

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 15th DAY OF OCTOBER 2019
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper..... Chairperson
Evelyn Warnick.....Commissioner

Pat Finlinson..... County Attorney
Jamie Hair..... Deputy Clerk

EXCUSED: Wayne Jackson..... Commissioner
Marki Rowley..... County Clerk

ALSO PRESENT: Matt Ward..... Chronicle Progress
David Ure..... Utah School Institutional & Trust Lands Administration
Steve Styler and Jim Webb..... Smithfield Foods
Sheri Dearden..... County Treasurer
Bonnie Gehre..... County Auditor
Connie Hansen..... County Recorder
Lindsay Mitchell..... Millard County Sheriff's Office
Adam Richins..... County Planner
Margene Stevens..... Assessor's Office
Steele Weston..... Citizen

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 and excused Commissioner Jackson. Commissioner Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF OCTOBER 1, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 1, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Warnick made a motion to approve the minutes of October 1, 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 OCTOBER 1, 2019

Commissioner Draper referred to the Sherwood Shores agenda item from the last commission meeting and asked Attorney Finlinson if the Commission should wait to take action or move forward.

Attorney Finlinson said that the homeowners association wants a chance to address it internally; however, the Commission can act on the Planning and Zoning Commission's recommendation. He suggested that it be put on the next agenda and said that the process can start over once the homeowners association comes to a consensus.

Commissioner Warnick said that acting on the Planning and Zoning Commission's recommendation should be fine.

Commissioner Draper said that the current telephone services contract will expire soon and asked that this be put on the next agenda for action. He said that the Commission will write a letter to Frontier stating that Millard County doesn't intend to move forward with the contract.

Commissioner Draper said that the Snake Valley water issue will be discussed in the interim committee meetings at the Legislature. He said that the Great Basin Water Network will provide a report to the County at a later date.

PRESENTATION OF PAYMENT IN LIEU OF TAXES (PILT) - SITLA DIRECTOR, DAVE URE

Dave Ure, Utah School Institutional & Trust Lands Administration (SITLA), thanked the Commission for seeing him today and their service to the community. He said that this year the County received \$322,951.00 from land that SITLA owns in Millard County. He said that this amount is approximately \$.85 per acre which is 3 times the amount that would be received from the average greenbelt acre in the state of Utah. Mr. Ure said that the Millard School District also received \$506,000.00 and explained how the local principals and teachers at each school decide how that money is allocated.

Mr. Ure presented a movie and slide show which explained the creation of SITLA, its growth, future prospects, and SITLA's beneficiaries. He explained how they negotiate with other entities and make fair market value deals. Mr. Ure explained some of the challenges that they are currently facing including employees covering all of their grounds and managing how it is used. He said that they want to work with the counties to take care of the lands.

Commissioner Draper asked if EskDale High School was included in SITLA. Mr. Ure said

that they work with public and charter schools.

DISCUSSION AND POSSIBLE APPROVAL OF THE MOU WITH CENTRAL UTAH PUBLIC HEALTH FOR NURSE SALARIES

Attorney Finlinson said that the MOU has already been signed by Central Utah Public Health and was previously discussed in Commission.

Commissioner Draper said that the County provides \$6.01 per hour for nurses in order to keep their salaries competitive.

Commissioner Warnick made a motion to approve the MOU with Central Utah Public Health for nurse salaries.

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

DISCUSSION REGARDING A ZONING ORDINANCE MAP AMENDMENT APPLICATION TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED BELOW FROM RANGE & FOREST (RF) TO AG INDUSTRIAL (AI) FOR THE PURPOSE OF CONSTRUCTING A HOG FARM ON PROPERTY LOCATED ADJACENT TO THE COUNTY GRAVEL ROAD KNOWN AS OLD HIGHWAY 6/50 APPROXIMATELY NINE (9) MILES WEST OF HINCKLEY.

Commissioner Draper said that this agenda item was changed from a public hearing to a discussion so the commissioners could do more research. He said that this will be on the next agenda.

