

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 10th DAY OF SEPTEMBER 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: Brandon Stephenson. Sunrise Engineering
Kami Dearden, Kevin Orton, Ian Adams, and Mike Holt. Fillmore City
Scott Patton and Caleb Patton. Cal-Maine Foods
Richard Jacobson and Lindsay Mitchell. Millard County Sheriff's Office
Margie Memmott.USU Extension
Adam Richins.. County Planner
Connie Hansen..... County Recorder
Bonnie Gehre..... County Auditor
David Sturlin, David Allen, and Vicki Allen..... ..Citizens

Note: Not all agenda items were followed in order.

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. Commissioner Jackson said that it was good to be back to work and he is grateful for all the well wishes he received during his absence. Commissioner Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF AUGUST 20, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held August 20, 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 20, 2019, as corrected.

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

FOLLOW UP ACTION ITEMS FROM AUGUST 20, 2019

Commissioner Draper asked if the lease agreement for the National Guard Armory was in place. Kevin Orton, Fillmore City, said that he doesn't think that Fillmore City has signed the contract yet. Commissioner Jackson asked Mr. Orton to check on the status of the agreement and return an original signed copy to the Clerk's Office.

Commissioner Draper said that Smithfield Foods, Inc. has not yet responded to the county's request for an amended contract. Attorney Finlinson said that the paid by Smithfield Foods, Inc. cannot be considered a counteroffer.

DISCLOSURE STATEMENTS

A Disclosure statement was presented the Betty Jo Western who has an interest in Sound Unlimited.

RATIFY THE APPROVAL TO MOVE THE COMMISSION MEETING FROM SEPTEMBER 3, 2019 TO SEPTEMBER 10, 2019

Commissioner Jackson made a motion to ratify moving the Commission meeting from September 3, 2019 to September 10, 2019.

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

RATIFY THE APPROVAL OF THE AMENDMENT TO THE INDIGENT DEFENSE COMMISSION CONTRACT

Attorney Finlinson explained that this amendment was to add appellate defense to the grant in the sum of \$5,000.00 paid by the County. He explained the changes mad and said that this contract does not impact the budget.

Commissioner Jackson made a motion to ratify the approval of the amendment to the Indigent Defense Commission Contract.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE CLASS CHANGE FOR MIDAS RETAIL, LLC

Clerk Rowley explained that this class change will allow Midas Retail, LLC to sell alcohol.

Commissioner Jackson made a motion to approve a business license class change for Midas Retail, LLC.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR HONEY AND LOCUST COMPANY, OWNER - NICHOLAS TAYLOR

A business license application was presented for Honey and Locust Company, Owner - Nicholas Taylor, a cricket farm that farms crickets for protein and other food products for human and animal consumption. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Honey and Locust Company, Owner - Nicholas Taylor.

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

DISCUSSION REGARDING CENSUS INFORMATION AND POSSIBLE COMMITTEE

Clerk Rowley said that she and Auditor Gehre met with a census representative who asked that the county government help with educating the public on the importance of the census. Auditor Gehre said that the census figures directly impact the funds that the County receives. She said that the census representative asked that the County form a "Complete Count Committee" whose responsibilities would include educating the public on the census.

Commissioner Draper said that this is the first census that the government will try to complete electronically; however, there is a problem with trying to reach those who are not comfortable with technology. Commissioner Draper explained the two types of forms that will be available to the public.

Clerk Rowley said that all information received by the census is kept confidential.

Commissioner Jackson said that census gathering is very important and gave an example of how it impacts veteran's homes in Utah. He said that without an accurate count, potential money is lost.

It was decided to bring this item to the October 1, 2019 commission meeting.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-09-10, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, REGARDING THE IMPOSITION OF A RAP TAX BY FILLMORE CITY

Attorney Finlinson said that the Clerk's Office received notice from Fillmore City stating that they would like to put a question regarding imposing a RAP tax on their municipal election ballot this November. He said that the County needs to formally respond and state whether it intends to

impose a RAP tax as well. Attorney Finlinson explained that the RAP tax is the botanical, cultural, and recreational, and zoological tax.

