

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 5th DAY OF MAY 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: Kurt Forsyth. Intermountain Healthcare
Susan Wilcox and Pat Manis.. . . . Assessor’s Office
Kevin Morris. West Recreation and Maintenance
Adam Richins.. . . . County Planner
Richard Jacobson and Lindsay Mitchell. Sheriff’s Office
Bonnie Gehre and Karen Jordan. Auditor’s Office
Sheri Dearden.. . . . County Treasurer
Richard Beckstrand. IT Director
Connie Hansen.. . . . County Recorder
Matt Ward. Chronicle Progress
Deb Haveron. Tourism

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 Jackson thanked the citizens of Millard County for all that they are doing to slow the spread of COVID-19. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF APRIL 21, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 21, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of April 21, 2020, as corrected.

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

FOLLOW UP ACTION ITEMS FROM APRIL 21, 2020

There were none.

Commissioner Jackson made a motion to convene as the Building Authority Board of Trustees.

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

PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE LOCAL BUILDING AUTHORITY OF MILLARD COUNTY FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT RELATIVE TO THE ISSUANCE OF A BOND TO FINANCE IMPROVEMENTS TO THE MILLARD COUNTY CARE CENTER

Commissioner Draper made a motion to enter into a public hearing of the Board of Trustees of the Local Building Authority of Millard County for the purpose of receiving public comment relative to the issuance of a bond to finance improvements to the Millard County Care Center.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:06 a.m..

Present were: Kurt Forsyth, Adam Richins, Richard Beckstrand, Pat Manis, Susan Wilcox, Sheri Dearden, Bonnie Gehre, Karen Jordan, Connie Hansen, Matt Ward, Deb Haveron, Richard Jacobson and Lindsay Mitchell.

Attorney Finlinson gave a brief history regarding the necessity to upgrade to the dining room facilities at the care center and the process to obtain financing. He said that a grant and a loan from CIB were awarded to Millard County and bonds have to be issued in order to receive the loan portion. Attorney Finlinson said that the County contracted with Chamberlain and Associates to be the Bond Counsel. He said that if a local government has a Building Authority then that is who CIB will work with due to State Law. Attorney Finlinson said that the purpose for this public hearing is to hear from the public regarding the purchase of bonds.

Commissioner Draper said that the bonds are in the amount of \$250,000.00 and the grant amount is an additional \$250,000.00. He said that if the bonds are approved, the money will be spent expanding the dining hall at the care facility.

Commissioner Draper explained that the building where the care center is located is owned

by Millard County; therefore, Millard County is responsible for upgrades and repairs to that building. He said that Traditions Healthcare has no financial obligation to upgrade the building.

Attorney Finlinson said that public comments can be received for the next two weeks by emailing them to Clerk Rowley at mrowley@co.millard.ut.us

There were no other comments made.

Commissioner Jackson made a motion to close the public hearing and go out of the Building Authority Board of Trustees meeting.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:14 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 20-05-05, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AUTHORIZING WAIVERS OF PENALTIES AND INTEREST ON LATE PERSONAL PROPERTY TAX FILINGS UNTIL AUGUST 1, 2020

Assessor Manis said that due to the Covid-19 pandemic, assessors are concerned about the ability of some businesses to meet the deadlines and pay their taxes. He said that the filing date can't be moved; however, penalties and interest may be waived until August 1, 2020. He said that this will allow businesses a little more time to pay their taxes.

Commissioner Draper asked if this ordinance impacts centrally assessed properties. Assessor Manis said that it did not.

Sheri Dearden asked if this ordinance included mobile homes. Assessor Manis said that the intention of the ordinance is for businesses.

Attorney Finlinson said that the ordinance is broad enough to include mobile homes if Treasurer Dearden decides it is necessary.

Attorney Finlinson said that a public hearing is not necessary for this because it is temporary and won't impact the citizens of Millard County negatively. He said that it still needs to be published so the ordinance won't go into affect for 15 days. Attorney Finlinson said that he will send the notice to the Chronicle Progress.

Commissioner Jackson made a motion to adopt Ordinance 20-05-05, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing waivers of penalties and interest on late personal property tax filings until August 1, 2020.

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 RESOLUTION 20-05-05, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING THE MILLARD COUNTY PERSONNEL POLICY MANUAL

Deputy Clerk Hair said that the policies for consideration in this resolution are sections XIV - Workplace Harassment and XVII - Grievance and Appeal Procedure. She said that in addition to the new workplace harassment policy, a training has been sent electronically to every employee. She said that she has been working with the Utah Counties Indemnity Pool (UCIP) to implement monthly trainings and asked that anyone who has comments or concerns regarding these trainings to contact her.

Attorney Finlinson said that he has reviewed some of these trainings and they are good. He said some of these trainings, such as the harassment, are mandatory.

Commissioner Draper made a motion to approve Resolution 20-05-05, a resolution of the Board of County Commissioners of Millard County, Utah, amending the Millard County Personnel Policy Manual.

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 RENEWAL OF FOREST SERVICE ROAD AGREEMENT

Commissioner Draper said that this is an annual contract for maintenance of roads within the Forest Service properties in Millard County. He said that currently, there is work being done on the Sand Rock Ridge road to widen it. He said that approximately \$20,000.00 is being contributed by the Forest Service. He said that the total estimated amount (value) is \$66,000.00. The County's fiscal responsibility will not exceed \$20,000.00.

Commissioner Draper made a motion to renew the Forest Service Road Agreement.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR HONEYCOMB HEMP INC., OWNER- BRANDON HOUSTON

A business license application was presented for Honeycomb Hemp Inc, Owner - Brandon Houston, a business that produces agriculture. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Honeycomb Hemp Inc, Owner - Brandon Houston.

