry commercial insurance; however, he suggests that Fillmore City accept the County's current use of coverage through the Utah County Indemnity Pool (UCIP) who will respond to any loss in the building. He said that the current lease language also requires any sublettee to carry insurance which may be quite costly. Attorney Finlinson said that he would be more comfortable if that language was cleaned up.

Commissioner Warnick made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-08-06, A RESOLUTION OF THE BOARD OF COUNTY COMMISSION AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE)BY CREATING A NEW IGP GRANT ADMINISTRATOR POSITION, AND MAKING APPROPRIATE STEP AND GRADE ASSIGNMENTS FOR THE NEW POSITION

Attorney Finlinson said that this is a standard resolution; however, this position has already been filled and there is a concern that this may violate the County's hiring policy. He said that, in

this case, State regulation trumps the County's policy and he is comfortable moving forward and adding this part-time position in the County.

Commissioner Warnick said that she suggests that the position be assigned grade 19 on the part-time step and grade scale.

Commissioner Warnick made a motion to approve Resolution 19-08-06, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (adopting the Millard County Step and Grade Scale) by creating a new part-time IGP grant administrator position, and making appropriate step and grade assignments for the new position.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-08-06A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSION AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY CREATING NEW DESIGNATION IN THE MILLARD COUNTY CLERK'S OFFICE FOR A HUMAN RESOURCES SPECIALIST, AND MAKING APPROPRIATE STEP AND GRADE ASSIGNMENTS FOR THE NEW DESIGNATION

Attorney Finlinson said that this resolution contains standard language and then read the recitals and operative language in the resolution.

Commissioner Warnick made a motion to approve Resolution 19-08-06A, a resolution of the Board of County Commissioners of Millard County, Utah, amending resolution 13-01-22 (adopting the Millard County Step and Grade Scale) by creating new designation in the Millard County Clerk's Office for a human resources specialist, and making appropriate step and grade assignments for the new designation.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-08-06B, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSION CHANGING POSITIONS IN THE CLERK'S OFFICE TO REFLECT A 32 HOUR WORK WEEK

Attorney Finlinson said that this is a simple resolution and then read the recitals and operative language in the resolution.

Commissioner Warnick made a motion to approve Resolution 19-08-06B, a resolution of the Board of County Commissioners of Millard County, Utah, changing positions in the Clerk's Office to reflect a 32 hour work week.

Commissioner Draper stepped from the chair and SECONDED the motion. Clerk Rowley

called for a roll call vote. Commissioner voted YES. Commissioner voted YES. Commissioner Jackson was absent. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 19-08-06, 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 - MAKSYM LOZYNSKY

Attorney Finlinson said that he began preparing language to vacate the road, however, he is concerned that the proper public notice requirement hasn't been met. He said that he would like to post the proper notice and then put the ordinance on the September 17, 2019 agenda for approval.

Commissioner Draper asked how this ordinance will change access to nearby areas. Attorney Finlinson said that vacating the road removes the public access. He said that nearby landowners can work personally with the Lozynskyy's to gain access or apply for a quiet title to acquire a private easement. Mr. Lozynskyy said that they won't be closing off any access to land and that they would be more than happy to work with the landowners behind them.

DISCUSSION AND POSSIBLE APPROVAL OF AMENDING THE MILLARD COUNTY CIB LIST REGARDING THE MILLARD CARE AND REHAB DINING HALL GRANT

Commissioner Draper said that the State Department of Health has instructed the Millard Care and Rehab (MCCR) to change their dining facilities.

John Brammall, MCCR, gave a brief history of the dining hall at the care center and said that the State is now requiring a larger dining hall. He said that they would like to apply for a CIB grant to cover the cost of the addition. Mr. Brammall said that they are applying for a grant up to \$500,000.00 and broke down the costs for architectural design and oversight, the engineer's estimate for construction, and a contingency fund.

Commissioner Draper said that he contacted Six Counties Association of Government and they said that the earliest this grant would be considered would be October 2019 and, if approved, funds wouldn't be available until January or February 2020.

Mr. Brammall said that the time-frame would work for them. He said if things on their end happen faster they could acquire some interim or bridge financing.

Commissioner Draper asked who would be responsible for the loan if the CIB list wasn't granted.

Attorney Finlinson said that the County owns the building and would be responsible.

Commissioner Warnick asked if the priorities on the CIB list needs to change. Commissioner Draper said that he will talk to Mr. Kyhl at Six Counties to see about amending the priorities on the CIB list.

A brief discussion was had on possibilities for a loan if the grant is not approved.

Commissioner Warnick made a motion to approve amending the Millard County CIB list

regarding the Millard Care and Rehab dining hall grant.

