

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF OCTOBER 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
Klint Penney..... East Millard Maintenance Supervisor
Richard Jacobson & Ben McDonald. Millard County Sheriff’s Office
Ian Adams and David Lowry..... AP&P
Sheri Dearden..... County Treasurer
Bonnie Gehre..... County Auditor
Connie Hansen..... County Recorder
Pat Manis and Susan Wilcox..... Assessor’s Office
Mark Johnson, Rick Stewart, and Rob Ferguson..... GBS
Richard Beckstrand. IT Supervisor
Pam Sheridan, Brandon Stephenson, Draper Family, Roger and Bobbie Killpack,
Bill and Ann Ashby, Phil Morrison, Spencer King,
Kerry and Susan Kesler. 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:

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 Draper asked who was the first President of the Unites States. He said that it was not George Washington; it was John Hanson. Commissioner Draper said that Hanson was the President under the Articles of Incorporation; Washington was the first president under the constitution Things are

not always what they seem or are presented. Commissioner Draper quoted a portion of George Washington's farewell address where he said that the Country should avoid party factions because they would contribute to the downfall of any nation. Commissioner Draper also referenced a treaty with Ukraine signed by President Bill Clinton in 1999 and said that this has come to the forefront within the last seven days where party factions have led to impeachment proceedings for the President of the United States. He said that the current Millard County Commissioners are not here to protect the status of any party or private business interest and they have taken an oath to protect the interests of this County and protect it. Commissioner Draper expressed his appreciation to the other two commissioners. He said that things are changing in Millard County and they also may not be all they seem on the surface. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF SEPTEMBER 17, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 17, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Warnick made a motion to approve the minutes of September 17, 2019, as presented.

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

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 17, 2019

Commissioner Jackson said that he told Fillmore City that the County isn't interested in taking over the splash pad.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR CUTTING EDGE COATING, OWNER - JASON EDWARDS

A business license application was presented for Cutting Edge Coating, Owner - Jason Edwards, a business that does epoxy coatings and concrete polishing. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Cutting Edge Coating, Owner - Jason Edwards .

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

SPECIAL RECOGNITION-SHERIFF JACOBSON

Sheriff Jacobson, Sgt. Ben McDonald, and AP&P Agents Ian Adams and David Lowry recognized Cash Draper of scipio for his help in the apprehension of a wanted fugitive. Agent Ian Adams explained that this is not a singular experience for Mr. Draper.

The Commission expressed their appreciation for Mr. Draper.

DISCUSSION AND POSSIBLE APPROVAL OF MAINTENANCE CUSTODIAN POSITIONS

Commissioner Jackson said that the maintenance custodian position needs to be replaced and there is a question on whether to proceed with an employee or go back to contract work.

Supervisor Penney gave a brief summary of why the contract employment didn't work in the past. He explained that at the public safety building, there were security issues when a contract worker gave their keys to another person.

Sheriff Jacobson said that he agreed with Supervisor Penney especially regarding the security issues. He said that it is critical to vet out whomever works in the public safety building and it is easier to do that with an employee versus a contract worker. Sheriff Jacobson said that the building is much larger than people realize and that constant and vetted employment is needed to meet the needs of the building.

Commissioner Draper asked about the budget. Supervisor Penney said that the full-time custodian position would come out of his budget.

Auditor Gehre presented the reports that compared the financial costs of contracted employees versus a county employee with benefits. She said that the financial aspect should be an important consideration.

Commissioner Jackson said that he thinks a full-time and a part-time custodian is needed to meet the needs of the buildings.

Sheriff Jacobson said that he would be ok to wait on the part-time position until he has a chance to work it out in his budget.

Commissioner Jackson made a motion to approve replacing the full-time maintenance custodian employee position.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE ALLOWANCE(S) FOR SHERIFF'S OFFICE DEPUTIES-SHERIFF JACOBSON

Commissioner Jackson made a motion to approve a cell phone allowance for Deputy Jared Fowles in the amount of \$40.00 a month.

