

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th 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: Matt Ward..... Chronicle Progress
Sue Hilderbrand, Alicia Beckstead, Joy Lundgreen,
and Linda Stephenson..... Central Utah Public Health Department
Sheri Dearden..... County Treasurer
Bonnie Gehre..... County Auditor
Adam Richins..... County Planner
Pat Manis..... County Assessor
Connie Hansen..... County Recorder
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 asked if anyone had an opening statement to give. Commissioner Jackson thanked all the fire crews for their efforts in containing the Meadow Creek Fire. Commissioner Draper said that he would like to specifically recognize the Kanosh, Meadow, and Fillmore fire crews who kept the fire from entering into Virginia Hills. Commissioner Jackson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF SEPTEMBER 10, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 10, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of September 10, 2019, as corrected.

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

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 10, 2019

Commissioner Jackson said that at the last meeting he said that he would talk to Fillmore City about taking the fence down by the splash pad. He said that he now believes that would be overstepping his jurisdiction and won't be suggesting it to them.

Commissioner Draper said that the County has not received the lease contract for the National Guard Armory from Fillmore city. Attorney Finlinson said that he will give Commissioner Jackson a copy of that agreement to take to the Fillmore City Council meeting.

Commissioner Draper referred to the resolution that was passed at the last meeting regarding the Snake Valley Water issue. He said that the Great Basin Water Network is attempting to contact Beaver, Tooele, and Salt Lake counties and ask them to join Millard County and Juab County in this effort.

RATIFY THE APPROVAL OF A CELL PHONE ALLOWANCE IN THE AMOUNT OF \$60.00 EACH FOR THE IGP COORDINATOR AND TWO FACILITATOR POSITIONS

Commissioner Jackson made a motion to ratify the approval of the cell phone allowance in the amount of \$60.00 each for the IGP coordinator and two facilitator positions.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE CENTRAL UTAH PUBLIC HEALTH (CUPH) NURSE SALARY - SUE HILDEBRAND

Sue Hilderbrand gave a brief history of the Memorandum of Understanding (MOU) between Millard County and Central Utah Public Health regarding nurse salaries. She said that this was renewed in October 2018 and, at that time, it was agreed to review and possibly renew this MOU each year. She said that the MOU states that the County agrees to pay an additional \$5.83/hour plus benefits to the nurse and the position is subject to cost of living adjustments (COLA).

Commissioner Draper said that the COLA may be an issue because it is not automatically given each year to County employees.

Ms. Hilderbrand said that the MOU can be changed to state that the COLA is subject to the County's conditions.

Commissioner Draper said that the Commission would like to continue to have them come each year to review and possibly renew the MOU.

Alicia Beckstead, Director of Nursing - CUPH, said that the Delta office has recently moved into a new building and their staff greatly appreciates the work that the Commission did to help with that move.

Commissioner Warnick made a motion to approve a MOU with the Central Utah Public Health Department regarding a nurse salary when it has been reviewed.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Jackson said that the CAT II fire team was very impressed with the layout of the fire crew campground at the fairgrounds. He said that they made a map incase another fire crew needs to come in the future. Commissioner Jackson would like to make sure this is on file where the County can access it in the future.

It was discussed and agreed to give a copy to each of the following: the fire district, the fire warden, each commissioner, and the Clerk's Office.

Clerk Rowley said that her office can distribute the copies.

Commissioner Jackson said that the Six Counties Association of Government (SCAOG) also wants a team set up to gather census information. He said that they will pay census workers and are worried about getting an accurate count. Commissioner Jackson said that if the census count isn't right, the proper amount of money isn't received by the County.

Commissioner Draper said that individuals interested in applying to be a census worker can call Six Counties at 435-893-0746. He said that a person may also apply online at 2020census.gov/jobs.

