

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 10<sup>th</sup> DAY OF NOVEMBER 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  
Eva Timothy.. . . . USU Extension  
Sheri Dearden.. . . . County Treasurer  
Bonnie Smith. . . . . Auditor’s Office  
Adam Richins.. . . . County Planner  
Pat Manis. . . . . County Assessor  
Brandon Winget.. . . . Road Supervisor  
Faylyn Catmull.. . . . CentraCom  
Dick Shelley.. . . . Desert Echo  
Bob Viveiros. . . . . Crossroads Dairy  
Jeff Christensen. . . . . Millard Care and Rehabilitation  
Elizabeth Jordan and Loyd Johnston. . . . . Citizens

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 welcomed the public and asked if anyone had an opening statement to give. Commissioner Jackson said that Veterans Day is tomorrow and although all programs are cancelled due to Covid 19, He would personally like to recognize and thank all veterans for their

service. Commissioner Draper said that the Constitutional Convention ended in 1787 and one of the delegates was James McHenry who recorded the following in his journal, “A Lady asked Dr. Franklin, Well Doctor, what we got a republic or a monarchy – A Republic replied the Doctor if you can keep it. Commissioner Draper said that the lady being alluded to was Mrs. Powell of Philadelphia.

Commissioner Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### APPROVAL OF OCTOBER 20, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 20, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of October 20, 2020, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM OCTOBER 20, 2020

There were none.

#### DISCUSSION WITH CENTRACOM REGARDING COUNTY BROADBAND- BRAD WELCH

Faylyn Catmull, CentraCom, gave a brief overview of what they have been doing and what programs they are involved in rural areas of the State. She outlined how CentraCom plans to provide services in Millard County and specified certain areas where they will put fiber. She said that they are committed to providing service in Millard County.

Commissioner Draper asked if CentraCom was aware of the fiber cable currently being laid in the County and if legislation regarding monopolies has been factored into their plans. Ms. Catmull said that she will pass that information on and look into possible monopolies. She said that at this point there isn't anything that the County needs to do.

#### DISCUSSION AND POSSIBLE APPROVAL OF CREDIT CARDS FOR OUR 4-H COORDINATORS TONYA MORRISON AND COURTNEY STEPHENSON- EVA TIMOTHY

Eva Timothy, USU Extension, said that the 4H coordinators currently purchase items for their respective programs through her. She said that it will be easier if they have their own cards to make these purchases; however, any purchases they make would still be pre-approved by her. She requested \$500.00 limits on these cards.

Commissioner Jackson made a motion to approved credit cards for 4-H Coordinators Tonya Morrison and Courtney Stephenson in the amount of \$500.00 each.

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

DISCUSSION AND POSSIBLE APPROVAL OF USE OF THE COUNTY FAIR BUILDING FOR A CHRISTMAS CONCERT- DICK SHELLEY

Dick Shelley said that the Desert Echo Choir is made up of 40 local members and they hold two concerts each year as a benefit for the local Utah Food Bank. He said that the food bank has received over 2 tons of food items over the years from this concert. Mr. Shelley asked that they be able to hold their concert on December 5, 2020 at the Fair Building because it is large enough to hold the concert and social distance appropriately. Mr. Shelley requested that the fee for the fair building be waived.

Commissioner Jackson made a motion to approve use of the County Fair Building for a Christmas Concert on December 5, 2020 and waive the fees for its use.

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

APPROVAL OF COMMERCIAL APPRAISER FOR MAGNUM/SAWTOOTH CAVERNS FOR 2021

Assessor Manis said that Magnum/Sawtooth no longer qualifies to be centrally assessed and needs to be locally assessed because they no longer intend to sell their salt. He said that his office is not capable of handling a local assessment of this size and he is requesting to hire a commercial appraiser. Assessor Manis said that he contacted 10 other counties in the State and several of them recommended Brent Eyre. He said that he spoke with Mr. Eyre who said that he would have time to do it and it would cost approximately \$4,000.00 - \$5,000.00 . Assessor Manis said that the County will possibly save money if this is appealed because the assessment will have already been done.

Commissioner Draper asked Assessor Manis to get documentation from Sawtooth stating that they don't intend to sell their salt.

Commissioner Draper made a motion to approve a commercial appraiser, Brent Eyre, for Magnum/Sawtooth Caverns for 2021.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON APPLICATION #Z-2020-032 TO AMEND CONDITIONAL USE PERMIT #Z-2007-010 AND ALLOW FOR AN INCREASE IN ANIMAL UNITS AT AN EXISTING DAIRY, A LEVEL 3 CONFINED ANIMAL FEEDING OPERATION LOCATED APPROXIMATELY 5.5 MILES NORTHWEST OF DELTA. CROSSROADS DAIRY LLC, APPLICANT

Commissioner Draper made a motion to enter into a public hearing for the purpose of receiving public comment on application #Z-2020-032 to amend conditional use permit (CUP)

#Z-2007-010 and allow for an increase in animal units at an existing dairy, a level 3 confined animal feeding operation located approximately 5.5 miles northwest of Delta. Crossroads Dairy LLC, Applicant.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:30 a.m..