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

Commissioner Jackson made a motion to adjourn for 5 minutes.

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

The meeting adjourned at 10:50 A.M..

Commissioner Warnick made a motion to reconvene.

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

carried.

The meeting reconvened at 10:52 A.M..

**PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING
A ZONING ORDINANCE AMENDMENT APPLICATION #Z-2019-023 TEXT AMENDMENT
AMENDING THE SETBACKS FOR DETACHED ACCESSORY BUILDINGS AND
STRUCTURES IN SHERWOOD SHORES SUBDIVISION**

Commissioner Warnick made a motion to enter into a public hearing for the purpose of receiving public comment regarding a zoning ordinance amendment Application #Z-2019-023 text amendment amending the setbacks for detached accessory buildings and structures in Sherwood Shores Subdivision.

Commissioner Jackson **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing began at 10:53 a.m..

Present were: Planner Richins, Recorder Hansen, Treasurer Dearden, Brandon Stephenson, Matt Ward, Scott Barney, Roger and Bobbie Killpack, Bill and Ann Ashby, Pam Sheridan, Spencer King, and Phil Morrison.

Planner Richins said that this proposed change requests that the setbacks be as close as two feet rather than the existing 12 feet setback. Planner Richins explained the unique lots at this subdivision and said that the Planning and Zoning Commission gave this an unfavorable recommendation. He said that there were concerns about access to the back of the properties. Planner Richins said that this setback would be specifically for Sherwood Shores.

Spencer King said that he proposed the petition because of the unique properties and how they are set up. He said that it is very hard to have a house and a detached building due to the setbacks and he would like to build an accessory building on his property for storage.

Roger Killpack, HOA (Home Owners Association) president and resident of Sherwood Shores, said that this is a unique situation. He said that there is a mixture of what properties have done over the years. He said that the HOA currently doesn't have any setback guidelines for outbuildings; however, they have talked about adopting the same setbacks as Delta City.

Commissioner Draper asked if there are any preexisting structures at the 2 foot guideline. Mr. Killpack said that there are several outbuildings that have the two feet setbacks.

Commissioner Warnick disclosed that she is a resident of Sherwood Shores. She said that she would like the HOA to bring their recommendations back to the Commission.

Planner Richins said that the HOA laws are not enforceable by the County and are separate regulations.

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 11:11 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 19-10-01, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING THE SETBACKS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES IN SHERWOOD SHORES SUBDIVISION

Commissioner Jackson said that he is in favor of the 2 feet setback; however, feedback from the HOA would be valuable.

Commissioner Jackson made a motion to table this agenda item until more information is gathered.

Commissioner Draper stepped from the chair and SECONDED the motion. Commissioner Warnick abstained. The motion passed by majority vote.

GBS PRESENTATION

GBS Benefits Consultants, Mark Johnson, Rick Stewart, and Rob Ferguson presented the renewals on the benefit plans. Mr. Stewart said that Millard County has received a -2% PEHP score which is a large improvement. He said that reductions like this are very rare and shows that the rights things are happening in the County.

A brief discussion was had on the benefits and differences of each plan and how GBS can assist employees with their specific issues.

DISCUSSION AND POSSIBLE APPROVAL OF A COMPLETE COUNT COMMITTEE

Commissioner Warnick said that she attended a conference last week and received more information on these committees. She said that those who presented at the conference will be contacting Clerk Rowley to put together a committee to try and get a complete, accurate count for the County.

Commissioner Draper said that he also attended the conference and explained that the federal government will not mail a notification to any post office box in the County. He said that the census will be done electronically and if the census is not done by a residence within a certain time-frame; a census worker will be paid to make contact with that residence.

Commissioner Warnick said that she will head the organization of a committee and said that the County can make this work.

Commissioner Jackson made a motion to appoint Commissioner Warnick and Clerk Rowley to create a complete count committee.

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

DISCUSSION AND DELEGATION OF SRS FUNDS

Attorney Finlinson said that he has read through the SRS policy and asked why the Fire District can't directly receive the funds since it is a taxing entity.

