

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 18th DAY OF FEBRUARY 2020
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: Brandon Winget. Road Supervisor
Kevin Morris. West Maintenance Supervisor
Brian Whipple, Nathan Strait, Richard Anderson. Central Utah Counseling Center
Deb Haveron. Tourism Director
John Higgins. Landfill Supervisor
Richard Jacobson. County Sheriff
Sheri Dearden. County Treasurer
Bonnie Gehre. County Auditor
Adam Richins. County Planner
Brenden Turner. East Recreation Supervisor
Matt Ward. Chronicle Progress
Brandon Stephenson. Sunrise Engineering

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 Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick asked if anyone had an opening statement to give. Commissioner said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF FEBRUARY 4, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 4, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of February 4, 2020, as presented.

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

FOLLOW UP ACTION ITEMS FROM FEBRUARY 4, 2020

There were none.

DISCLOSURE STATEMENTS

A disclosure statement was presented for Patrick Bennett who has an interest in his business, "Pat Bennett Window Tinting".

INDEPENDENT AUDIT, CUCC - RICHARD ANDERSON

Richard Anderson, Brian Whipple, and Nathan Strait, with Kimball and Roberts, CPA, presented the independent audit for the Central Utah Counseling Center and said that the audit was 100% clean. They then went over some ideas that they hope to move forward with regarding inpatient services in rural areas and mental health.

APPROVAL OF A FIDELITY BOND OR THEFT OR CRIME INSURANCE ON ALL COUNTY OFFICIALS AS A GROUP, RATHER THAN INDIVIDUALLY, BY PRESCRIBING THE AMOUNT OF SAID GROUP FIDELITY BOND OR THEFT OR CRIME INSURANCE FOR ALL COUNTY OFFICIALS, INCLUDING THE MILLARD COUNTY TREASURER, AND APPROVING THE PREMIUM FOR SAID BOND OF INSURANCE FOR ALL OFFICIALS

Attorney Finlinson said that the County is waiting on Utah Counties Indemnity Pool to send the premium.

OPENING OF THE ROAD DEPARTMENT BIDS FOR MAGNESIUM CHLORIDE

Auditor Gehre opened the following bids:

- Name: Dirt Busters \$78.48 per ton.

Commissioner Draper made a motion to accept the bid, as presented, and review the specifications of the bids, before making a decision.

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

DISCUSSION AND POSSIBLE RATIFICATION OF RESOLUTION 20-02-04A, A RESOLUTION OF THE BOARD OF THE COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH APPROVING THE FORM OF THE LEASE/PURCHASE AGREEMENT WITH ZIONS BANCORPORATION, N.A., SALT LAKE CITY, UTAH AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF

Attorney Finlinson said that at the last meeting, the contract was approved; however, a resolution is required in order for Zions BanCorporation to close the lease and get the equipment coming.

Commissioner Jackson made a motion to approve Resolution 20-02-04A, a resolution of the Board of County Commissioners of Millard County, Utah, approving the form of the lease/purchase agreement with Zions Bancorporation, N.A., Salt Lake City, Utah and authorizing the execution and delivery thereof.

Commissioner Draper SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Draper voted YES. Commissioner Jackson voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-02-18, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING TRUSTEES TO THE BOARDS OF MILLARD COUNTY DRAINAGE DISTRICT 1 THROUGH DRAINAGE DISTRICT 4

Commissioner Warnick said that these openings were posted and no applications were received. She said that the following agreed to be reappointed. District 1- Clint Atkinson. District 2- Robert Anderson. District 3- Theo Berry. District 4- Garth Lake.

Commissioner Jackson made a motion to approve Resolution 20-02-18, a resolution of the Board of County Commissioners of Millard County, Utah, appointing trustees to the boards of Millard County Drainage District 1 Through Drainage District 4.

Commissioner Draper SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Jackson voted YES. Commissioner Draper voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR CHRIS STEVENS-ATTORNEY'S OFFICE

Attorney Finlinson said that the State did a petty cash audit for his office and they suggested that his office get a card to pay for things instead of using petty cash for those purchases.

