

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 10th DAY OF MARCH 2020
AT THE COURTHOUSE, FILLMORE, UTAH

- PRESENT: Evelyn Warnick. Chairperson
Wayne Jackson. Commissioner
Dean Draper. Commissioner
- Elise Harris. Deputy County Attorney
Jamie Hair Deputy Clerk
- EXCUSED: Pat Finlinson. County Attorney
Marki Rowley. County Clerk
- ALSO PRESENT: Brandon Winget. Road Supervisor
Richard Jacobson, Chad Imlay, Ben McDonald, Rob Clark,
Shane Brunson, and Kay Roper. Sheriff's Office
Kevin Morris. Recreation Supervisor
Eva Timothy. USU Extension
David Butterfield. Butterfield Constructors
Adam Richins. County Planner
Bonnie Gehre. County Auditor
Sheri Dearden. County Treasurer
Pat Manis. County Assessor
Matt Ward. Chronicle Progress
Pam Sheridan, Russ Finlinson, Geoffrey Sheridan, Coltin Roper, Bart Whatcott,
Randall Coleman, M. Grant, Jack Reider, Tracy Whatcott, Ross Olsen, Dent
Kirkland, John Niles, Zack Leavitt, Tyler Cope, Val Cope, Brandon Stephenson,
Kim and Jaqueline Anderson, Frank Paxton, Travis Taylor, Joe Rands, Brian
Monroe, Doug Robison, Earl Gardner, Fred Christensen,
Loreta Whitaker, and Lorin Shumway. Citizens

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 Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick asked if anyone had an opening statement to give. Commissioner Draper read a quote from John Adams which states, "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other". Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF FEBRUARY 18, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 18, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of, February 18, 2020, as presented.

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

FOLLOW UP ACTION ITEMS FROM FEBRUARY 18, 2020

Commissioner Draper referred to the rental fees for the equestrian facilities. Attorney Finlinson is preparing a final document. Public hearings should be held March 24, 2020 and those documents should be available for review soon.

RATIFY THE APPROVAL OF A BUSINESS LICENSE FOR 2 HANDED SERVICES, OWNER - DAVID AND STEPHANIE OLSEN

Commissioner Jackson made a motion to ratify the approval of 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.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR WHITE MOUNTAIN HORSES, OWNER- ROBERT MASSA

A business license application was presented for White Mountain Horses, Owner - Robert Massa, a business that consults with clients on application of hunting equipment. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for White Mountain Horses, Owner - Robert Massa.

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

SHERIFF'S OFFICE RECOGNITION-SHERIFF JACOBSON

Sheriff Jacobson said that he would like to recognize dispatcher, Kay Roper, for her actions on February 8, 2020 regarding a vehicle theft. He said that her actions resulted in two suspects being apprehended in Juab County and they now being held accountable for many other theft cases. Sheriff Jacobson thanked Ms. Roper for her outstanding work and presented her with a Sheriff's Letter of Commendation.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-03-10, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY REMOVING THE PART TIME POSITION IN THE USU EXTENSION DEPARTMENT OF ASSISTANT COORDINATOR AND REASSIGNING APPROPRIATE STEP AND GRADE FOR THE COORDINATOR POSITION

Eva Timothy, USU Extension, said that in the past there were both a coordinator position and an assistant coordinator position. She said that these positions do the same thing so she would like to remove the assistant coordinator position and change the step and grade for the coordinator position. Ms. Timothy said that they would like to hire two coordinators at a grade 6; one to focus on each side of the County. She said that they would like to work toward a grade 7 in order to keep reliable staff; however, it is not in their current budget.

Commissioner Jackson made a motion to approve Resolution 20-03-10, a resolution of the Board of County Commissioners of Millard County, Utah, amending resolution 13-01-22 (adopting the Millard County step and grade scale) by removing the part time position in the Usu Extension Department of assistant coordinator and reassigning appropriate step and grade for the coordinator position.

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

OPENING OF THE ROAD DEPARTMENT BIDS FOR LABOR ONLY TO CONSTRUCT THE NEW ROAD DEPARTMENT SHOP IN FILLMORE

Auditor Gehre disclosed that one of the bids was delivered to the Recorder's Office and opened. Once they realized what it was, it was sealed back up and given it to the Auditor's Office.

Auditor Gehre opened the following bids:

Butterfield Construction:	\$216,728.00
DartCo Masonry:	\$199,420.00
McQueen Masonry:	\$453,882.00
C&C Masonry:	\$180,000.00

Supervisor Winget said that these are the bids for the construction labor of the county road building. He said that the contractor will help the road department with cinder block. He said that

labor for the roof will have to be bid at a later date. Supervisor Winget explained that the building will be large enough to bring in graders, belly dumps, snow plows, and other large equipment to be serviced and repaired. He said that a lot of equipment is stored outside and has to be repaired elsewhere.