Commissioner Jackson said that SCAOG will be holding a 50 Year Recognition Open House luncheon on November 19, 2019 in Richfield., Utah.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING A PETITION TO VACATE CERTAIN MILLARD COUNTY CLASS D ROADS AND REMOVE SAME FROM THE MILLARD COUNTY TRANSPORTATION MAP

Commissioner Jackson made a motion to enter into a public hearing for the purpose of receiving public comment regarding a petition to vacate certain Millard County Class D Roads and remove same from the Millard County Transportation Map.

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

Present were: Matt Ward, Auditor Gehre, Treasurer Dearden, Planner Richins, Recorder Hansen, Maxsym Lozynskyy.

Attorney Finlinson gave a brief history of the public notices and said that this has now been properly noticed. He said that the road is identified in the ordinance as MC4707 located in sections 22 and 23 of Township 21 South, Range 4 West, Salt Lake Base and Meridian.

Attorney Finlinson said that the most significant consideration is that a portion of the road has become impassable so the public has taken it upon themselves to create a go-around which justifies vacating the road. He said that if the designated road isn't usable by the public, there isn't any hardship to the public to vacate it.

Commissioner Warnick asked if this road would be fenced off if this is approved.

Attorney Finlinson said that this ordinance states that the State and County relinquish their right to the road and no longer have an interest in maintaining this as a Class D Road. He said that this will not impact any private easements.

Mr. Lozynskyy said that he would like the road vacated to protect his personal property against trespassers and said that people go off the road onto his property often. He said that they plan to hold dirt bike racing events and the land will be fully utilized on weekends. Mr. Lozynskyy said that he is more than happy to work with nearby property owners if they need access.

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 10:39 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 19-09-17, 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 LOZYNSKYY

Commissioner Draper read the ordinance recitals into the record.

Commissioner Jackson made a motion to approve Ordinance 19-09-17, an ordinance of the Board of County Commissioners of Millard County, Utah, vacating a Millard County Class D Road and authorizing its removal from the Millard County General Plan and Transportation Map - Maksym Lozynskyy.

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.

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the reports ending in August 2019. She said that there were three overrides for interest charges and explained that the interest is kept on each account until the taxpayer meets all of the requirements listed in their agreement with the County.

Auditor Gehre said that the County will be receiving funds for the Sheriff's Office work on the Meadow Creek Fire. She explained that the East Sheriff Posse has an account at the credit union and this is a problem because they have used the County's tax ID number for that account.

Attorney Finlinson said that this was discovered in the 2017 audit. He said that the West Millard Posse has since created its own FEIN and tax accounts. He said that the East Millard Posse is still currently considered the County; however, they operate outside of County government.

Attorney Finlinson said that Sheriff Jacobson suggested that the money be paid to the West Millard Posse and then work with the East Millard Posse to organize in a similar way.

After a brief discussion, it was decided to issue a check to the West Millard Posse.

Treasurer Dearden said that she sent a proposed cash management policy, but has only heard back from Commissioners Warnick and Jackson. She said that those policies need to be put in place as soon as possible. It was decided to put this on the October 15, 2019 agenda.

DISCUSSION AND DELEGATION OF SRS FUNDS

Commissioner Jackson said that he spoke to Bruce Curtis in EskDale who is going to be discussing hiring another person to run the SRS fund. He would like to table this agenda item until October 1, 2019 in order to get their input.

Attorney Finlinson said that the County does not currently have an MOU agreement with the Fire District.

After a brief discussion, it was agreed that the County may consider entering into an interlocal agreement with the Fire District.

Commissioner Draper read the changes to Title III's authorized uses into the record. He explained that Millard County has an abundance of greased wood which often punctures side walls of tires. He said that there is an enormous turn over for tires, due to the greased wood.

A brief discussion was had on how the interlocal would be organized and how purchasing would take place.

Commissioner Jackson made motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Warnick made a motion to appoint Tina Anderson to the IGP board. She said that Ms. Anderson will represent IHC.

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

Commissioner Draper said that the two cemetery districts are updating their bylaws in order to meet state code. He said that the Hinckley Deseret Cemetery Board needed to be re-constituted and would like to appoint Daryl Dutson to serve on the board for 4 years.