Commissioner Jackson made a motion to approve a credit card for Chris Stevens- Attorney's Office in the amount of \$1,000.00.

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

carried.

PUBLIC HEARING FOR THE PURPOSE OF OPENING THE BUDGET FOR THE 2020 YEAR

Commissioner Draper made a motion to enter into a public hearing for the purpose of opening the budget for the 2020 year.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:07 a.m..

Present were: Kevin Morris, Deb Haveron, John Higgins, Sheriff Jacobson, Treasurer Dearden, Auditor Gehre, Planner Richins, Supervisor Turner, Matt Ward, and Brandon Stephenson.

Auditor Gehre said that the Commission created a special assignment for Supervisor Morris and 40% of his salary, approximately \$42,000.00, will be coming from Tourism. Auditor Gehre said that additional amounts regarding this assignment are: \$10,000.00 for advertizing, \$10,000.00 for events, and \$6,000.00 for travel. Auditor Gehre said that the Tourism budget will increase by \$68,000.00 total.

Commissioner Draper asked Tourism Director Haveron if the amounts that Tourism awards will need to be addressed. Director Haveron said that she doesn't think that there will be an issue and went over some ideas that the Tourism Board will be discussing.

Sheriff Jacobson said that a check was received from the State for Search and Rescue in the amount of \$14,200.00. Auditor Gehre said that this is a pass through and will go into General Fund.

There were no other comments made.

Commissioner Jackson made a motion to close the public hearing.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:14 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-02-18A, A RESOLUTION OF THE BOARD OF THE COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH TO OPEN AND AMEND THE 2020 MILLARD COUNTY BUDGET

Commissioner Jackson made a motion to approve Resolution 20-02-18A, a resolution of the Board of County Commissioners of Millard County, Utah, to open and amend the 2020 Millard County Budget.

Commissioner Draper SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Jackson voted YES. Commissioner Draper voted YES. Commissioner Warnick

voted YES. The voting was unanimous and the motion carried.

DISCUSSION REGARDING MILLARD COUNTY FACILITIES USE AND RENTAL FEES

Commissioner Warnick said that this issue has been put on the March 10, 2020 Commission meeting agenda. Supervisor Morris said that this needs to be done quickly and given to those groups who have proposed rule changes in order to hear their feedback. He said that he has been in communications with both groups.

Commissioner Jackson said that he has spoken with both Recreation Supervisors and they both feel comfortable with the proposed prices.

Attorney Finlinson said that both groups have been pretty consistent in their requests and he feels that these rule changes can be applied and enforced consistently.

A brief discussion was had on the proposed fee structure and what property and events this will apply to.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-02-18B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, ADOPTING A POLICY REGULATING PRIORITY OF USE OF COUNTY FACILITIES DURING HIGH DEMAND PERIODS

Attorney Finlinson said that this resolution is temporary and will be included in the larger policy that will be discussed at the March 10, 2020 commission meeting. He said that this resolution needs to be addressed due to timing issues and specifically addresses the July 4, 2020 celebration in Delta.

Attorney Finlinson said that this resolution essentially changes the reservations system from a first-come first-serve to a situation where the County will advertize and begin receiving proposals. He said that any time anyone wants to sell tickets or will be making a profit from use of the facilities, the County will ask that a proposal be submitted.

A brief discussion was had on some language changes including security and emergency plans.

Later, Attorney Finlinson read the language into the minutes.

Commissioner Draper made a motion to approve Resolution 20-02-18B, a resolution of the Board of County Commissioners of Millard County, Utah, adopting a policy regulating priority of use of county facilities during high demand periods.

Commissioner Jackson SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Draper voted YES. Commissioner Jackson voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR BRENNAN ELLETT-SHERIFF'S OFFICE

Sheriff Jacobson said that Deputy Ellett has now joined Deputy Curtis in his responsibilities and will be transporting inmates. He said that a credit card is standard practice for the position.