Attorney Finlinson said that the resolution he prepared states that the County will not pursue a County RAP tax and said that this is giving Fillmore City the go ahead to add it to their municipal ballot.

Commissioner Jackson made a motion to approve Resolution 19-09-10A, a resolution of the Board of County Commissioners of Millard County, Utah, regarding the imposition of a RAP tax by Fillmore City.

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.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON AN AMENDMENT TO C-2 CONDITIONAL USE PERMIT #Z-2001-006, CAL-MAINE FOODS, INC.- APPLICANT

Commissioner Warnick made a motion to enter into a public hearing for the purpose of receiving public comment on an amendment to C-2 Conditional Use Permit #Z-2001-006, Cal-Maine Foods, Inc.- Applicant.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:30 a.m..

Present were: Ian Adams, Kami Dearden, Kevin Orton, Scott Patton, Caleb Patton, and Auditor Gehre.

Mr. Scott Patton, Cal-Maine Foods, said that they need to amend their Conditional Use Permit (CUP) in order to add another bird facility. He explained how the laws regarding the housing of birds are changing and said that this new facility will allow them to add approximately 100-125 jobs.

Commissioner Draper asked Mr. Patton if there was a deadline for their project. Mr. Patton said that there are many deadlines as they try to keep up with the changing laws.

Attorney Finlinson said that the CUP amendment doesn't have to be done by an Ordinance as it is listed on the next agenda item.

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 10:33 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL TO AMEND C-2 CONDITIONAL USE PERMIT #Z-2001-006, CAL-MAINE FOODS, INC.- APPLICANT

Commissioner Jackson made a motion to approve amending C-2 Conditional Use Permit #Z-2001-006, Cal-Maine Foods, Inc. - Applicant..

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

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

Commissioner Jackson made a motion to table this item.

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

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2019 YEAR. BUDGETS TO BE CONSIDERED FOR INCREASED APPROPRIATIONS AND/OR INNER-DEPARTMENT TRANSFERS ARE: GENERAL FUND, RECREATION, CLASS B ROAD, STRIKE FORCE, LANDFILL, AMBULANCE, E-911 AND TOURISM

Commissioner Jackson made a motion to enter into a public hearing for the purpose of opening budgets for the 2019 year. Budgets to be considered for increased appropriations and/or inner-department transfers are: General Fund, Recreation, Class B Road, Strike Force, Landfill, Ambulance, E-911 and Tourism.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:00 a.m..

Present were: Auditor Gehre, Ian Adams, Adam Richins, Brandon Stephenson, Sheriff Jacobson, Lindsay Mitchell, and Connie Hansen.

A brief discussion was had on the following budget items:

General Fund:

Corners Grant: \$19,000.00. Auditor Gehre said that the Corners grant will be reimbursed. She said that she will create a special line item in special projects for this.

Sheriff's Office leased vehicles: \$52,100.00. Auditor Gehre said that these are the funds received for two Sheriff's Office vehicles.

Rodeo: \$4,700.00. Commissioner Warnick said that there was some advertisements in the chronicle that were unpaid last year. She said that they have also gone over their budget by approximately \$4,000.00. Auditor Gehre said that this will come from the fund balance.

Miss Millard: \$1,500.00. Commissioner Warnick said that there was some confusion about when payments needs to be made to the Miss Utah Organization. Auditor Gehre said that this will come from the fund balance.

Justice Court wages missed split benefits-110: \$18,900. Auditor Gehre said that her office missed some split salaries. She said that there is an option to pull this money from the fund balance or reduce costs elsewhere. Commissioner Jackson said that it may be possible to use the funds he had thought may be available from the recreation budget.

