

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 20th 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  
Richard Jacobson..... County Sheriff  
Connie Hansen..... County Recorder  
Sheri Dearden..... County Treasurer  
Bonnie Gehre..... County Auditor  
Scott Barney..... Millard County Economic Development  
Adam Richins..... County Planner  
Heather Williams..... Children’s Justice Center  
Molly Stevens..... Signature Real Estate  
Ronda Williams..... 1st American Title  
Lillie Reid, Sierra Riding, Janaya Pardo, Ruthie Draper, Leah Jackson, Starley  
Corry, and Kadence Noel..... Miss Millard County Royalty  
Kaela Jackson..... 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 asked if anyone had an opening statement to give and excused

Commissioner Jackson who is recovering from surgery. Attorney Finlinson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### APPROVAL OF AUGUST 6, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held August 6, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Warnick made a motion to approve the minutes of August 6, 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 AUGUST 6, 2019

Commissioner Draper said that the Millard Care and Rehabilitation Center requested an item be added to the CIB list during the last commission meeting. He said that the CIB list has since been amended to include their request.

#### PRESENTATION BY MISS MILLARD COUNTY ROYALTY

The Miss Millard County Royalty each introduced themselves to the Commission. Miss Millard County, Sierra Riding, explained her projects which focus on suicide prevention.

Janaya Pardo, Miss Millard County Outstanding Teen, explained her platform which focuses on individuals building confidence and accepting their imperfections.

Lillie Reid, Miss Millard County Outstanding Teen 2<sup>nd</sup> Attendant, said that her platform is called "Heart of a champion" and reported on a project she organized at the local schools to improve the playgrounds and equipment.

Kaela Jackson explained that each of the royalty have projects that they are working on.

Commissioner Warnick commended the girls for their presence at the fair and the work that they are currently doing.

#### INTRODUCTION FROM THE NEW CHILDREN'S JUSTICE CENTER- HEATHER WILLIAMS YOUNG

Attorney Finlinson said that during the interview process, Ms. Williams stood out due to her long term vision for the Children's Justice Center (CJC).

Ms. Williams introduced herself and said that the CJC serves both Millard and Juab counties. She said that the CJC's vision is to create a calm and safe environment for children who are witnesses of abuse or crimes. She explained the child friendly practices that will be implemented and how those practices help reduce the trauma experienced by the children.

Ms. Williams listed the services and resources they offer to families and children and said that one of their goals is to get a contracted therapist at the center once a week.

Attorney Finlinson said that interviewing children is difficult and the County needs to rely on people who have expertise in that area.

Sheriff Jacobson said that the CJC is a powerful tool and they are grateful to have it located closer.

#### DISCUSSION REGARDING ADDING A ROAD TO THE MILLARD COUNTY TRANSPORTATION MAP-MOLLY STEVENS

Attorney Finlinson said that this was briefly discussed at the last meeting, but he was unable to express the view of Ms. Steven's client.

Ms. Stevens referred to a map showing the property and existing roads.

A brief discussion was had on the roads and possible easements.

Attorney Finlinson said that the easiest path forward would be to amend the transportation map and add a Class B road.

Commissioner Draper said that the complication is that someone may want to build a home and if a dwelling is put on that property, the County is obligated to provide bus routes and snow removal.

A brief discussion was had on where existing homes were located in the area.

Commissioner Draper asked Ms. Stevens to make contact with nearby landowners and present this agenda item at the next commission meeting for possible approval.

#### PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING A PETITION TO VACATE LOT 9 OF OAK MEADOW SUBDIVISION, PHASE 1

Commissioner Warnick made a motion to enter into a public hearing for the purpose of receiving public comment regarding a petition to vacate Lot 9 of Oak Meadow Subdivision, Phase 1.

Commissioner Draper stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing began at 10:33 a.m..

Present were: Sheriff Jacobson, Matt Ward, Recorder Hansen, Treasurer Dearden, Planner Richins, Heather Williams, and Scott Barney.

Attorney Finlinson said that the petitioner has obtained signatures from all existing landowners in Phase 1, as well as, the utility company. He said that Lot 9 of the Oak Meadow Subdivision was encroaching on another lot and the water source and consequently, it needs to be vacated.

Planner Richins said that this will ultimately result in a net reduction of one lot in the sub division.

There were no other comments made.

Commissioner Warnick made a motion to close the public hearing.

Commissioner Draper stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:36 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 19-08-20, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION VACATING LOT 9 OF OAK MEADOW SUBDIVISION, PHASE 1

Commissioner Warnick made a motion to approve Ordinance 19-08-20, an Ordinance of the Millard County Commission vacating Lot 9 of Oak Meadow Subdivision, Phase 1.

