

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 4th DAY OF AUGUST 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: Richard Beckstrand. IT Supervisor
Adam Richins. County Planner
Lindsay Mitchell. Sheriff’s Office
John Higgins. Landfill Supervisor
Brandon Winget. Road Supervisor

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 that states, “Think for yourself or others will think for you and not of you while they do it.” Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JULY 21, 2020 COMMISSION MINUTES

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

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

FOLLOW UP ACTION ITEMS FROM JULY 21, 2020

There were none.

INTERIM SUCCESSORS

Interim successors were presented for the Golf Course, Landfill, East Recreation, West Recreation, and IT Departments.

RATIFY THE COMMERCIAL BUSINESS RADIO CONTRACT

Attorney Finlinson said that this contract is for the over-the-ground television maintenance.

Commissioner Jackson made a motion to ratify the Commercial Business Radio Contract for television maintenance.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR HAFEN AGRITOURISM, LLC, OWNER - JESSICA AND LONNIE HAFEN

A business license application was presented for Hafen Agritourism, LLC, Owner - Jessica and Lonnie Hafen, an agritourism business.

Planner Richins said that these individuals have applied for two business licenses. He said that they intend to start a small agritourism business and depending upon the size of the activities they hold, a conditional use permit (CUP) may be required. He said that they have submitted one in case it becomes necessary.

After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Hafen Agritourism, LLC, Owner - Jessica and Lonnie Hafen.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR HAFEN GAME BIRD RANCH, LLC OWNER - JESSICA HAFEN

A business license application was presented for Hafen Game Bird Ranch, LLC Owner - Jessica Hafen, a business that raises game birds and provides private hunts of those birds.

Commissioner Jackson asked if any special licensing is necessary for this kind of business. Clerk Rowley said that she will look into it.

After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Hafen Game Bird Ranch, LLC Owner - Jessica Hafen contingent upon the proper licensing be acquired if necessary.

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

DISCUSSION AND POSSIBLE ACTION REGARDING REIMBURSABLE EXPENSES INCURRED BY THE PLANNING DEPARTMENT IN THE COURSE OF PROJECT APPLICATIONS AND ADVERTISING

Planner Richins said that his office budget accounts for the day-to-day operations and projects; however, large projects are unpredictable and additional professional expertise is necessary which adds to the expense. He said that he foresees some of these large projects in the upcoming year. Planner Richins said that the work needs to be done; however, he doesn't want to go over budget. He said that he may have to request funds in order to pay for these larger projects. Planner Richins asked the Commission for some direction on how to handle these situations.

Auditor Smith said that there is a public hearing later today where all budgets are being discussed. She said that if there are known projects they can be discussed today. She said that she anticipates that the budget will have to be opened again soon. Auditor Smith said that these projects still need to be budgeted for as much as possible.

Commissioner Draper said that the Commission needs to figure out if it is possible to put a procedure in place to reimburse the Planning Department for these large expenses without having to open the budget and hold public hearings for each time this happens.

Auditor Smith said it is possible to set up an account for those professional fees that is off set by its own revenue account.

Planner Richins said that he doesn't have any specific numbers yet, but wanted to make the Commission aware that some large projects and expenses are coming in the near future.

DISCUSSION AND POSSIBLE APPROVAL OF TWO CELL PHONE AGREEMENTS-SHERIFF'S OFFICE

Lindsay Mitchell, Sheriff's Office, said that newly hired Deputies Dyson Heath and Kenyon James both need cell phone agreements in the amount of \$40.00 each.

Commissioner Jackson made a motion to approve a cell phone allowances for Dyson Heath and Kenyon James in the amount of \$40.00 each, per month.

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

AMBULANCE ABATEMENTS

Ms. Mitchell, Sheriff's Office, presented an ambulance abatement application for Ruth Christensen and went over her financial situation.

Auditor Smith said that a new process that allows any collections or debts to be collected by IRS refunds is currently being worked on and this may be an option to the County in the future.

Commissioner Draper said that this qualifies under the poverty guideline.

Commissioner Jackson made a motion to abate 100% of Ms. Christensen's ambulance bill based on poverty guidelines.

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

Ms. Mitchell presented an ambulance abatement application for Paul Consiglio and went over his current financial situation. She said that this was denied last year because he was found non-indigent. She said that he has been making small monthly payments.

Commissioner Draper said that more current information is needed because Mr. Consiglio does contract work.

Commissioner Draper made a motion to reject the ambulance abatement application.

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

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2020 YEAR. ALL BUDGETS COULD BE DISCUSSED AND CONSIDERED AS NECESSARY. OPENING BUDGET WITH INTENT TO UTILIZE CAPITAL, LANDFILL AND B ROADS FUNDS TO COMPLETE THE CONSTRUCTION OF A LANDFILL/ROAD MAINTENANCE SHOP AND OFFICES

Commissioner Jackson made a motion to enter into a public hearing for the purpose of opening budgets for the 2020 year. All budgets could be discussed and considered as necessary. Opening budget with intent to utilize Capital, Landfill and B Road funds to complete the construction of a landfill/road maintenance shop and offices.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:37 a.m..