Commissioner Draper said that he would like to schedule a public hearing in the evening. After a brief discussion, it was decided to hold a public hearing on November 7, 2019 at the County Fair Building in Delta at 6:30 p.m..

AMBULANCE ABATEMENTS-LINDSAY MITCHELL

Lindsay Mitchell, Millard County Sheriff's Office, presented an ambulance abatement for Jonathan Stockwell and explained his finances. She said that they have had problems contacting him and his bill is \$1,251.18.

Commissioner Warnick made a motion to abate the ambulance bill by 100% for Jonathan Stockwell.

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

Lindsay Mitchell presented an ambulance abatement for Ngabo Gasabato and explained his finances. She said that he owes \$2,843.54.

Commissioner Draper stepped from the chair and made a motion made a motion to abate the

ambulance bill by 100% for Ngabo Gasabato.

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

DISCUSSION AND POSSIBLE APPROVAL OF CELL PHONE ALLOWANCES FOR SHERIFF'S OFFICE DEPUTIES

Lindsay Mitchell presented two cell phone allowance forms for two new deputies, Travis Allred and Brennan Ellett.

Commissioner Draper stepped from the Chair and made a motion to approve a cell phone allowance for Deputy Travis Allred and Deputy Brennan Ellett in the monthly amount of \$40.00 each.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD WITH A LIMIT OF \$1,000.00 AND A CELL PHONE ALLOWANCE IN THE AMOUNT OF \$40.00 A MONTH FOR LORA FITCH- ASSESSOR'S OFFICE

Margene Stevens, Assessor's Office, said that Ms. Fitch will be attending trainings and the credit card is needed for motel reservations. She said that the classes start in December.

Commissioner Warnick made a motion to approve a credit card with a limit of \$1,000.00 and a cell phone allowance in the amount of \$40.00 for Lora Fitch.

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

DISCUSSION AND POSSIBLE ADOPTION OF MILLARD COUNTY'S 2020 TENTATIVE BUDGET

Auditor Gehre presented the 2020 tentative budget and said that the budget has to be adopted by November 1, 2019. She explained that one payday will be added to workers wages in 2020 due to there only being 364 paid days in the year.

Auditor Gehre went over the dates of the scheduled work meetings. She said that the tentative budget will be posted and be available for inspection in the Auditor's Office and the Delta Office. Auditor Gehre said that it will also be advertized in the newspaper and on the county website along with information on the 2020 Budget Hearing which will be held on December 3, 2019 at 6:00 p.m..

Commissioner Warnick made a motion to adopt Millard County's 2020 Tentative Budget.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING MILLARD COUNTY'S APPLICATION TO THE UTAH COMMUNITY IMPACT FUND BOARD

FOR FUNDING RELATED TO THE DESIGN AND CONSTRUCTION OF NEW KITCHEN AND DINING FACILITIES AT THE MILLARD COUNTY CARE CENTER.

Commissioner Warnick made a motion to enter into a public hearing for the purpose of receiving public comment regarding Millard County's application to the Utah Community Impact Fund Board for funding related to the design and construction of new kitchen and dining facilities at the Millard County Care Center.

Commissioner Draper Stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:13 a.m..

Present were: Matt Ward, Adam Richins, Bonnie Gehre, Sheri Dearden, Connie Hansen, and Steele Weston.

Commissioner Draper said that a public hearing is required to amend the CIB list. He said that the amount being requested is \$500,000.00 and the funds can be issued as a grant or a loan. He said that since Millard County owns the building, the County has to request the funds. Commissioner Draper said that the renovation is needed because the State Board of Health has decided that the dining room facilities need to be updated and expanded.

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 11:15 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-10-15, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSION APPROVING AN APPLICATION TO THE UTAH COMMUNITY IMPACT FUND BOARD FOR FUNDING RELATED TO THE DESIGN AND CONSTRUCTION OF NEW KITCHEN AND DINING FACILITIES AT THE MILLARD COUNTY CARE CENTER.

Commissioner Warnick made a motion to approve Resolution 19-10-15, a resolution of the Board of County Commissioners of Millard County, Utah, approving an application to the Utah Community Impact Fund Board for funding related to the design and construction of new kitchen and dining facilities at the Millard County Care Center.