Commissioner Draper said that this building was approved in the budget and he wanted people to be aware of why it is necessary for the County to have its own facility to take care of its equipment.

Commissioner Draper made a motion to accept the bids, 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 APPROVAL OF A CREDIT CARD FOR TERRI STEPHENSON-ROAD DEPARTMENT

Supervisor Winget said that this will replace petty cash in their department and the limit for the card will be \$500.00.

Commissioner Draper made a motion to approved a credit card in the amount of \$500.00 for Terri Stephenson- Road Department.

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

AWARDING OF THE ROAD DEPARTMENT BIDS FOR MAGNESIUM CHLORIDE

Commissioner Draper said that the County has had a shortage of Magnesium Chloride due to budget constraints and that is why there has been a reduction in the amount of roads that receive the magnesium chloride.

Commissioner Draper made a motion to award the bid for Magnesium Chloride to Dust Busters in the amount of \$78.48 per ton.

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

DISCUSSION AND POSSIBLE APPROVAL OF DONATING SHERIFF'S OFFICE VEHICLES TO NON-PROFIT ORGANIZATION

Sheriff Jacobson said that the New Horizons Crisis Center whom they partner well with are in need of a vehicle. He said that the County was offered a trade in value of \$150.00 for a 2004 Crown Victoria (Vin #2980). He said that this vehicle seems to fit the needs of the New Horizons Crisis Center and he is requesting that the County donate this vehicle to them.

Auditor Gehre said that it is within the Commission's jurisdiction to donate it.

Deputy Attorney Harris said that there are two findings that need to be made: #1 - The

donation contributes to the health, safety, prosperity, moral well-being, peace, order, comfort, or convenience of county residents. #2 - a motion to approve the donation. After a brief discussion, it was decided that those findings have been made.

Commissioner Jackson made a motion to approve donating Sheriff's Office vehicles to the New Horizons Crisis Center.

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

CONSIDERATION AND DECISION REGARDING THE FOURTH OF JULY ARENA PROPOSALS

Supervisor Morris said that they didn't receive any bids. He said that both groups were contacted and didn't submit anything.

DISCUSSION AND POSSIBLE APPROVAL OF A POTENTIAL AGREEMENT WITH UTAH ASSOCIATION OF COUNTIES (UAC) FOR ECONOMIC DEVELOPMENT SERVICES - STUART CLASON AND PATRICK MULLEN

Commissioner Jackson said that he spoke with these two individuals about these services and this will save the County money.

Commissioner Draper said that the economic development budget is \$160,000.00 for this year and described the nature and responsibilities of the economic development coordinator position. He said that the Utah Association of Counties is proposing that they provide the interface with the State and multi-county entities so they can provide Millard County with a larger benefit by working with the State's Economic Development.

Commissioner Draper said that the contract with UAC would cost approximately \$60,000.00 per year. He said that the County's budget will also allow for a part-time position to handle things on a local level. Commissioner Draper said that the agreement with UAC appears to be a wise investment.

Commissioner Warnick said that UAC is very familiar with the processes and how they work. She said that the contract can be renewed on a yearly basis.

Commissioner Jackson made a motion to approve of an agreement with UAC for Economic Development Services contingent upon the County's review of the contract and that the contract amount does not to exceed \$60,000.00.

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

DISCUSSION REGARDING THE STATUS OF THE T.V. TECHNICIAN POSITION

Commissioner Warnick said that Dee Hollingshead passed away. She said that Mr. Hollingshead was the T.V. Technician for the County for many years and had a lot of knowledge.

Commissioner Warnick said that emergency help has been acquired, for the time being, who is being paid by the hour. The Commission agreed to have the County Attorney's Office initiate the request for proposals for a T.V. technician.

The meeting recessed for 3 minutes before the public hearing began.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING A PETITION FILED BY KIM AND JAQUINE ANDERSON TO VACATE THE FOLLOWING CLASS "D" COUNTY ROAD: OLD CORN CREEK CANYON ROAD (SOUTH OF AND APPROXIMATELY PARALLEL TO CORN CREEK) LOCATED WITHIN SECTION 27, TOWNSHIP 23 SOUTH, RANGE 5 WEST, SALT LAKE BASE AND MERIDIAN

Commissioner Draper made a motion to enter into a public hearing for the purpose of receiving public comment regarding a petition filed by Kim and Jaqueline Anderson to vacate the following Class "D" County Road: Old Corn Creek Canyon Road (South of and approximately parallel to Corn Creek) located within Section 27, Township 23 South, Range 5 West, Salt Lake Base and Meridian.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:00 a.m..