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 A LEASE WITH FILLMORE CITY FOR USE OF THE NATIONAL GUARD BUILDING

Attorney Finlinson said that he went over a few of his concerns regarding the liability coverage at the last commission meeting. He said that Fillmore City has agreed to alter the language and this can be approved today.

Commissioner Warnick made a motion to approve a lease with Fillmore City for use of the National Guard Building.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE CONTRACT WITH HABB, INC. FOR THE CENTRAL UTAH PUBLIC HEALTH DEPARTMENT BUILDING LEASE

Attorney Finlinson said that this is on the agenda again because HABB, Inc. rejected the County's proposal to change the term limit from 20 to 5 years. He said that they counter offered with a 10 year term limit with a cause to terminate included in the lease. Attorney Finlinson said that this can be approved today if the Commission accepts the counter offer.

Commissioner Draper said that the 10 year term allows the contractor to recoup the funds that they spent in modifying the building.

Commissioner Warnick made a motion to approve the contract with HABB, Inc. for the Central Utah Public Health Department Building Lease.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-08-20, A RESOLUTION OF THE BOARD OF COUNTY COMMISSION CHANGING A DISPATCHER POSITION IN THE SHERIFF'S OFFICE FROM PART-TIME TO FULL-TIME

Sheriff Jacobson explained the staff restructuring that has taken place within his office and

said that he would like to change a dispatcher position from part-time to full-time. He said that this change will impact the dispatch budget, and he would like to move the funds from another line item within their budget.

Attorney Finlinson said that this isn't a line item within the same fund and will require opening the budget.

Commissioner Warnick asked how this will impact their budget next year. Sheriff Jacobson said that this will need to be included in their budget going forward.

Auditor Gehre said that the Sheriff's Office has already budgeted for 5 full-time dispatcher positions and 1 part-time dispatcher position.

Commissioner Warnick made a motion to approve Resolution 19-08-20, a resolution of the Board of County Commissioners of Millard County, Utah, changing a dispatcher position in the Sheriff's Office from part-time to full-time.

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 19-08-20A, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSION AUTHORIZING THE REDUCTION IN BASE HOURS FROM 40 HOURS PER WEEK TO 32 HOURS PER WEEK FOR THE OFFICE MANAGER POSITION WITHIN THE MILLARD COUNTY ATTORNEY'S OFFICE

Attorney Finlinson said that the office manager in his office feels like she could function within her role working 4 days a week. He requested that the Commission authorize this reduction in hours.

Commissioner Warnick made a motion to approve Resolution 19-08-20A, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing the reduction in base hours from 40 hours per week to 32 hours per week for the office manager position within the Millard County Attorney's Office.

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 19-08-20B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSION CREATING A JOINT RESOLUTION WITH THE UTAH STATE PARKS DIVISION ESTABLISHING FORT DESERET AS A STATE MONUMENT

Commissioner Draper gave a brief history of Fort Deseret and the repairs done to it. He said that the State would now like to preserve it, and this requires the Fort to be designated as a State Monument. Commissioner Draper said that he believes the designation as a monument will better preserve Fort Deseret and its history.

Attorney Finlinson read the recitals and language of the resolution.

Commissioner Draper stepped from the chair and made a motion to approve Resolution 19-08-20B, a resolution of the Board of County Commissioners of Millard County, Utah, creating a joint resolution with the Utah State Parks Division establishing Fort Deseret as a State Monument.

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

#### DISCUSSION REGARDING PROPOSED AMENDMENT TO CONTRACT WITH SMITHFIELD FOODS FOR ROAD MAINTENANCE

Attorney Finlinson said that the County previously approved a contract where Smithfield Foods would pay the County a one time payment of \$400,000.00 in exchange for the County maintaining portions of a road in both Millard and Beaver Counties. He said that the contract with Smithfield was subject to an interlocal agreement with Beaver County.

Attorney Finlinson said that Beaver County did not want to participate in the interlocal agreement and Smithfield Foods paid only \$300,000.00 instead of the \$400,000.00 stated in the contract. He said that the \$300,000.00 cannot be considered a counter offer and the County's options are to either agree to an amendment or simply insist that the contract was for \$400,000.00, regardless of the amount of road that is maintained.

Commissioner Draper said that there are other parts of the contract that are vague and he would like to pursue a new contract.

Attorney Finlinson said that he will contact Mr. Styler to discuss possible amendments.

#### MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in July 2019. She said that a thorough review was held on August 15, 2019.

