

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF DECEMBER 2019
AT THE COURTHOUSE, FILLMORE, UTAH

- PRESENT: Dean Draper..... Chairperson
Wayne Jackson..... Commissioner
- Pat Finlinson..... County Attorney
Marki Rowley..... County Clerk
Jamie Hair..... Deputy Clerk
- EXCUSED: Evelyn Warnick..... ..Commissioner
- ALSO PRESENT: Matt Ward..... Chronicle Progress
Richard Beckstrand..... IT Supervisor
Brandon Winget..... Road Supervisor
Richard Jacobson, Shane Brunson, Ben McDonald,
and Rob Clark..... Sheriff’s Office
Adam Richins..... County Planner
Sheri Dearden..... County Treasurer
John Higgins..... Landfill Supervisor
Bonnie Gehre..... County Auditor
Pat Manis and Margene Stevens..... Assessor’s Office
Kevin Morris..... West Maintenance Supervisor
Brooks Jackson..... West Recreation Supervisor
Connie Hansen..... County Recorder
Teri Stephenson, Holly Remkes, Colleen Halsey, Abby Hughes,
and Stephen Draper..... 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. Attorney Finlinson

said that Richard Waddingham passed away last week and will be greatly missed. He said that he would like to pay tribute to Mr. Waddingham for his guidance, counsel, and many years of service to the County. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag. Commissioner Draper excused Commissioner Warnick.

APPROVAL OF DECEMBER 3, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 3, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of December 3, 2019, as corrected.

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

APPROVAL OF THE DECEMBER 3, 2019 BUDGET HEARING MINUTES

The proposed minutes of a budget hearing held December 3, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the budget hearing minutes of December 3, 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 DECEMBER 3, 2019

Commissioner Jackson said that the County's lease agreement for the armory building states that the County is not responsible for paying for power and water which it has been doing. He said that this will be fixed going forward.

DISCUSSION REGARDING THE CERT PROGRAM

Sheriff Jacobson said that the Certified Emergency Response Team (CERT) was hoping to increase their 2020 budget in order to enhance their radios but it didn't happen in the proper time frame.

Deputy Brunson said that they would like to upgrade to 16 channel radios to enhance communications between themselves and other entities.

Commissioner Jackson said that there was a problem with radios owned by Fillmore City being kept at houses and used properly. Sheriff Jacobson said that his suggestion is that the Sheriff's Office be given auditing capabilities for these radios and assign each one a County inventory number.

Deputy Brunson said that they are requesting 10 sixteen channel radios for approximately \$2,800.00. Sheriff Jacobson said that they would like to move funds from the communications line item to purchase radios. He said that an increase for the CERT's budget is not necessary at this time if they can purchase the radios.

Auditor Gehre said that the funds in the communication line item have been set aside for these type of purchases.

Commissioners Draper and Jackson both agreed to the purchase of the radios from the communications fund and directed the Auditor to make those funds available.

DISCUSSION REGARDING TELEPHONE SERVICES

Richard Beckstrand gave an update on the telephone services. He said that some equipment has been put in place for testing and it looks like the County will be able to switch over smoothly. Supervisor Beckstrand said that the provider is currently awaiting the County's approval of a contract to move forward with a set date. Commissioner Draper asked that the telephone services contract be put on the next agenda.

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 19-12-17, A RESOLUTION OF THE MILLARD COUNTY COMMISSION CREATING VOTER PARTICIPATION AREAS

Attorney Finlinson said that there has been one change since the initial map which creates 4 areas that are substantially equal. He said that one map will be filed and one will be kept at the Clerk's Office.

Commissioner Draper read the recitals of the resolution and described each area's boundaries.

Commissioner Jackson made a motion to approve Resolution 19-12-17, a resolution of the Board of County Commissioners of Millard County, Utah, creating voter participation areas.

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

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2019 YEAR. BUDGETS TO BE CONSIDERED FOR INCREASED APPROPRIATIONS ARE: CLASS B ROAD

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 are: Class B Road.

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

Present were: Matt Ward, Richard Beckstrand, Brandon Winget, Sheriff Jacobson, Shane Brunson, Ben McDonald, Rob Clark, Planner Richins, Treasurer Dearden, John Higgins, Auditor Gehre, Assessor Manis, Margene Stevens, Kevin Morris, Brooks Jackson, Recorder Hansen, Teri Stephenson, Holly Remkes, Colleen Halsey, Abby Hughes, and Stephen Draper.

