

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 2<sup>nd</sup> DAY OF JUNE 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: Connie Hansen. . . . . County Recorder  
Richard Beckstrand. . . . . IT Supervisor  
Bonnie Smith. . . . . County Auditor  
Sheri Dearden.. . . . County Treasurer  
Adam Richins.. . . . County Planner  
Pat Manis. . . . . County Assessor  
Richard Jacobson. . . . . County Sheriff  
Mike Gates and Trevor Riding.. . . . Bureau of Land Management (BLM)  
Matt Ward. . . . . Chronicle Progress  
Dave Remkes. . . . . Citizen

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 Samuel Adams which states that, “The Utopian schemes of leveling, and a community of goods, are as visionary and impractical, as those which vest all property in the Crown. These ideas are arbitrary, despotic, and in our government unconstitutional.” Commissioner

Draper said that he has been looking at the current unrest in the United States, and the idea of leveling income and everyone having equal amounts is simply not how life works. Commissioner Draper read a quote of Thomas Jefferson which states that “If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.” Attorney Finlinson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### APPROVAL OF MAY 19, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 19, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of May 19, 2020, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM MAY 19, 2020

There were none.

#### DISCUSSION AND POSSIBLE DECISION REGARDING EAGLE’S LANDING LANDFILL APPEAL

Commissioner Jackson said that this has been looked over and the price has been adjusted down from \$7,000.00 to \$2,160.00 per month. He said it was largely determined by the hauls made by Holt’s Waste. He proposed to adjust this retroactively and prospectively.

Commissioner Draper said that he is concerned about setting a base rate and locking the County into a contract like situation because it is based on waste volume that changes from month to month.

Attorney Finlinson said that he will include language that states the rate can be adjusted based on waste volume.

Commissioner Jackson made a motion to adopt a proposal of adjusting the monthly rate for Eagle’s Landing from \$7,000.00 to \$2,160.00 subject to further adjustments based on usage records.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A SITLA EASEMENT CONTRACT

This item was tabled.

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-06-02, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY CREATING A LANDFILL OPERATOR POSITION AND ASSISTANT LANDFILL SUPERVISOR POSITION

Commissioner Jackson said that a landfill employee has been promoted to Assistant Supervisor at a Step 13 and they are also creating an Operator I and Operator II position at a Step 12 and 12A.

Commissioner Jackson made a motion to approve Resolution 20-06-02, 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 creating a Landfill Operator position and Assistant Landfill Supervisor position.

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.

#### PRESENTATION OF LOCAL INITIATIVE “2020 LAND USE AMENDMENTS” (PROPOSITION #6) TO THE MILLARD COUNTY COMMISSION

Clerk Rowley presented the initiative packet along with the official ballot title and the declaration of the Clerk confirming that the signatures gathered were sufficient. (See exhibit A)

Attorney Finlinson said that this presentation was delayed about a month because there was a complaint received by the Clerk’s Office that stated some of the signatures were signed under violation of State Code. He said that the result of the investigation is that none of the signatures that were counted were gathered inappropriately. He said that there were some issues found in approximately five packets and those packets were not counted.

Attorney Finlinson briefly went through documents in the packet. He said that the law requires a formal presentation from the Clerk to the legislative body once the signatures are verified. He said that the Commission now has the following options:

1. The Commission has 30 days to adopt the initiative and it won’t be placed on the ballot.
2. The Commission formally rejects the initiative within 30 days and it is placed on the ballot.
3. The Commission does nothing and the initiative is placed on the ballot.
4. The Commission adopts a competing law within 30 days which would then be placed on the ballot as a referendum along with the initiative and they would compete against each other.

Attorney Finlinson said that the Clerk’s Office will begin to prepare a voter information pamphlet which includes the ballot title, initiative language, and arguments for and against. He said that it will be made available by email to all registered voters of the County.

Attorney Finlinson briefly explained the process that went into creating and verifying the packets.

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-06-02A, A RESOLUTION

## OF THE MILLARD COUNTY COMMISSION ADOPTING UTAH RETIREMENT SYSTEMS TIER 2 PUBLIC SAFETY AND FIRE FIGHTERS EMPLOYER PICKUP ELECTIONS

Sheriff Jacobson said that with the law change, participating employers can elect to pay all or part of the required employee member contributions as an “Employer Pick-Up” for tier II public safety and fire fighters. He said that he believes the County has budgeted for this change. Sheriff Jacobson said that he proposes that the County contribute because the money has been budgeted for.

Auditor Smith said that the required 2% employer increase was budgeted and that the 2.27% employee pickup was not. She said that if the commissioners choose to approve this resolution and the Sheriff’s Office can absorb the cost, then an open hearing won’t be necessary to open the budget. She said that the cost will be approximately \$12,300.00 for the rest of the year. Auditor Smith said that this seems to be widely adopted with only Washington County and Logan City reporting that they didn’t pick up this contribution.

Commissioner Draper made a motion to approve Resolution 20-06-02A, a resolution of the Board of County Commissioners of Millard County, Utah, adopting Utah Retirement Systems tier 2 public safety and fire fighters employer pickup elections.