Commissioner Jackson made motion to appoint Daryl Dutson to the Hinckley Deseret Cemetery Board.

Commissioner Warnick 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 the Community First event was held last night in Delta and was moved into the county fair building, due to high winds. She said that the County will not charge for use of the fair building. Commissioner Draper said that an administrative motion was made to waive the fees.

Commissioner Jackson referred to the Meadow Creek Fire and said that there was no damage to equipment and no injuries reported. He said that Dr. Brown was on standby and over 300 elementary school children were able to tour the camp.

Commissioner Jackson said that the last total he received on Monday showed the County will owe approximately \$600,000.00 and it can be paid as in kind through mitigation efforts instead of cash.

Commissioner Draper said that a zone change for a hog farm will be presented to the Planning and Zoning Commission on October 2, 2019. He said that the end purpose of the zoning change is to construct a confined animal feeding operation (CAFO).

Commissioner Jackson said that he will be absent on October 15, 2019 and asked if the commission meeting could be changed to a different date. After a brief discussion, it was decided to keep it on the October 15, 2019.

AUDITOR REPORT

Auditor Gehre presented the following reports:

Pay Liabilities:

September 13, 2019 - \$170,595.96

Accounts Payable:

September 13, 2019 - \$161,625.93

Auditor Gehre said that there was a bill passed that enhanced the public safety retirement for tier 2 public safety employees. She said that this will impact the County's 2020 budget. She said that this allows employers to pick up some of the employees' costs.

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

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 11:28 a.m..

Auditor Gehre said that the first parcel is for Wayne Klein - Parcel HD-4658-1.

Assessor Manis gave a brief history of this parcel and explained that this was seized by the IRS and sold at auction for \$21,000.00. He said that during the auction, it was suggested that the new owner protest the tax because a recent appraisal showed a value of \$3,800.00. Assessor Manis said that his office has since received a protest from the buyer and receiver who has agreed to pay half of the property tax. Assessor Manis said that he doesn't agree with the appraisal and he will defend a higher value, However, he wont oppose the sale price.

Commissioner Draper said that since the purchaser was willing to pay \$21,000.00. It is probably worth \$21,000.00.

Commissioner Warnick made a motion to assess the value of parcel HD-4658-1 at \$21,000.00.

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

Auditor Gehre said that the next parcel is SDSC Enterprises, Joyce Barney - Parcel DO-SF-B-SB.

Assessor Manis said that Joyce Barney brought this parcel to the Commission's attention last year. She said that this parcel is part of hole 10 on the golf course and it was decided to deed this to the County. Assessor Manis said that this hasn't been deeded to the County yet and he can't make the value \$0.00 until it is deeded to the County.

Commissioner Jackson made a motion to reduce the value of Parcel DO-SF-B-SB of \$0.00.

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

Commissioner Draper asked if the commissioners had any questions for Mr. Manis about the

Kesler Family Trust Parcel.

Commissioner Warnick asked what the property has to be zoned as in order to use the irrigation water. Assessor Manis said that the parcel has to be residential or agriculture.

Commissioner Jackson said that when they paid for the property it included the value of the water and now they want to split it.

Assessor Manis said that his office used to deduct the value of water until 3 years ago where they found that property with water sold for the same price as property without water. He said that they want to deduct \$8,000.00 per share from the purchase price and adjust the taxable amount of the land. Assessor Manis said that they have 8 shares. He said that there isn't enough of a difference between lots that have water and those that don't and he feels that the market price they currently have is accurate.

Commissioner Jackson asked if the value of water has been deducted before. Assessor Manis said that he has deducted water values for agriculture uses and purposes.

It was decided to discuss this at the scheduled BOE on October 1, 2019.

Auditor Gehre said that they have received 36 appeals all of whom want to meet in person. Assessor Manis said that his staff meets with every person that calls in and some parcels end up being stipulations and some are assessor errors.

Commissioner made a motion to close the BOE.

Commissioner SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 12:01 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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 12:02 p.m..

Attest: _____

Approved: _____