Auditor Gehre said that this public hearing is due to a large payment resulting from a road maintenance contract with Smithfield Foods, Inc. Auditor Gehre explained why the budget needs to be opened and increased and invited Supervisor Winget to explain where the funds will be used.

Supervisor Winget said that they will be purchasing a grader and have received a bid in the amount of \$310,000.00. He said that Smithfield Foods paid the County \$300,000.00 so \$10,000.00 will need to come out of the 2019 budget. Supervisor Winget explained some other large purchases due to the fires and floods this year. He said that fuel tanks are also low and he would like to fill them up for approximately \$35,000.00 before the new transportation tax starts.

Auditor Gehre said that they are asking to transfer approximately \$375,000.00 which would come out of fund 21.

There were no other comments made.

Commissioner Jackson 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 10:35 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-12-17A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TO OPEN THE 2019 MILLARD COUNTY BUDGET AND AMEND THE CLASS B ROAD

Commissioner Draper read the language of the resolution.

Commissioner Jackson made a motion to approve Resolution 19-12-17A, a resolution of the Board of County Commissioners of Millard County, Utah, to open the 2019 Millard County Budget and amend the Class B road.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE MILLARD COUNTY STEP AND GRADE POLICY REGARDING POSSIBLE INCREASES TO THE SALARIES AND WAGES OF ELECTED OFFICIALS AND THEIR CHIEF DEPUTIES

Commissioner Jackson made a motion to enter into a public hearing for the purpose of receiving public comment on the Millard County Step and Grade Policy regarding possible increases to the salaries and wages of elected officials and their chief deputies.

Commissioner Draper stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:45 a.m..

Present were: Matt Ward, Richard Beckstrand, Brandon Winget, Sheriff Jacobson, Shane Brunson, Ben McDonald, Rob Clark, Planner Richins, Treasurer Dearden,

John Higgins, Auditor Gehre, Assessor Manis, Margene Stevens, Kevin Morris, Brooks Jackson, Recorder Hansen, Teri Stephenson, Holly Remkes, Colleen Halsey, Abby Hughes, and Stephen Draper.

Commissioner Draper said that whenever an elected official's salary is changed, a public hearing is required. He said that Millard County employees will be receiving a 2.0% cost of living adjustment (COLA). Also, Chief Deputies' salaries are tied to the elected officials' salaries by a percentage.

Teri Stephenson asked what the current salary of the elected officials and their chief deputies are and what they will be after the 2.0% COLA increase.

Auditor Gehre said that there isn't a simple report showing those figures after the increase. She read the current salaries of elected officials and estimated the increase for each of them.

There were no other comments made.

Commissioner Jackson 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 10:55 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-12-17B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, ADOPTING THE FINAL BUDGET FOR MILLARD COUNTY FOR FISCAL YEAR 2020 AND FIXING SALARIES FOR VARIOUS COUNTY OFFICERS, INCLUDING ONE GRADE INCREASE FOR COMPUTER IT MANAGER AND GIS SPECIALIST

Commissioner Draper read the resolution language into the record.

Commissioner Draper said that this resolution includes amending the step and grade scale for employees such as the IT Manager and GIS specialist who have topped out on the current step and grade scale.

Commissioner Jackson made a motion to approve Resolution 19-12-17B, a resolution of the Board of County Commissioners of Millard County, Utah, adopting the final budget for Millard County for fiscal year 2020 and fixing salaries for various county officers, including one grade increase for Computer IT Manager and GIS Specialist.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-12-17C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH,

AMENDING THE EAST AND WEST MILLARD ARENA RULES

Abby Hughes said that currently there are policies that have been put in place but aren't enforced. She said that they created a committee to help the County and to show that they want to help keep the arena open.

Supervisor Morris said that he sat down with the committee and they have come up with some good rules. He said that those rules have also been discussed with the County Supervisors who will be impacted by any rule changes. He said that this is a great starting point and discussions are needed to make sure these rules can be integrated into the current policies.

Commissioner Jackson said that he appreciates all the work done by the committee; however, he would like to table this in order to have more discussions.

Commissioner Draper said that the rules are a large step forward and he thanked the committee for their work. He said that there are possible conflicts that need to be integrated.

Commissioner Jackson make a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION, 19-12-17D, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING THE EAST AND WEST MILLARD FAIRGROUND AND EQUESTRIAN CENTER FEES

Commissioner Draper said that the fee schedule doesn't address one specific area and a larger discussion will be had at the next commission meeting.