Present were: Richard Jacobson, Shane Brunson, Kevin Morris, Eva Timothy, Adam Richins, Bonnie Gehre, Sheri Dearden, Pat Manis, Matt Ward, Pam Sheridan, Russ Finlinson, Geoffrey Sheridan, Coltin Roper, Bart Whatcott, Randall Coleman, M. Grant, Jack Reider, Tracy Whatcott, Ross Olsen, Dent Kirkland, John Niles, Zack Leavitt, Brandon Stephenson, Kim and Jaqueline Anderson, Frank Paxton, Travis Taylor, Joe Rands, Brian Monroe, Doug Robison, Earl Gardner, Fred Christensen, Loreta Whitaker, and Lorin Shumway

Kim Anderson said that there is no county road in place where it used to be years ago and the trail is being utilized by folks to come across other people's properties and to come onto their property. He said that people are using the trail to access the Forest Service land and there is no access on that trail. He said that access was moved years ago to the current road. Mr. Anderson said that it has become a problem because the people on ATVs have caused property damage by cutting fence and tearing down gates.

Commissioner Warnick asked where the fence was. Mr. Anderson said that the fence was across the trail when they bought the property, but shortly after they purchased it the fence was cut and they have had problems ever since. He said that they would like to have the road vacated because there is no county access and it doesn't go anywhere.

Bart Whatcott said that this road is used to get off the main canyon road. He said that when he guided rides, he would take this road because it is safer. Mr. Whatcott said that people go slower on this road.

Mr. Whatcott said that the search and rescue still utilize this road and it is also used by the fire department to fight fires on the very west part. He said that the road doesn't provide access directly into Mr. Anderson's property; it just provides access through. Mr. Whatcott said that it is strictly a trail and he supports keeping it open for the recreation and fire access. He said that if closed, it will create two short ATV trails instead of having a looped trail.

Commissioner Draper said that this is a Class "D" Road and a two track trail that has been in existence for decades.

Travis Taylor, Kanosh Fire Department, said that they need that road to get into the area to fight wildland fires. He said that there was a fire approximately 4 years ago and the road was used then. Mr. Taylor said that the road comes back into the main canyon road and doesn't dead end. Mr. Taylor said that he would like the road to remain open.

Brian Monroe, Forest Service, read a letter that states that they respectfully object the vacating of this road. He said that most people prefer this route on their ATVs.

Fred Christensen, Paiute Trail Committee, said that their committee represents the Paiute trail system. He said that they like loops and if they start stopping routes there will be less people using them. He said that the trail system usage is tracked and went over the amount of trail riders and revenue that was brought in by use of the trail. He said that the trail committee is against closing the road.

Mr. Anderson said that the trail doesn't come into their property. He said that there are no maps showing that it is an ATV trail. He said that the ATVs are crossing private property to access that road. Mr. Anderson said that if the County came in and made a road and maintained it, it would be a benefit to him.

Jack Rider, Paiute Trail Committee, said that the forest map shows that this is the only trail that gets you into trail #334. He said that he feels for the land owner who has problems with people trespassing off the trails and part of his job is to educate people on staying on the trails.

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 11:25 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 20-03-10, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION VACATING A CLASS "D" MILLARD COUNTY ROAD, AND AUTHORIZING ITS REMOVAL FROM THE MILLARD COUNTY GENERAL PLAN AND TRANSPORTATION MAP

Commissioner Draper explained the differences between Class "B" and Class "D" roads . He said that he believes that this road has been in use for over 100 years and has a prescriptive easement. Commissioner Draper said that this road has existed long enough that it deserves to be there. He said that to move this to a Class "B" road would require different class of traffic and there

isn't currently a reason to do that.

Commissioner Warnick called for a motion. No motion was made.

BEDROCK ROADS PRESENTATION-VAL COPE

Val and Tyler Cope, Bedrock Roads, gave a brief presentation on their product bedrock roads. He said that their product works like building bedrock under the roads which eliminates the need to bring in road base. They showed a short video clip from KSL news on their product.

Commissioner Draper said that this is something that needs to be discussed with the Road Supervisor in detail. He asked them to get with him later.

Later, Commissioner Draper said that a federal grant in the amount of \$8,000,000.00 was awarded to the County to rebuild a portion of the Brush Wellman Highway. He said that this is being administered through UDOT and Millard County is bound by different contracts.