Justice Court Benefits missed 130: \$13,430.00

Children's Justice Center: \$3,000.00. Auditor Gehre said that this was missed in the 2019 budget hearing and that the Sheriff's Office budget paid for this with the understanding that it would be put back into their budget. Sheriff Jacobson said that the costs can be shared between his office and Attorney Finlinson's office. Sheriff Jacobson said that his budget doesn't need to be increased this year as long as it will be put into the budget in upcoming years. Attorney Finlinson said that the Special Prosecution budget can be used to pay this and the Sanity Hearings.

Sanity Hearings: \$2,000.00.

Class B Road: \$24,800.00. Auditor Gehre said that the road department had an international truck burn. She said that this amount is the reimbursement from the insurance claim.

Tourism: \$7,000.00. Commissioner Draper said that the State Parks Division had a grant to make videos of OHV trails. He said that they sent the County an invoice in the amount of \$7,000.00. Commissioner Draper said that this just needs to be put through the books for the reimbursement.

Auditor Gehre said that there is a possible insurance premium refund, not to exceed \$33,000.00. Commissioner Draper said that when fewer costs are incurred through medial insurance, the County qualifies for a rebate. He said that they would like to divide this rebate between the employees who participate in the county's medical insurance. He said that those employees wouldn't be charged for their premiums for one month. He said that they would like this to fall close to the holidays.

Commissioner Warnick said that the payments would need to be done in November. Auditor Gehre said that the individuals would have had to be employees and have paid insurance premiums in 2018 in order to receive it.

There were no other comments made.

Commissioner Jackson made a motion to close the public hearing.

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

carried. The public hearing closed at approximately 11:18 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-09-10A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TO OPEN THE 2019 MILLARD COUNTY BUDGET AND AMEND THE BUDGET FOR: GENERAL FUND, RECREATION, CLASS B ROAD, STRIKE FORCE, LANDFILL, AMBULANCE, E-911 AND TOURISM.

Commissioner Jackson made a motion to approve Resolution 19-09-10A, a resolution of the Board of County Commissioners of Millard County, Utah, opening the 2019 Millard County budget and amend the budget for: General Fund, Recreation, Class B Road, Strike Force, Landfill, Ambulance, E-911 and Tourism.

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 MOVING FORWARD WITH THE TWO USU EXTENSION POSITIONS

Margie Memmott, USU Extension, said that she appreciates the Commission for entertaining their proposal. She said that she would like to remind everyone that the USU Extension is proposing to hire two faculty members through USU to fill the AG position opening and add a Family and Consumer Sciences position. Ms. Memmott said that each position would also have a 4H component. She explained the salary and benefits portion that the County would pay and the portion that USU would pay for each position.

Ms. Memmott presented a handout and went over the service that these positions will perform within the County.

A brief discussion was had on all the USU Extension and 4H positions and what the county's responsibilities would be to these employees.

Commissioner Warnick said that this will be a positive reinforcement for our communities.

Commissioner Jackson made a motion to approve moving forward with the two USU Extension Positions.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-0910B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, REGARDING NEVADA LEGISLATION AFFECTING SNAKE VALLEY WATER

Commissioner Draper gave a brief history of the underground aquifer project in Snake Valley located in eastern Nevada and western Utah. He said that there is a proposed bill in congress now with

language that would grant the Southern Nevada Water Authority the right-of-way and allow them to put in the pipeline. He said that both Juab and Millard County have standing in the court case.

Commissioner Draper explained the importance of these aquifers and said that this pipeline would result in Nevada mining water from Utah's aquifers.

Attorney Finlinson read the recitals of the resolution.

Commissioner Warnick made a motion to approve Resolution 19-09-10B, a resolution of the Board of County Commissioners of Millard County, Utah, regarding Nevada legislation affecting Snake Valley Water.

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.

REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2019-030 FOR A PLAT SUBDIVISION LOCATED IN SE 1/4 SECTION 35, T195, R19W (ESKDALE). DAVID STURLIN-APPLICANT

Planner Richins said that this subdivision is within a residential zoned property and it has been drawn and platted. He said that this has met the requirements for noticing and has received a favorable recommendation from the Planning and Zoning Commission. Planner Richins said that the taxes are current according to the Treasurer's office; However, Treasurer Dearden has not signed this yet.