Brooks Jackson asked how to handle requests that are received prior to the next commission meeting on January 7, 2020.

Attorney Finlinson said that he would suggest that they continue restricting reservations until this is resolved at the next commission meeting.

Sheriff Jacobson asked if the increased security at large events is being considered for private rented activities. He said that the burden of security needs to be defined.

After a brief discussion it was decided that security language should be included in this resolution.

Commissioner Jackson made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION, 19-12-17E, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, IN SUPPORT OF A MULTI-COUNTY HIGH DESERT ATV TRAIL

Supervisor Morris said that he has been working with Washington, Iron, Beaver, Tooele, and Box Elder Counties about creating an ATV trail that will run through Utah between the Arizona and

Idaho borders. He said that they will be working with the Bureau of Land Management (BLM) and the Utah School Institutional and Trust Land Administration (SITLA) for approvals as well. Supervisor Morris said that he would like the Commission's approval to move forward on this project.

Sheriff Jacobson said that he would be concerned with emergency response on this trail. Supervisor Morris said that one thing that has been discussed is having trail riders use a mobile app called AVENZA which the BLM has used to help locate individuals.

Commissioner Draper read the resolution language into the record.

Commissioner Jackson made a motion to approve Resolution 19-12-17E, a resolution of the Board of County Commissioners of Millard County, Utah, in support of a multi-county high desert ATV trail.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION, 19-12-17F, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING AN APPEAL OFFICER FOR LAND USE/PLANNING APPEALS

Attorney Finlinson said that a notice of non-compliance was served to land owners in Millard County by the Planning Department. He said that an appeal was promptly filed by the property owners and the County's ordinance, in accordance with State statute, requires a land use hearing officer.

Attorney Finlinson said that Planner Richins asked that Mr. Brent Bateman be considered as a land use/appeal officer. He said that both Cache and Iron Counties have given Mr. Bateman a good recommendation. Attorney Finlinson said that Mr. Bateman's hourly rate is \$250.00 and he will cap any appeal at \$3,000.00 for his services.

Planner Richins said that Mr. Bateman is highly competent.

Commissioner Jackson made a motion to approve Resolution 19-12-17F, a resolution of the Board of County Commissioners of Millard County, Utah, appointing an appeal officer for land use/planning appeals.

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

DISCUSSION AND POSSIBLE APPROVAL OF MULTIPLE CELL PHONE AGREEMENTS IN THE SHERIFF'S OFFICE

Sheriff Jacobson said that he has three employees who need cell phone agreements. He said two are new employees and one is an increase due to a changed position. He said that Sheri Dean and Sean Cain's agreements are in the amount of \$40.00, and Lindsey Mitchell's cell phone

agreement is in the amount of \$60.00.

Commissioner Jackson made a motion to approve cell phone agreements for Deputies Sheri Dean and Sean Cain in the amount of \$40.00 each and a cell phone agreement for Lindsay Mitchell in the amount of \$60.00.

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

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in November 2019. She said that the delinquent tax list will be in tomorrow's newspaper.

Auditor Gehre said that there is a restriction in the code that states that only 50.0% of property tax revenue or one year's property tax amount can be in the fund balance. She said that number is hard to track because money is always moving and it is a fluid number.

Auditor Gehre said that she and Treasurer Dearden think that approximately \$1,167,000.00 needs to be transferred out of general fund so the County doesn't get a write up due to having too much in General Fund. She said that this needs to be a budgeted transfer and a public hearing is necessary to discuss this before the end of the year.

A brief discussion was had on available dates and times. It was decided to hold a special commission meeting with a public hearing included on its agenda on December 30, 2019 at 9:00 a.m..

CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

Commissioner Jackson made a motion to go into a closed executive session for the purpose of discussing pending and/or threatened litigation.

Commissioner Draper stepped from the chair and SECONDED the motion. Both commissioners voted unanimously and the motion carried. Present in the closed session were Commissioner Draper, Commissioner Jackson, Attorney Finlinson, and Adam Richins.

After the closed executive session the regular meeting reconvened at 12:25 p.m..

PUBLIC INPUT

Hollie Remkes asked for an update on the hog farm in Flowell. Commissioner Draper said that the operation in the Flowell area received notice last week that they were not in compliance. He said that they filed an appeal. Commissioner Draper said that the County has had conversations with the attorney who has been engaged to handle this process and the process is underway. He said that there are a lot of possibilities that could happen as a result.