Present were: Lindsay Mitchell, Richard Beckstrand, Brandon Winget, John Higgins, Adam Richins, and Auditor Smith.

Commissioner Draper said that the Road Department building was first budgeted in the amount of \$430,000.00 He said that after the budget had been approved, a request was made to expand the building so that the Landfill Department could also store equipment. He said that the size of the building went from 100' x 200' to 250' x 120' which changed building requirements significantly. Commissioner Draper said that deficiencies in the budget were brought to light when bids for the roof were received and they were 3 to 4 times the amount budgeted for.

Commissioner Draper said that those bids have been rejected and alternative ways to finish the building have been looked at. He said that the original building was going to be all metal;

however, later it was determined that cinder block walls would be more durable.

Commissioner Draper said that the roof trusses alone are almost half of the entire building's initial budget. He said that this building needs to be completed so that what is built and the County's financial investment in it will be protected.

Commissioner Draper listed the following three issues regarding the building at this point and time:

1- Having an unfinished building wastes the expenses that have already been put toward it. He went over all the items still needed in order to complete the building which includes, concrete (material only), v-decking, insulation, electrical systems, doors, etc. He said that the concrete itself will cost approximately \$102,000.00, doors will cost approximately \$100,000.00, and trusses and v-decking would be between approximately \$235,000.00 to \$250,000.00. He said the roof installation will also require outside help to install and bids will need to be submitted.

2- Public Safety. A building to store and repair road equipment is needed along the I-15 corridor in the County because it typically deals with more winter snow and listed the reasons why snow plows are so important for the community and public safety.

3- Commissioner Draper said that the County has many expensive pieces of equipment that are currently stored outdoors. He said that storing the equipment in the building will prolong the lives of the equipment. He said that there are 6 snow plows and the cost to replace one is approximately \$375,000.00. He said that the County has 8 road graders with a replacement cost of approximately \$400,000.00, and 1 loader with a replacement cost of approximately \$300,000.00. These pieces of equipment are no longer just mechanized, they have delicate computerized control systems that can be damaged by extreme temperatures and weather. Commissioner Draper said that because the equipment is currently stored outdoors, it can ice up in the winter and takes extra time for employees to get the equipment operable.

Commissioner Draper said that the total cost of the building is currently estimated between \$700,000.00- \$800,000.00. He said that the Landfill Department can contribute up to \$200,000.00 for their share of the building. He said the possible funds for the construction of the building can also be found in the Road Department's Fund 21 and explained some of the restrictions on Fund 21 spending. He said that it would best serve the County to allocate money to complete this building before winter sets in.

Auditor Smith said that the Wellness Committee was awarded \$350.00 and this award just needs to be added to the Wellness budget.

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 10:53 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-08-04, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TO OPEN THE 2020 MILLARD COUNTY BUDGET AND AMEND COUNTY BUDGETS FOR THE PURPOSE OF COMPLETING THE CONSTRUCTION OF A LANDFILL/ROAD MAINTENANCE SHOP AND OFFICES.

Commissioner Warnick said that she is concerned with how the initial budget was estimated so low and when and how the building size and materials were approved. She said that the building was estimated to cost \$400,000.00 at the budget hearing in December.

Commissioner Warnick said that she wants to figure out how this happened so situations like this can be prevented in the future.

Commissioner Warnick asked when the decision was made to change the building from all metal to cinder block. Commissioner Draper said that the decision to change to cinder block was made within his jurisdiction over the Road Department to make that decision. He said that at the time the cost of the cinder block was considered to still be within the budget.

Commissioner Warnick said that the cost of the cinder block was \$44,000.00 and the labor to install it was \$180,000.00 which was still within the budget of \$400,000.00.

Commissioner Draper said that it wasn't anyone's fault that this happened. He said that when the roof was bid it was realized that the overall budget was going to fall short.

Commissioner Warnick said that she wants to make sure that this doesn't happen again because the building's cost is now double the original budget.

Commissioner Warnick said that the Road Department building in Delta is a good building capable of handling the needs of the Road Department. She said that she was okay with spending \$400,000.00 on a building in Fillmore, but the cost has now risen significantly and she has a lot of concerns about spending this amount of money; especially right now where the County's revenue is expected to decrease. She said that she would like to possibly spread the project out into future budgets.

Supervisor Winget said that the walls are braced right now and are not stable. He said that the roof is what will hold the walls up. He said that the cost of the roof was a large surprise and he apologized for that; however, he said that he doesn't want the building to fall in and the work that has been done to this point be wasted. Supervisor Winget said that there is money in the Road Department funds for this; however, it hasn't been budgeted for and that is where the problem lies. He said that the rainy day fund is available and some funds could be pulled from that although he understands that they don't want to drain it completely. He said that the roof needs to be completed.