CIB LIST PRIORITIZATION WITH SIX COUNTIES ASSOCIATION OF GOVERNMENT-ZACHARY LEAVITT

Zachary Leavitt presented the annual CIB year list. Each representative from the towns and cities gave a brief description of their project.

After a brief discussion, the CIB List was prioritized as follows:

- 1 - Delta - sewer system improvements
- 2 - Holden - water master plan
- 3 - Millard County - County Jail renovations
- 4 - Leamington - maintenance and storage shed
- 5 - Scipio - park improvements
- 6 - Holden - town hall parking lot improvements

PUBLIC INPUT

Shane Brunson, Emergency Manager, said that they are following the coronavirus very closely. He said that he has been in communication with the health departments who feel that Millard County is in pretty good shape. Mr. Brunson went over the current recommendations from the Health Department.

Commissioner Jackson said that if employees are sick ask them to stay home.

OTHER BUSINESS

Sheriff Jacobson said that he had a payroll change notice for Deputy Faust who was hired

with lateral experience. He said that this creates a predicament when credit for time has been given in the profession because the language of the step and grade.

Commissioner Jackson said that the Attorney's Office has reviewed the one year agreement with USU Extension and said that it looks good.

Commissioner Jackson made a motion to approve a one year contract with the USU Extension.

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

Commissioner Warnick said that the census grant was received for \$5,000.00 and advertisements are currently being worked on. She said that there is a special appointment that is being made and this person will go out in the community and specifically reach out to the Spanish speaking community. She said that she encourages everyone to fill out the census questions.

Commissioner Warnick said that the period to file for candidacy begins March 13, 2020 and ends March 19, 2020 at 5:00 p.m.

Maintenance Supervisor Morris said that he spoke with Attorney Finlinson and they have requested letters from the Commission to be sent to the Bureau of Land Management (BLM) and the State Road Department regarding the High Desert Trail that will run from Box Elder County to Washington County.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper said that there is an opening on the Water Conservancy Board and this needs to be advertized.

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

Auditor Gehre said that a public hearing and an ordinance is necessary to increase the TRT tax increase. After a brief discussion, it was decided to add this to the commission meeting scheduled March 24, 2020.

Commissioner Draper said that the commissioners attended the National Association of Counties Conference in Washington D.C. and they each belong to different committees. He

explained some of the discussions held on the Public Lands Committee which included payments in Leu of taxes, secure rural school tax, and United States water rulings.

Commissioner Draper said that the Commissioners have been involved in the State legislature and went over the bills that could possibly impact Millard County.

Commissioner Warnick said that she attended the Department of Energy meeting where opportunity zones were discussed. She said that there are some good opportunities in Millard County.

Commissioner Jackson said that he is on the Military Board and they want a Veterans Service Officer in every County to provide access to the Veterans Affairs system.

AUDITOR REPORT

Auditor Gehre said that State Auditor's Office sent an alert regarding a fraud/risk assessment. She said that she has spoken to other clerk/auditors who are all opposed and the best thing to do is to prepare a response. Auditor Gehre explained that this is a blanket response and doesn't take into account the internal controls that may be in place. Commissioner Draper asked that Auditor Gehre call him when she sees that letter that is being drafted.

Auditor Gehre presented the following reports:

Check Edits:

February 21, 2020 - \$102,331.31
February 28, 2020 - \$132,488.53
February 28, 2020 - \$17,286.45
March 6, 2020 - \$47,261.20

Payroll Liabilities:

February 28, 2020 - \$400,267.47

Auditor Gehre said that they are tracking when employees pay room tax on business trips. She said that the room tax can't be abated at the point of sale; however, it can be requested from the State. Auditor Gehre said that the County has received \$5,400.00 back in 2019 and approximately \$23,661.84 over the last 4 years.

Auditor Gehre presented the surplus property list to the Commission and said that the Commission has the final approval. She said that it is ready to post if the Commission approves. The Commission decided to move forward and post the list. Auditor Gehre said that these items can be found on www.publicsurplus.com.

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

Commissioner Jackson made a motion to enter into a BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 12:26 p.m..

Auditor Gehre said that the Commission needs to sign and review the 2020 exemptions for charitable and religious organizations. She said that they have received all the applications from every entity.

Commissioner Jackson made a motion to approve the 2020 exemptions.

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

Commissioner Jackson made a motion to close the BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 12:29 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

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

Commissioner Jackson SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Assessor Manis, Commissioner Warnick, Commissioner Jackson, Commissioner Draper, and Deputy Attorney Harris.

After the closed executive session the regular meeting reconvened at 12:40 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 12:42 p.m..

Attest: _____

Approved: _____