Ms. Remkes asked if the hog farm can operate. Commissioner Draper said that at the moment they seemed to have ignored that they are not in compliance.

Commissioner Draper said that Attorney Brent Bateman was appointed today as a land use

appeals officer. He said that this appointment was directly related to this particular entity and the appeals process.

Attorney Finlinson said that Mr. Brent Bateman understands that this issue needs to be expedited.

OTHER BUSINESS

Sheriff Jacobson said that he has two sealed bids for vehicles. He said that he would like to replace one ½ ton pickup patrol truck, and some of the line fleet passenger cars to handle training and transports.

Attorney Finlinson said that this failed to get on the agenda and needs to be handled in other business.

Sheriff Jacobson opened the following bids:

Sahara Motors -

- 2020 Ford F-150 Crew XL 4x4 - \$34,834.00.
- 2020 Ford F-250 Crewcab XL 4x4 - \$36,170.00
- 2020 Ram 1500 Crew SSV 4x4 - \$32,397.00
- 2020 Ram 2500 crew Tradesman 4x4 \$33,700.00
- 2018 Chevrolet Impala - \$17,200.00
- 2018 Chevrolet Malibu - \$14,800.00
- 2018 Nissan Altima - \$14,300.00
- 2018 Nissan Sentra - \$11,600.00
- 2020 Ford Fusion - \$18,810.00
- 2018 Ford Focus Blue - \$12,500.00
- 2018 Chevrolet Malibu \$14,600.00

Droubay Chevrolet -

- Five 2019 Chevrolet Malibu LT Models - \$15,950.00 each
- 2020 Chevrolet Silverado 1500 - \$33,678.00
- 2020 Chevrolet Silverado 1500 Trail Boss - \$41,121.00
- 2020 Chevrolet Silverado 2500HD - \$35,451.00
- 2020 Chevrolet Malibu - \$19,624.00
- 2020 Chevrolet Silverado 2500 HD - \$39,305.00

Sheriff Jacobson said that he would like to purchase one patrol truck within the 2019 budget and see how far the remainder of their vehicle budget can go to renew their line fleet.

Commissioner Draper read a disclosure statement for Clerk Rowley who has an interest in Fillmore Market.

Commissioner Draper said that he received notice from the CIB board that a presentation was made to the board on December 12, 2019. He said that Millard County's request for a \$500,000.00

grant was reviewed and a revised funding packet was created. He said that the funding packet includes a \$250,000.00 loan with a term of 30 years at 2.5% interest and a 250,000.00 grant. He said that further consideration will be on February 6, 2020.

Commissioner Draper said that Meadow Town will be holding a public hearing tonight to discuss a proposed annexation policy. He said that annex plans are in response to anticipated growth within the next five years.

Deputy Clerk Hair said that she will be sending proposed policy changes to each elected official and would like their feedback on those by January 10, 2020. She said that these policies will be put on the January 21, 2020 commission agenda for possible approval.

Commissioner Draper said that he received notification from the BLM that they have decided to build approximately 8.5 miles of fence along the Black Rock Road to prevent wild big horn sheep from migrating further north.

Sheriff Jacobson said that he was also contacted by the Department of Natural Resources (DNR) because they wanted to let law enforcement know that they are patrolling the issue and may have to take action against the domestic sheep. He said that communication between entities does occur when this happens.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper said that there were nine respondents to the Planning and Zoning Commission vacancy. He said that appointments for interviews will be set up in the near future.

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX

There were none.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

There were none.

AUDITOR REPORT

Auditor Gehre presented the pay period for 2020. She said that this follows the same pattern as prior years with the same closures.

Auditor Gehre presented the following reports:

Check Edits:

December 5, 2019 - \$255,766.11

December 13, 2019 - \$112,387.59

Expense Register:

December 6, 2019 - \$169,052.15

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

Commissioner Jackson made a motion to enter into a BOE.

Commissioner Draper stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 1:08 p.m..

Assessor Manis said that Parcel #O-1476-3 would like to be removed from primary residential exemption. He said that this individual requested that they remove his exemption because he has a primary residence in Mesquite. Assessor Manis said that the individual is aware that he will be billed.

Commissioner Jackson made a motion to remove parcel #O-1476-3 as a primary residence exemption for the tax years 2017, 2018, and 2019.

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

Commissioner Jackson made a motion to close the BOE.

Commissioner Draper stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 1:12 p.m..

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 1:13 p.m..

Attest: _____

Approved: _____