Treasurer Dearden said that the County has to certify it.

Commissioner Jackson said that he has contacted the fire chiefs and asked what their needs are. He said that they will send him that information and he will get that certified.

Attorney Finlinson said that he thought that the certification could be an explanation stating that the funds went to the Fire District instead of planning in advance what each fire department needs and then have the County buy that equipment.

Commissioner Draper said that he believes the requirements can be met by being more broad.

Commissioner Jackson said that he would like to make this as simple as possible.

Commissioner Draper said that the next Fire District meeting will be held on October 16, 2019 and he would like to move this discussion to the November 12, 2019 Commission Meeting.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Attorney Finlinson said that he and Commissioner Warnick met with SITLA representatives regarding the towers along Cedar Mountain Road. He explained that an easement was given to the County decades ago; however, there are now more towers and other devices. He said that the County has gone over the scope of the easement and SITLA is proposing a lease that will cost about \$2,500.00 per year. Attorney Finlinson said that they need the County to survey its footprint and provide them a more accurate idea of what equipment is actually out there.

Attorney Finlinson said that the federal courts have invited participating parties in the opioid litigation to join a class action. He said that if the County joins the class action, it will receive approximately \$2,000.00. He said that the County's attorneys suggest to decline the class action.

Commissioner Jackson made a motion to decline participating in the class action.

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

Commissioner Draper said that he received notice from the State regarding Indigent Defense Trust funds and the County's financial responsibility is \$11,058.00 due in January 2020. Attorney Finlinson said that this is not the primary indigent defense contract. He said that this is the premium for capital cases. Attorney Finlinson said that the last capital case in the County cost millions of dollars so this \$11,058.00 premium is well spent. Commission Draper asked that this be put on a future agenda for discussion.

Commissioner Jackson said that he met with emergency personnel to discuss the mitigation of the Meadow Creek Fire and will follow through with a few fire prevention ideas that came from that meeting which involve roads and access to fires.

Commissioner Jackson said that the County received a certificate from the National Garden Club in regards to the work that Peter Robison did on the monument at the Bluestar Park in Fillmore. He said that the County appreciates Mr. Robison's efforts.

Commissioner Draper said that the County needs to petition for CIB funds for the Millard Care and Rehabilitation dining room facility and that the deadline for the application is today. He said that a public hearing will be held in the future and if it is determined not to accept the money at the public hearing, the County doesn't have to accept the money even if the application has already been submitted.

Commissioner Draper said that the County has been looking into other providers for telephone services. Richard Beckstrand, IT Supervisor, said that the current contract with Frontier goes through November 26, 2019 and it will automatically renew for another year unless they receive written notice from the Commission. He said that he went over the costs and has met with two groups who think that they can provide the same services for a lower cost. He said that the County will be able to keep the same phone numbers.

Commissioner Draper said that the Delta arena policies are not uniform or adequate. He said that he asked West Millard Maintenance Supervisor, Kevin Morris, to provide information to the Commission and would like to schedule a work meeting to go through this. Commissioner Draper said that no contracts will be made for 2020 until this is figured out and the meeting will include the recreation and maintenance departments.

Commissioner Jackson said that he will do the same for Fillmore arena.

Commissioner Warnick said that the County Golf Course needs to be brought into this discussion.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Warnick said that Hinckley Town will appoint someone to the Mosquito Abatement Board to replace Lonnie Hales.

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 he attended a public hearing in EskDale regarding water in

Snake Valley. He said that he was able to converse with the state engineer who said that there has been an appropriation of 12,000 acre feet of water to go to Cedar City from the Wah Wah Valley.

Commissioner Draper said that the state engineer was unaware that the Wah Wah Valley extends into Millard County. He said that he isn't sure if anything can be done about the situation at this point. Commissioner Draper said that there are applications that would impact the Hamlin Valley and Pine Valley. He said that both of those valleys are feeders to the Snake Valley aquifers.