David Sturlin said that there is a need for more adequate housing in Millard County and his goal is to provide affordable and safe housing opportunities for individuals and families. He said that the development will occur in a manner consistent with the County's cultural values and will complement the existing small town atmosphere.

Commissioner Warnick made a motion to approve Application #Z-2019-030 for a Plat Subdivision located in SE 1/4 Section 35, T195, R19W (Eskdale). David Sturlin- Applicant

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

DISCUSSION AND POSSIBLE RATIFICATION OF AGREEMENT FOR PAINTING OF EQUESTRIAN CENTER BLEACHERS

Commissioner Draper said that there is an issue because the purchasing policy wasn't followed and the County has incurred a debt that it needs to pay.

Attorney Finlinson gave a brief history of this issue and said that an agreement was made between a commissioner and a high school basketball team for the team to paint the equestrian bleachers. He said that there is no provision for a donation to come out of Capital Funds. He said that calling it a contract is an option; however, the procurement code needs to be followed. He said that the Commission may waive certain requirements.

Attorney Finlinson said that the Commission needs to figure out how to define the transaction, decide where the money is coming from, and retroactively waive the contract requirements if they define this as a contract.

Commissioner Draper said his personal opinion is that it is the School District's responsibility to fund these things; however, he does believe that there were funds set aside for the improvement of the equestrian center bleachers.

Commissioner Warnick said that the County is obligated to pay this.

Commissioner Jackson apologized for this happening and said that he misunderstood the policy that he was working with. He said that he would like to have this paid.

Commissioner Warnick made a motion to ratify the agreement and waive the bonding, insurance, licensure, and paperwork requirements.

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

PUBLIC INPUT

David Allen said that he and his wife own storage units south of Fillmore and they want to add eleven more units; however, when they began the process to get a building permit, they found that the property has been re-zoned for residential use and they are unable to add these units due to the zoning change. He said that they are asking permission to re-zone their property back to industrial.

Commissioner Draper said that occasionally in government, changes are made that need to be corrected later. However, in order for this zone to change, Mr. and Mrs. Allen will have to go through the Planning and Zoning Commission, hold public hearings, and then bring this issue back to this Commission for approval.

OTHER BUSINESS

Commissioner Draper said that the Commission and other county employees are wearing pink today to support Miss Millard who was injured in an equestrian accident.

Lindsay Mitchell, Sheriff's Office, said that Amanda Bond's dispatch position has moved from part-time to full-time and presented the paperwork for a signature.

Commissioner Jackson said that he is meeting with Fred Johnson tonight at 7:00 p.m. at the fair grounds to go over pricing.

Commissioner Jackson said that he is working on making the Armory ADA Compliant. He said that Matthew Hyde will call Attorney Finlinson regarding building codes that states a building under 3000 square feet doesn't have to be ADA compliant. Commissioner Jackson has also asked Mr. Hyde to submit this information in writing.

Commissioner Jackson said that if this is the case, costs to the County may be much lower than originally anticipated.

Commissioner Jackson said that he received the annual invitation from Snow College for their banquet. He said that they have two volunteers, but have not chosen a business of the year yet. He said that the banquet will be Thursday, October 3, 2019 at 11:00 a.m..

Commissioner Jackson said that Fillmore City wants the County to take over the splash pad. After a brief discussion, it was decided that its not in the County's best interest to take it over.

Commissioner Jackson said that he can talk to Fillmore City about taking down the fence that surrounds the splash pad.

Commissioner Warnick said that there will be a car wash fundraiser to support Miss Millard County in her ongoing recovery efforts. She said that many people involved with the pageant program will be a part of the fundraiser; however, this will not be a county sponsored event.

Attorney Finlinson said that there is a strong movement in the legislature working to cut the funding that currently pays for half of the indigent defense fund. He said that there are measures that will further cut the Children's Justice Center funds. Attorney Finlinson said that any influence the County can have on the Legislature regarding these issues would be helpful.