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

DISCUSSION AND POSSIBLE APPROVAL OF LIFTING THE CONFINED ANIMAL FEEDING OPERATION (CAFO) MORATORIUM

Attorney Finlinson said that this moratorium expires in a couple weeks, but the Commission can make it clear today that their intention is to rescind it when it expires.

Commissioner Draper explained the purpose and history of the moratorium. He said that the time requirements have been met and he thinks it can be rescinded and the Commission can let the moratorium expire.

Commissioner Warnick made a motion to rescind the confined animal feeding operation (CAFO) moratorium and let it expire.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Attorney Finlinson said that Molly Stevens, Signature Realty, has a client who wants to sell some property; however, the property doesn't have an access designation. He said that they would like the County to formalize that designation.

Commissioner Draper said that he spoke to the road supervisor who said that this isn't something the County will want to do, due to the other responsibilities it would require of the County; such as snow removal.

Commissioner Warnick asked what the land is currently zoned as. Planner Richins said that it is zoned Agriculture (AG) 20.

Attorney Finlinson said that it isn't an officially mapped county road and it would require an ordinance to add it to the transportation map.

It was decided to add this as an agenda item to the August 20, 2019 Commission Meeting.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

-Millard Housing Authority Board

Commissioner Warnick said that there hasn't been any interest yet and she will begin recruiting members.

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

Recorder Hansen said that her office was awarded surveyor grant money in the amount of \$19,000.00. She said that the project is county wide and for corners only. Recorder Hansen said that she spoke with the State Road Department who will pay for any caps that they have moved or damaged during their road projects.

Attorney Finlinson said that the County has received an invoice from the Children Justice Center which will require opening the budget.

It was decided to open the budget at the September 3, 2019 Commission Meeting.

Commissioner Draper referred to a project where fences and under crossings were being constructed along Highway 257. He said that the project was started several years ago; however, the process has taken so long at other agencies that it was moved off the Bureau of Land Management's (BLM) budget. He said that the County previously appropriated \$80,000.00 toward this project. Commissioner Draper said that information is currently being gathered about using corrugated steel instead of cement and the BLM is conducting archaeological and cultural studies.

Commissioner Draper referred to some street lights that the County contracted to have installed at the intersection located at US 6 /Highway 50 and 2000 West and the intersection located at Highway 50 and Highway 125. He said that an amendment was made and they hope to have those installed by the end of the construction season this year.

AUDITOR REPORT

Auditor Gehre presented the following reports:

- Check Edit:

August 2, 2019 - \$291,460.93

- Zions Bank Card:

July 25, 2019 - \$23,291.62

- Expense Register:

July 25, 2019 - \$340,905.01

- Payroll Liabilities:

August 2, 2019 - \$174,160.51

July 19, 2019 - \$426,885.05

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

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Attorney Finlinson said that he has a Memorandum of Understanding from the Children Justice Center which is really a statement from Millard County affirming that the County will participate fully in the new interdisciplinary Children's Justice Center located in Nephi. He gave a brief history of the County's use of the Children's Justice Center in Utah County. He said that the County will cover a little more of the financial burden for the first few years, and then grant money will begin to help cover use of the facility.

Attorney Finlinson said that he has reviewed the contract from HABB, Inc. who was awarded the RFP for the Central Utah Health Department Building. He said that he is concerned with the proposed 20 year lease because the State can change the County's relationship with the Health Department at any time. He said that he would suggest a 5 year lease or have a reasonable termination clause included in the contract.

Commissioner Warnick approved the contract with HABB, Inc subject to an addition of a reasonable termination procedure or a term change of 5 years.

Commissioner Draper stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. *NEED COPY*

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

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

Commissioner Draper Stepped from the chair and SECONDED the motion. Both commissioners present voted unanimously and the motion carried. Present in the closed session were Commissioner Draper, Commissioner Warnick, Planner Richins, and Attorney Finlinson.

After the closed executive session the regular meeting reconvened at 11:29 a.m..

It was decided to recess for lunch and reconvene at 1:00 p.m.

The meeting recessed at 11:36 a.m..

The meeting reconvened at 1:00 p.m.

HINCKLEY DESERET CEMETERY DISTRICT BOARD INTERVIEWS

- Michael Anderson

Commissioner Draper explained that the Cemetery District is a taxing entity which is governed by its own board. He said that the Commission may only decide who to appoint to the board and is not involved in its operation.

Commissioner Draper said that he had received a petition a few years back signed by over 200 residents regarding problems at the Hinckley Cemetery. He said that the number one complaint he hears is regarding the irrigation systems at the cemetery and asked Mr. Anderson what is being done to improve that.

Mr. Anderson explained why the previous caretaker left and said that he believes that the current caretaker is doing a good job. He said that he isn't sure if its being watered more or less now.

Commissioner Draper said that he has heard some complaints about the customer service at the cemetery and asked Mr. Anderson what is being done to remedy that.