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

RATIFY THE DECISION TO CEASE FURTHER LITIGATION REGARDING THE FLOWELL CAFO

Attorney Finlinson said that last meeting there was a closed session where they discussed the decision of the Land Use Office which was in favor of the Christensen's. He said that the prospects

were discussed and the unanimous feeling of the Commission was to not pursue further litigation.

He said that if the decision of the Commission was to take it further, the County could petition for judicial review at the district courts. Attorney Finlinson said that it was thought that the County had a decent chance in winning in the district courts; but it may ultimately weaken the zoning estoppel if the litigation continued into appellate court.

Commissioner Jackson made a motion to ratify the decision to cease further litigation regarding the Flowell CAFO.

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

PUBLIC INPUT

Kurt Forsyth introduced himself as the new administrator for the Fillmore and Delta Hospitals and said that they have been sending out letters to the Commission with updates regarding what Intermountain Healthcare is doing locally to prepare for the COVID-19 pandemic. He said that there has been some confusion with the State moving from red to orange and said that the Utah Health Department has put out documents to clarify things. Mr. Forsyth went over a few of the current guidelines. He said that Millard County is doing well and testing is still being done in both Fillmore and Delta. He encouraged the Commission and citizens to be cautious as items such as beginning youth sports are up for review.

Commissioner Warnick asked about testing. Mr. Forsyth said that he didn't know the exact cost; however, testing is available to anyone who needs it.

OTHER BUSINESS

Attorney Finlinson gave an update on the initiative regarding CAFOs. He said that a complaint was filed with the Clerk's Office and it has not yet fully been resolved. He said that he hopes he can present the initiative at the next commission meeting on May 19, 2020. Attorney Finlinson explained the deadlines and requirements for the ballot title.

Clerk Rowley said that she will send the Commission the ballot title information.

Attorney Finlinson said that the appeal by Flying J for the landfill fees is not quite ready. He said that this will be an agenda item at the next commission meeting and he will extend an invitation to all parties to attend.

Attorney Finlinson said that the grant has been submitted to renew the indigent defense fund. He said that \$2,000,000.00 is being cut from the State Budget and discontinuing funding for indigent defense has been considered. He said that the Counties who participate are working to maintain that funding.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper said that the Economic Development Board has requested someone from Fillmore City and Delta City to be on their board. He said that Mike Winget has been nominated from Fillmore City.

Commissioner Draper made a motion to appoint Mike Winget to the Millard County Economic Development Board.

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 was none.

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

Commissioner Draper said that County Commissioners manage things within the County similar to what mayors do for towns and cities. He said that there is a misconception that Commissioners meet only twice a month for a meetings to pass things that are deemed acceptable or unacceptable by different people.

Commissioner Draper explained that there are 21 county departments that each commission resides over. He said that after speaking with the other two commissioners, they estimate that they are putting in 45-70 hours per week for their Commission duties.

Commissioner Draper said that there was an assertion made that stated Commissioners who served two terms would have access to benefits for the rest of their lives. He said that this is incorrect and County Commissioners can't take benefits after they leave office. He said that retirement laws have changed but elected officials can contribute to a 401K. Commissioner Draper said that the County doesn't pay into the retirements for Millard Care and Rehabilitation employees.

Commissioner Draper said that less taxes are being collected and the Commission has tried to work with the budget so taxes aren't increased. He gave a couple of examples of how they have cut back. He said that events like the rodeo and livestock shows are being heavily impacted by COVID-19 and all these things will have a negative impact on County revenue.

Commissioner Draper said that there has been an inquiry regarding a County Redevelopment Agency (RDA) plan in the Intermountain Power Plant area. He said that the RDA was created in 2016 at the request of ECG.

Commissioner Draper read from Resolution 16-03-15C which stated that the RDA has no other duties or responsibilities to finish this project to completion. He read section #3 which states that from the effective date hereof, the RDA may, at its sole option, pursue a community development draft project area plan, or withhold any further action toward adopting a community development draft project area plan. If at any time, upon a duly called meeting of the RDA, the RDA determines that it will not pursue a community development draft project area plan, this Resolution shall be deemed void and of no further force and effect. The RDA decision shall be entered in the

Agency's minutes.

Commissioner Draper said that no action has been taken but there has been interest from multiple entities to develop that area. He said that this RDA would enable things like the production of hydrogen gas and other businesses associated with that process.

Attorney Finlinson presented an agreement from the State Parks and Recreation for Tourism. He said that it is a grant in the amount of \$15,000.00.

Commissioner Draper said that this grant will be used to promote the use of trails systems and this requires a \$1,000.00 contribution from the County. Judge Haveron said that the Great Basin Heritage Area will donate the required \$1,000.00.

Commissioner Jackson made a motion approve the agreement with the Utah State Parks and Recreation for a Tourism grant.

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

Commissioner Jackson said that pools have been opened for limited use and he has received a lot of comments on how clean the swimming pools are.

Commissioner Warnick said that they will pursue getting hand sanitizer for places that need it.

AUDITOR REPORT

Auditor Gehre said that elected officials retirement are treated like other employees with the exception that elected officials and their chief deputies, because they are appointed, can exempt out of retirement and put it all in a 401K.

Auditor Gehre said that her office received the loan payment from Traditions Healthcare in the amount of \$100,000.00.

Auditor Gehre said that the County received a rebate from GBS in the amount of \$70,235.00.

Auditor Gehre gave the following reports:

Payroll Liabilities:

April 24, 2020 - \$410,722.41

AP Check Registers:

April 24, 2020 - \$133,836.09

April 30, 2020 - \$78,906.24

April 30, 2020 - \$23,258.97 - Draft Zions Bankcard

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.

These Minutes are in
DRAFT form and
are subject to change

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 11:14 a.m..

Attest: _____

Approved: _____