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-08-20C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSION APPROVING THE FILING OF CROSS-APPEALS TO 2019 APPEALS FILED BY TAXPAYERS SUBJECT TO CENTRAL ASSESSMENT

Commissioner Draper read the recitals of the resolution which includes the following taxpaying entities:

- Enel Cove Fort LLC
- Frontier Communications Corp
- Graymont Western US, Inc
- Union Pacific Railroad Company
- UNEV Pipeline LLC
- T-Mobile US, Inc
- Questar Gas Company
- Deseret Generation & Transmission Cooperative

Commissioner Warnick made a motion to approve Resolution 19-08-20C, a resolution of the Board of County Commissioners of Millard County, Utah, approving the filing of cross-appeals to 2019 appeals filed by taxpayers subject to central assessment.

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.

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Attorney Finlinson said that there is a change in the public defender situation. He said that the actual contract isn't changing; however, there has been an added amendment which changes the appellate services provided by Utah County. Attorney Finlinson said that the Indigent Defense Commission (IDC) is providing an insurance against appeals. He said that \$12,000.00 was previously budgeted for and now the County will pay a premium of \$5,000.00. He said that the costs beyond the premium will be covered by the grant and that the IDC needs an acknowledgment from the County that it agrees to the changes.

Commissioner Draper stepped from the chair and made a motion to approve the amendment to the Indigent Defense Fund contract.

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

Attorney Finlinson explained that an invoice has already been received and said that they will be paid from the appeals component of the budget.

Commissioner Draper proposed that the next commission meeting be moved from September 3, 2019 to September 10, 2019 due to the commissioner's scheduling conflicts.

Commissioner Warnick made a motion to move the next commission meeting from September 3, 2019 to September 10, 2019.

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

Commissioner Draper said the Old Capital Arts and Living History Festival is on September 6, 2019 and September 7, 2019. He encouraged the community to attend and show their support.

Commissioner Draper said that the Auditor's Office received an invoice from At Your Leisure and Chad Booth for trail videos. He explained that he had a few conversations with Mr. Booth regarding videos; however, payments for those videos were not discussed. He said that the invoice is in the amount of \$7,000.00 and he will look into a grant that may cover this cost.

Commissioner Draper asked the Auditor's Office not to issue a check until he contacts the State Parks Division.

Commissioner Draper said that a record of the decision authorizing the Sevier Playa Potash Project will be on August 27, 2019. He said that the Commission is invited to that signing.

Planner Richins said that an application has been received to pursue the conditional use permit (CUP) that the County requires for the project locally. He said that the formal process to receive local approval is just starting and there will likely be questions.

Commissioner Draper said that part of the Utah Test and Training Range was located in northwest Millard County; however, that portion is no longer being used. He said that the Bureau of Land Management (BLM) has been exchanging land with the Utah School Institutional and Trust Lands Administration (SITLA). Commissioner Draper said that land in Juab and Tooele counties are being traded out for BLM land in Millard County. He said that the GIS department enlarged a map so the County can see exactly what land is impacted by this.

Commissioner Draper said that the comment period lasts until September 6, 2019 if anyone would like to submit comments. He said that the BLM has also done an environmental impact assessment and those results can be found at <https://go.usa.gov/xyUB6>.

Commissioner Warnick said that Danielle Johnson has accepted the position as an Intergenerational Poverty Facilitator for the west side of Millard County. She said that they are still looking for a facilitator to serve on the east side.

## DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

### -Housing Authority

Commissioner Warnick said that it has been suggested to have Robert Reidhead serve as the president of the Housing Authority Board. She said that the other members of the board have confidence in Mr. Reidhead's ability and commitment. She said that Jerry Shurtz and Connie Noyes have also expressed their willingness to serve on the board.

Commissioner Draper stepped from the chair and made a motion to appoint Robert Reidhead, Jerry Shurtz, and Connie Noyes to the Housing Authority Board.

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

### -Hinckley Deseret Cemetery Board

Commissioner Draper said that he would like to recommend Mike Anderson, Dianne Greener, Deb Wagner and Doug Western to serve on the Hinckley Deseret Cemetery Board.

Commissioner Warnick made a motion to appoint Mike Anderson, Dianne Greener, Deb Wagner and Doug Western to serve on the Hinckley Deseret Cemetery Board.

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



unanimous and the motion carried.

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 she would like to start recognizing county employees and volunteers for their efforts by sending thank you notes from the Commission. She said that the County Fair and other recent events have been well done.

AUDITOR REPORT

Auditor Gehre presented the following reports:

-Check Edits:

August 9, 2019 - \$90,252.60

August 16, 2019 - \$173,062.44

-Payroll Liability:

August 16, 2019 - \$394,741.98

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 Draper adjourned the meeting at 11:35 a.m..

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

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