Commissioner Draper made a motion to approve a credit card for Brennan Ellett-Sheriff's Office in the amount of \$1,000.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-02-18C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPROVING PREMIUM PAY FOR THE WEST CENTRAL STRIKE FORCE COMMANDER

Sheriff Jacobson said that the strike force has gone through some changes and the Commander position used to be funded entirely by the grant; however, the newly appointed Commander is also a Millard County Deputy Sheriff. He said that he would like to use a portion of the grant to go toward the Commander's pay so that he is adequately compensated for his increased responsibilities and duties. Sheriff Jacobson said that taking a portion of the grant doesn't provide rank promotion within the County's step and grade.

Attorney Finlinson said that in this situation, the Commander is an hourly employee as a Deputy instead of exempt and so a resolution was necessary to address things like overtime pay. He said that the Strike Force board will decide the amount of the premium pay.

Attorney Finlinson said that Auditor Gehre has researched and found that this is compatible with all statutory mandates.

Auditor Gehre said the grant will also pay for the additional costs of benefits.

Commissioner Jackson made a motion to approve Resolution 20-02-18C, a resolution of the Board of County Commissioners of Millard County, Utah, approving premium pay for the West Central Strike Force Commander.

Commissioner Draper SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Jackson voted YES. Commissioner Draper voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

DISCUSSION REGARDING SURPLUS SHERIFF'S OFFICE VEHICLES

Sheriff Jacobson said that the New Horizons Center in Richfield is in need of a vehicle and he would like to donate a 2004 Crown Victoria to their center. He said that the County previously received a \$100.00 and \$200.00 bid for this vehicle.

Attorney Finlinson said that the County can donate; however, it needs to be done during a public hearing. It was discussed to put this item on the next agenda.

Sheriff Jacobson said that the County Road Department is also interested in a 2011 Ford F-150 that the County was given a bid for in the amount of \$500.00 and a 2003 Chevrolet 1500 that received a bid in the amount of \$1,000.00. He said that the road department is willing to compensate

those bid values in order to purchase those trucks.

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in January 2020.

PUBLIC INPUT

Kevin Morris asked if the procedure had been explained for the Transit Room Tax (TRT). Treasurer Dearden and Auditor Gehre said that they are looking into this.

OTHER BUSINESS

Attorney Finlinson introduced Elise Harris who is the new Deputy Attorney for Millard County.

A business license application was presented for 2 Handed Services, Owner -David and Stephanie Olsen, a handyman business. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for 2 Handed Services, Owner - David and Stephanie Olsen.

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

Commissioner Draper received a request from Cleve Christensen who wants to retire from the Central Utah Health Department Board. He said that this position needs to be appointed to someone who lives along the I-15 Corridor in the County. He said this will need to be advertized.

Commissioner Jackson said that a meeting needs to be set up at Merrill Nelson's office this Thursday. Clerk Rowley was tasked with setting that meeting up.

Commissioner Warnick said that Dee Hollingshead passed away suddenly and his position will need to be advertized and filled.

Sheriff Jacobson said that Mr. Hollingshead was an amazing individual to work with and will be hard to replace.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

-PLANNING AND ZONING COMMISSION

Commissioner Draper said that no one has been asked to serve yet; however, six individuals were interviewed in an open meeting and they were each asked the same ten questions. He said that John Nye is who he would like to appoint to the Board because he believes Mr. Nye's involvement in agriculture will be beneficial and that Mr. Nye had a good grasp on the purpose of the Planning

and Zoning Commission.

Commissioner Draper made a motion to appoint John Nye to the Planning and Zoning Commission.

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 were none.

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

Commissioner Jackson said that the Commission is continuing to closely watch the issues being brought forth in the current legislative session.

Clerk Rowley updated the Commission on the status of the 2020 Presidential Primary Election.

Commissioner Warnick said that the census advertisements will begin in March.

AUDITOR REPORT

Auditor Gehre presented the following reports:

Check Edits:

February 7, 2020 - \$111,737.51

February 14, 2020 - \$207,801.26

Payroll Liabilities:

February 14, 2020 -\$164,350.41

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

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

Commissioner Draper SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were: Treasurer Dearden, Adam Richins, Assessor Manis, Attorney Finlinson, Commissioner Warnick, Commissioner Draper, and Commissioner Jackson.

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

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 12:13 p.m..

Attest: _____

Approved: _____