Mr. Anderson said that they would like to designate sextons, as well as, make assignments for the board members which will help with the customer service by delegating responsibilities.

Commissioner Draper asked if Mr. Anderson had any questions or concerns.

Mr. Anderson said that money is always a concern and he would like to see more people involved in taking care of the cemetery.

Commissioner Draper asked about the burial policy and what happens when the burial dates happen on a holiday. Mr. Anderson said that they haven't had any requests for burials on holidays; however, they can work with and change the policy language, as well as, the message that they give to the public regarding this.

-Deb Wagner

Commissioner Draper explained the structure of the cemetery district and the Commission's responsibility of appointing members to the board.

Ms. Wagner asked if the Commission requires an update from the districts.

Commissioner Draper said that one commissioner is assigned over the board and that commissioner needs to be aware of what is going on in the cemetery district. He said that the Board is responsible for retaining an attorney and an auditor. Commissioner Draper explained the process required if a board or district finds that they don't have enough funds to operate.

Commissioner Draper said that he had received a petition a few years back signed by over 200 residents regarding problems at the Hinckley Cemetery and asked Wagner what has changed since the petition was signed.

Ms. Wagner said that there has been a better effort to beautify the cemetery and they have tried to involve the public. She said that the petition also added more checks and balances. Ms. Wagner said that there is also more support for creating an aesthetic and tranquil view of the cemetery.

Commissioner Draper asked if the cemetery district's customer service has improved.

Ms. Wagner said that she would like to think so, and said that there has been a larger effort toward maintaining watering, mowing, and weed eating.

Ms. Wagner said that, in the past, there hasn't been an effort on the Board's part to be involved in what's happening on a day-to-day basis. She said that, in the future, any issues need to be brought to the Board for discussion before moving forward with a decision.

Commissioner Draper said that the board members are being assigned either 2 or 4 year

terms and asked if she would be willing to serve a two year term if appointed. Ms. Wagner said that she was going to suggest a two year term as well.

Commissioner Draper asked if Ms. Wagner had any questions or concerns.

Ms. Wagner said that since she has been serving, there has been some dwindling of the funds and commented on the workman's compensation requirement and the possible separation of the cemeteries in the district. She said that if the path continues this way, it may become a large issue that needs to be addressed.

Commissioner Draper said that some separation is necessary; however, an interlocal agreement may be possible. He said that he will discuss this with the County Attorney.

-Doug Western

Commissioner Draper explained that the Cemetery District is a taxing entity which is governed by its board. He said that the Commission may only decide who to appoint to the board and is not involved in its operation. Commissioner Draper said that the board member terms need to be staggered and said that some members will serve 2 year terms and some will serve 4 year terms.

Commissioner Draper said that he had received a petition a few years back signed by over 200 residents regarding problems at the Hinckley Cemetery. He said that the number one complaint he hears is regarding the irrigation systems at the cemetery and asked Mr. Western what has been done about it.

Mr. Western said that there are several different types of soil and the current employees have helped the situation because they know what chemicals to apply and where.

Commissioner Draper asked Mr. Western why he wants to be on the board.

Mr. Western said that he was asked to be on the board several years ago and that is why he has served.

Commissioner Draper said that customer service is another concern and asked if a plan has been put in place to help with that.

Mr. Western said that he is unaware of any customer service problems.

Commissioner Draper said that the terms need to be staggered and said that some members will be 2 year terms and some will be 4 year terms.

- Dianne Greener

Commissioner Draper explained that the Cemetery District is a taxing entity which is governed by its board. He said that the Commission may only decide who to appoint to the board and is not involved in its operation. Commissioner Draper said that the board member terms need to be staggered and said that some members will serve 2 year terms and some will serve 4 year terms.

Commissioner Draper asked Ms. Greener why she wants to serve on the board.

Ms. Greener said that she is tired of people who are just working for the paycheck and hopes to generate more input from the public and have notices posted sooner. She said that she would also like more transparency by the district. She said that the cemetery needs to be taken care of better than it currently is.

Draper asked what she would do to make it more customer friendly.

Ms. Greener said that making the cemetery look better will create better customer service.

She said that in the past, members of the board have actually helped the sexton and commented on the condition of the grass for individuals who were buried between January and June of 2019. Ms. Greener said that a member of the board should have been monitoring the cemetery and noticed this.

Ms. Greener asked when they will find out about GRAMA. Commissioner Draper said that the districts are going to hold 2 or 3 meetings before October and he has asked the County Attorney to come and discuss GRAMA at one of those meetings.

Commissioner Draper asked Ms. Greener what she would do to improve customer service.

Ms. Greener said that things definitely need to change and that some highly inappropriate things have happened in the past. She said that she has received a lot of customer service training at her job with the Post Office and feels that training would help the District's customer service as well.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 1:55 p.m..

Attest: _____

Approved: _____