Commissioner Draper said that he and Commissioner Warnick recently attended USACCC where many things were discussed including TRT funds which come to the County through the Tourism Board. He said that 47% of TRT funds go directly toward tourism which can then be allocated to mitigate impacts that relate to tourism such as ambulances. Commissioner Draper said that it has been proposed to change the mandate from 47% to 32%.

AUDITOR REPORT

Auditor Gehre presented the following reports:

Check Edit:

September 20, 2019 - \$25,698.22 (Purchasing Card)

September 20, 2019 - \$120,395.44

September 27, 2019 - \$175,588.88

Payroll Liabilities:

September 27, 2019 - \$412,383.10

Auditor Gehre said that the dates for the budget work meetings need to be scheduled.

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 12:24 p.m..

Commissioner Draper gave a brief history of the Kesler's issue and said that the Keslers are requesting to remove the value of the water from the value of the property.

Mr. Kesler said that the water value is separate from land value and said that the irrigation water can be used in separate areas in the community. He said that the location to I-15 should also be a consideration in its value.

Assessor Manis said that he doesn't have any further documentation to provide and read the State definition of fair market value.

Commissioner Draper said that he believes this was a willing sale with a willing seller and a willing buyer. He said that the property was listed for a short time and we are unsure if an appraisal was made. He referred to a similar case in the Delta area where it was determined that the value of

the land is what the buyer paid. He said that the correction in value was for that year alone, so it had to come back every year. Assessor Manis said that it wasn't appealed again in that case. Assessor Manis said a new law puts the responsibility on the Assessor's Office to review and defend the value.

Commissioner Draper said that in this case he believes that the value of the land is what the buyer paid for it.

Commissioner Jackson said that he doesn't see a clear way to separate the water from the land.

Commissioner Warnick said that she thinks the land is worth what they paid for it.

Commissioner Draper asked if a formal appraisal could be done. Assessor Manis said that there is no timeframe to have this done; however, the cost of an appraisal may be more than the amount of taxes saved. He said that there are three more avenues that the Keslers have if this hearing doesn't go in their favor.

Commissioner Jackson said that he feels like \$21,000.00 land value is very low. He said that he would rather see a 50% split value between the land and water.

Commissioner Warnick made a motion to change the valuation to \$85,600.00 which was the purchase price.

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

Auditor Gehre said that once the auditor receives the tax roll, their office runs reports and makes adjustments.

Assessor Manis said that a lot of things are discovered after citizens call in with more information. He said that they then pass on the information to the Auditor's Office to make adjustments.

Commissioner Jackson made a motion to accept the stipulations and agreements as presented.

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

Auditor Gehre presented the abatement summary and said that the Commission needs to sign off on these. She said that this summary shows the abatement areas and what type of abatement was given.

Assessor Manis said that each year business owners file on their personal property. He said that the State mandated that anyone with less than \$10,800.00 in personal property are exempt from paying any personal property taxes. Assessor Manis said that Susan Wilcox has prepared the list of these exempted businesses and their values. He said that the exempt value for property taxes totaled \$895,791.00. Assessor Manis asked the Commission to accept the exemption value and the list.

Commissioner Warnick made a motion to accept the list for 2019 personal property under the value of \$10,800.00.

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

Assessor Manis said that they collect taxes on travel trailers that are being lived in. He said that it was not in the county's best interest to take ownership of the trailer; therefore, he is requesting that they abate the taxes on this account.

Commissioner Jackson made a motion to abate the value by 100% on account #B009048. Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried.

Assessor Manis said that they received a call regarding Account #P009141 and found that they applied for a business license; however, never set up an actual business so there is nothing to seize. He said that he is requesting that the Commission abate the value.

Commissioner Warnick made a motion to abate the value by 100% for account #P009141. Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

Assessor Manis referred to account #B009056 and said that this is a motor home that the resident lived in for several years. He said that it has now been sold and registered, so the tax was paid as a licensed vehicle.

Commissioner Warnick made a motion to abate the value by 100% for account B009056. Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Jackson made a motion to go out of BOE. Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended 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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 1:04 p.m..

Attest: _____

Approved: _____