Commissioner Jackson 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 OF MORMON CRICKET SITUATION IN MILLARD COUNTY

Commissioner Draper said that due to a dry winter, mormon cricket populations are high and historically some of these hatches have required action by the Commission because the infestation became so large. He said that Animal Plan Health Inspection Service (APHIS) who operates under the United States Department of Agriculture (USDA) and helps control these infestations is being tied up with paperwork due to environmental groups.

Commissioner Draper said that he has personally seen crickets in Cove Fort, near Holden, and Dry Creek by Oak City. He said that if individuals are having problems, please contact the one of the commissioners.

Mike Gates and Trevor Riding, Bureau of Land Management (BLM) introduced themselves and said that they are working closely with APHIS. Mr. Riding said they are concerned about the mormon crickets in the County and also grasshoppers around Scipio and Yuba lake.

Mr. Riding said that APHIS has recommended treatment but he is unable to treat on public lands due to environmental groups tying up the documents. He said private land owners can treat their property but the treatment will be less effective if the public lands can’t be treated. Mr. Riding said that they are concerned that growth in these populations will continue since they can’t treat them.

Mr. Gates said that they intend to keep working with APHIS and pushing toward treating the public lands.

Mr. Riding said that private land owners can contract with private contractors and APHIS

will reimburse part of the cost for that contractor.

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Commissioner Jackson would like to thank our local firefighters for working on the fires over the weekend.

Clerk Rowley said that the discounted Lagoon tickets are available again for employees this year if the Commission approves. She said that the price has increased to \$51.95 per ticket and explained some of the restrictions due to COVID-19. The Commission gave their approval to offer lagoon tickets to the employees.

Clerk Rowley said that the 2020 Primary Election will be held on June 30, 2020. However, due to Legislative changes for this election only, to help prevent the spread of the coronavirus the election will be conducted entirely by mail. She said that 24 hour drop boxes will be available for depositing mail-in ballots until 8 p.m. on Election Day. However, there will be no polling places on Election Day; no in person voting, including no in person early voting; no in person voter registration and no voter registration by provisional ballot.

Clerk Rowley said that her office will be open from 7:00 a.m. to 8:00 p.m. on Election Day to help voters who cannot read or mark a mailed ballot. Her office can provide assistance or the use of a ballot marking device with accessible features. She also suggested that anyone needing assistance with voting their ballot or who may have ballot issues to contact the Millard County Clerk's Office 435-743-6223; 435-864-2440.

Clerk Rowley also explained that this Primary Election ballot only contains Republican candidates and the Republican Party chose to close its Primary to only allow voters affiliated with its party to vote. Therefore, any voter not affiliated with the Republican Party who wish to vote this Primary ballot, has until June 19, 2020 to affiliate with that party. She explained that party affiliation does not matter in the General Election, so all active registered voters regardless of party will receive a ballot for the November 3, 2020 General Election. ?

Commissioner Warnick encouraged everyone to complete the 2020 census.

#### DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There were none.

#### 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

Attorney Finlinson said that the State courts are enhancing their restrictions. He said that there will be no trials scheduled through the summer and no people allowed in the courtroom. He explained the possible challenges that this will present his office and his plans to reassign deputy attorney's to help with the overflow when things open back up.

Attorney Finlinson said that he is going to meet with Utah Counties Indemnity Pool (UCIP) to go over the County's claim history so they can help us identify any trends. He said that Deputy Clerk Hair has began the safety trainings program which directly impacts our premiums to UCIP. He said that he understands that the trainings aren't convenient and are a change for some departments; however, this can help the County's experience rating for premiums.

Commissioner Draper said that the funds for the Brush Wellman Highway have been approved and construction will begin within the next few weeks and will be completed by the end of July. He said that the contractor for this project is also the contractor working on the I-15 passing lane.

Commissioner Draper said that the Planning and Zoning Commission meets tomorrow in Delta at 6:30 p.m.. He said that in an effort to help those involved in large scale agriculture, Planner Richins has reached out and spoke to them about updating their conditional use permits (CUPs). He said that what is decided at the Planning and Zoning meeting will be put on the next commission agenda.

Commissioner Warnick said the total number of Covid-19 Cases reported Millard County is still six and she thinks we are doing well as a County.

Clerk Rowley said that she has heard a lot of expressions of appreciation for Vance Beckstead and his work keeping the buildings clean and sanitized for everyone. Attorney Finlinson expressed his appreciation as well. The Commission thanked Mr. Beckstead for his good work.

## AUDITOR REPORT

Auditor Smith said that her office received the loan payoff from Traditions Healthcare and then gave the following reports:

### AP Check Registers:

May 22, 2020 - \$128,939.86

May 29, 2020 - \$85,998.05

May 29, 2020 - \$7,794.32 Draft Zions Bank

Payroll Liabilities:

May 22, 2020 - \$412,782.73

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 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 Commissioner Draper, Commissioner Warnick, Commissioner Draper and Attorney Finlinson.

After the closed executive session the regular meeting reconvened at 11:17 a.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 11:18 a.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_