Clerk Rowley said that Lagoon has sent two complimentary tickets and she said that they will add these to the monthly employee wellness drawing if the Commission approves. The Commission agreed to add it to the wellness drawing.

Commissioner Draper gave an update on the Meadow Creek Fire and said that public access has been blocked to the area. He said that the County is providing the firefighters water and use of the Fillmore fairgrounds. Commissioner Draper said that the County will be reimbursed for the use of these resources.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

-Housing Authority

Commissioner Warnick said that both Greg Roper and Susan Jones have agreed to be reappointed to the Housing Authority Board.

Commissioner Warnick made motion to reappoint Greg Roper and Susan Jones to the Housing Authority Board.

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

-Miss Millard

Commissioner Warnick said that Aubrey Woodard has accepted the position as the new pageant director and will be replacing Sierra Smith. Commissioner Warnick said that the other board members will be changing as well.

Commissioner Warnick made motion to appoint Aubrey Woodard as the Miss Millard

Pageant Director.

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

Commissioner Warnick said that Mandy Mason has accepted the position as the new Intergenerational Poverty (IGP) Facilitator for the east side of Millard County.

Commissioner Warnick said that a cell phone allowance needs to be approved for the IGP administrator and two facilitator positions. She said that the funds for the cell phone allowances will come from the IGP grant.

Commissioner Warnick made a motion to approve a cell phone allowance in the amount of \$60.00 each for Mandy Mason, Danielle Johnson, and Darla Ewart.

Commissioner Jackson 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 Draper said that the next scheduled commission meeting is Tuesday, September 17, 2019.

Commissioner Draper said that the commissioners will be attending the USACCC Conference in Midway on September 25-26, 2019.

Commissioner Draper said that there will be an emergency response planning meeting at the Sheriff's Office on September 24, 2019.

Commissioner Draper said that the State Engineer will be holding a water hearing in Eskdale at 7:00 p.m. on Thursday, September 26, 2019. He encouraged each of the commissioners and Attorney Finlinson to attend if possible.

Commissioner Warnick asked how long the road will be closed down for the Brush Wellman Highway Project. She said that she has heard some concerns regarding the trucking route to the egg farm. Commissioner Draper said that the project shouldn't impact local traffic in any major ways.

AUDITOR REPORT

Auditor Gehre presented the following reports:

-Payroll Liabilities:
August 30, 2019 - \$204,619.68

-Accounts Payable (Check Edit):
August 23, 2019 - \$124,899.21
August 30, 2019 - \$98,860.72
September 6, 2019 - \$53,108.67

-Zions Bank Card:
August 30, 2019 - \$21,071.62

-DISCUSSION OF CERTIFIED TAX RATE FOR THE TAX YEAR 2020.

Auditor Gehre said that if the County were to go through a truth and taxation there's a different process than with the fiscal entities. She said that if the County did want to pursue this it needs to declare by October 1, 2019. She said that Millard County is at its maximum rate right now so unless the tax rate drops, the County won't receive a tax increase.

-DISCUSSION AND POSSIBLE APPROVAL OF UPDATED BENEFIT PROTECTION CONTRACTS FOR LONG TERM DISABILITY.

Auditor Gehre Explained that the County switched its long term disability plan to Lincoln Financial. She said that benefit contracts have been put in place in the past and she has a letter from the Utah State Retirement Systems (URS) stating that Lincoln Financial meets all the statutory requirements. She said that these contracts protect county employees' retirements if they qualify for long term disability. Auditor Gehre said that this contract is for tier 1 and tier 2 employees.

Commissioner Warnick made a motion to approve the updated benefit protection contracts for long term disability.

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

Auditor Gehre said that GBS has offered to come present to the Commission. It was decided to ask GBS to present at the October 1, 2019 Commission Meeting.

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 12:51 p.m..

Attest: _____

Approved: _____