Commissioner Draper stepped from the chair SECONDED the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Warnick voted YES. Commissioner Draper voted YES. Commissioner Jackson was absent. The resolution passed by majority vote and the motion carried.

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in September 2019. She said that

a formal review was held on October 11, 2019.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-10-15A, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSION ESTABLISHING A CASH MANAGEMENT POLICY

Attorney Finlinson said that cash management and property tax accountant maintenance policies were mandated by the State and local governments need to create and adopt them.

Treasurer Dearden said that these policies have come up several times in reviews where it was requested that they be in writing. She explained the process that went into creating and reviewing the policies.

Commissioner Warnick made a motion to approve Resolution 19-10-15A, a resolution of the Board of County Commissioners of Millard County, Utah, establishing a Cash Management Policy.

Commissioner Draper stepped from the chair SECONDED the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Warnick voted YES. Commissioner Draper voted YES. Commissioner Jackson was absent. The resolution passed by majority vote and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-10-15B, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSION ESTABLISHING A PROPERTY TAX ACCOUNTANT MAINTENANCE POLICY

Treasurer Dearden said that this policy allows the Treasurer to make adjustments up to \$50.00. She said that the other major change is that the County Recorder's Office will scan and maintain address changes instead of the Treasurer's Office.

Commissioner Warnick made a motion to approve Resolution 19-10-15B, a resolution of the Board of County Commissioners of Millard County, Utah, establishing a Property Tax Accountant Maintenance Policy.

Commissioner Draper stepped from the chair and SECONDED the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Draper voted YES. Commissioner Warnick voted YES. Commissioner Jackson was absent. The resolution passed by majority vote and the motion carried.

Auditor Gehre said that a gift policy is also necessary and explained that an invoice was received in the amount of \$584.99 which was for a gift for a retiring employee. She said that federal guidelines state that gifts over \$100.00 are not de minimis.

Commissioner Draper said that he doesn't see that this will create an immediate problem to the County and asked if there is anything else the Commission needs to be aware of regarding this issue.

Attorney Finlinson said that a gift policy is needed and the \$100.00 is considered by most as the de minimis value. He said that gifts over that amount are considered income to those that receive the gifts. Attorney Finlinson said that the government has given substantial fines to local government entities who have violated IRS regulations.

Treasurer Dearden presented the commissioners with the notice regarding tax commission hearing dates and status calls.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Steve Styler and Jim Webb, Smithfield Foods, briefly described where they think things currently stand on the road agreement that was previously approved with Millard County. Mr. Styler said that since the time of the agreement, Beaver County chose not to enter into an interlocal agreement with Millard County and as a result, Smithfield Foods delivered payment to Millard County in the amount of \$300,000.00, reflecting the 25% in road length reduction. He said that they are open to discussion and would like to work this out.

Commissioner Draper said that there was no slight with the \$300,000.00; however, a new agreement should be made since the terms have changed. He said that he is concerned about the necessity chip sealing. Mr. Webb estimated approximately twenty large trucks will use that road each week.

Commissioner Warnick asked how many buildings Smithfield will be putting in Millard County.

Mr. Webb said that they will initially be putting in six buildings; however, they were approved for fourteen facilities.

Attorney Finlinson explained that there are currently three legal options for the County:

1. Move forward with the agreement and ask for the full \$400,000.00. He said that the result of litigation would most likely be a rescinded contract.
2. Rescind the contract.
3. Keep the contract and work out an amendment.

Commissioner Draper and Warnick said that they both would prefer to rescind the contract and work out another agreement. It was briefly discussed to set up a meeting to work out details of a new agreement.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There was none.

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

There was none.

AUDITOR REPORT

Auditor Gehre presented the following reports:

Check Edits:

October 4, 2019 - \$49,787.20
October 11, 2019 - \$87,444.24

Payroll Liabilities:

October 11, 2019 - \$166,791.06

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 11:44 a.m..

Attest: _____

Approved: _____