Auditor Smith went over the current Road Department fund balances and the anticipated revenues for the rest of the year. She explained that some funds are always rolled over, otherwise, the County would have to get a tax bond.

Auditor Smith said that once the decision was made to make the building bigger, it should have triggered a public hearing process because the budget would change.

Attorney Finlinson said that this public hearing triggered by the budgetary realization.

Commissioner Draper said that within the road department budget, there is a fund with approximately \$1,500,000.00 in it. He asked Auditor Smith if this money is outside of the active funds intended for the budget. Auditor Smith said that Fund 21 funds the Road Department budget.

Supervisor Winget said that Treasurer Dearden told him that there is currently \$1,500,000.00 in the Fund 21 account and they need to keep at least three months worth of expenses in that account. Auditor said that the current pooled cash report shows approximately \$1,100,000.00 in Fund 21.

Supervisor Winget said that the cost of fuel which comes from District 8 funds has decreased significantly and asked if savings on fuel can be moved to the line item to cover the building construction expenses. He said that there should be approximately \$500,000.00 in that account and the money is for roads only. Auditor Smith said that the Commission could authorize that move in this meeting. Supervisor Winget said that he doesn't have the exact figure to know how much could be moved from that account.

Commissioner Draper said that a report of a PILT (payments in lieu of taxes) payment last week indicated that about \$400,000.00 would be deposited in District 8 soon. Supervisor Winget said that there was approximately \$190,000.00 in the account the week prior. He said that Special District 8 money can only be used for roads which includes things like fuel and tires. He said that would free up other line items in his budget to pay for the building construction.

Commissioner Warnick said that Special District 8 will be receiving a payment of approximately \$352,428.00.

Auditor Smith said that the fuel budget has approximately \$250,594.00 remaining. Supervisor Winget said that he could request that amount from Special District 8 to cover fuel and then transfer those funds toward building costs.

Commissioner Draper said that and this would have to go through the District 8 board for approval.

Auditor Smith quickly went over the Landfill budget, anticipated revenues and loan payments.

Commissioner Jackson asked if bids were the next step in the process if approval to move funds is made. Attorney Finlinson said that the budgeted roof amount can be discussed so that cost can be anticipated by the County. He said that this doesn't give any individual bidders an advantage.

Commissioner Warnick said that she would like bid requests to be sent out so that a clear estimate can be made for the cost to complete the building construction.

Commissioner Draper explained the remaining items that the County needs to receive bids on and said that the trusses will be from a sole source provider.

Attorney Finlinson said that it is hard to get a clear estimate of cost because the bids aren't good for an indefinite amount of time.

Commissioner Jackson said that he would like to bid the roof as soon as possible in order to secure the building.

Supervisor Winget said that installing the trusses and v-deck will secure the building.

Attorney Finlinson briefly explained the sole source process. Planner Richins explained the process that determined a sole source provider for trusses.

Attorney Finlinson read the portion of the County procurement code regarding sole source

providers. Auditor Smith said that the Commission needs to approve the sole source prior to the accrument of services or materials.

Commissioner Draper suggested that this item can be moved to the next agenda and bids can be sent out in the meantime. He said that if the bids are received for the roof, insulation, doors, and concrete, they can be discussed at that time. He said that a sole source provider could also be determined at that time.

Commissioner Jackson made a motion to delay action on this for a sole source provider until the next meeting and bids will be considered in the first meeting in September.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Jackson said that the Annual Congressional ride starts on August 10, 2020 and those attending will meet in Antimony, Utah.

Commissioner Jackson said that Millard County has had a total of 84 fires as of this morning and most of those have been human caused.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Clerk Rowley said that she hasn't received any responses for the positions that have been advertised.

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 Jackson said that he recently met with six counties and they are going to replace their aging director soon. He said that they also have funding available for businesses impacted by Covid-19.

Commissioner Warnick said that businesses who have been impacted by Covid-19 may be

able to receive financial help from the County through the Cares Act. She said that the information on the application process is being sent out and advertised.

Commissioner Warnick said that the County Fair is being held this week and encouraged the public to attend.

AUDITOR REPORT

Deputy Auditor Madsen presented the following reports:

A/P Check Registers:

July 23, 2020 - \$45,025.09

July 31, 2020 - \$131,847.10

Zions Bank Card:

July 31, 2020 - \$18,632.54

Payroll Liability Check Registers:

July 31, 2020 - \$208,016.08

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 Jackson, and Attorney Finlinson..

After the closed executive session the regular meeting reconvened at 11:58 a.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 11:59 a.m..

Attest: _____

Approved: _____