Present were: Adam Richins, Richard Beckstrand, Elizabeth Jordan, and Loyd Johnston.

Bob Viveiros, Crossroads Dairy, said that he appreciates the consideration and that they are zoned AG Industrial already. He explained that they currently have heifers at a few different sites and this will allow them to bring all of their animals home at once. He said that this will increase the number of allowed animal units from 3,200 to 5,300.

Planner Richins said that the Planning and Zoning Commission recommended reasonable conditions be imposed and gave a favorable recommendation. He said that they aren't putting any animals closer to the neighbors than they already are.

Planner Richins said that the conditions include dust and odor control measures, measures to limit rodents, flies and insects, adherence to their certified nutrient management plan, and meeting State and Federal requirements. Planner Richins said that there was a lot of support at the meeting; however, there was one neighbor who did come and object due to dust issues.

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 10:37 a.m..

The regular meeting reconvened.

#### DISCUSSION AND POSSIBLE APPROVAL OF APPLICATION #Z-2020-032 TO AMEND CONDITIONAL USE PERMIT #Z-2007-010 TO ALLOW FOR AN INCREASE IN ANIMAL UNITS AT AN EXISTING DAIRY, A LEVEL 3 CONFINED ANIMAL FEEDING OPERATION LOCATED APPROXIMATELY 5.5 MILES NORTHWEST OF DELTA. CROSSROADS DAIRY LLC, APPLICANT

Commissioner Draper said that he was able to take a tour of the dairy and the owners of the dairy have gone to great lengths to purchase surrounding land to buffer neighbors against possible issues. He said that they have good pest control and he was impressed with the cleanliness of the dairy yard.

Commissioner Draper made a motion to approve application #Z-2020-032 to amend CUP #Z-2007-010 to allow for an increase in animal units at an existing dairy, a level 3 confined animal feeding operation located approximately 5.5 miles northwest of Delta. Crossroads Dairy LLC, Applicant with the following conditions: (1) the proposed CAFO as amended be conducted in

compliance with the requirements of this ordinance and all other applicable land use ordinances, and all applicable local, state, and federal requirements and regulations, (2) implement safety programs as required by the OSHA and any other State or Federal Agency having jurisdiction, (3) adhere to best practices for animal feeding operations in accordance with the approved certified nutrient management plan, (4) implement dust and odor control procedures, (5) implement procedures to control rodents, insects, and flies, (6) maintain a clean and healthy environment on the project site.

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

## DISCUSSION AND POSSIBLE APPROVAL OF CARES ACT GRANT APPLICATIONS

Auditor Smith gave a brief overview of the Cares Act funds. She said that the County has received three distributions totaling \$1,478,379.00. She said that \$182,731.24 is posted to the general ledger, \$133,306.24 in pending grant applications, and \$1,406,713.75 in pending County projects that have been approved, as well as, those that are pending approval. Auditor Smith said that the amount of requested grant money now exceeds the amount received by the County.

Commissioner Warnick presented an application for Millard Care and Rehabilitation who is requesting \$55,364.25 for a ramp.

Mr. Christensen said that a ramp has been needed in order to keep residents from having to go through the hospital.

Commissioner Draper said that this will greatly reduce the amount of exposure residents may get in the hospital.

Commissioner Draper made a motion to approve the application for Millard Care and Rehabilitation in the amount of \$55,364.25.

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

Commissioner Warnick presented an application for Chronicle Progress. Deputy Attorney Elise Harris said that the County needs to make sure that they didn't use previous funds for rent.

It was decided to look into this application for more information.

Commissioner Warnick presented an updated application for Dancerz Edge who was approved at the last meeting to receive \$5,000.00 on the condition of an updated application.

Commissioner Draper made a motion to accept the amended application from Dancerz Edge and grant them the previously approved \$5,000.00.

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

Commissioner Warnick presented an application for Days Inn Inc. After a brief discussion, it was decided that the required documentation was not provided and needs to be looked into further.

Commissioner Warnick presented an application for the Kids Depot who was previously approved for \$10,000.00.

Auditor Smith said that this application was flagged because it looks like they have received back the funds that they lost.

Commissioner Jackson made a motion to retract the previous approval of funding to the Kids Depot because the application shows they are ineligible due to having received funds from other sources.

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

Commissioner Warnick presented an application for the Red Rabbit Grill. After a brief discussion, it was decided that the required documentation was not provided and needs to be looked into further.

Commissioner Warnick presented an application for Sparkle Beauty Boutique. After a brief discussion, it was decided that a more thorough study of the provided information was needed before making a decision.

Commissioner Warnick presented an application for Trav'z Tire and Repair. After a brief discussion, it was decided that a more thorough study of the provided information was needed before making a decision.

Commissioner Draper presented an application for Evelyn Warnick Travel who is requesting \$10,000.00. He said that the business loss shows a total of \$14,226.51 and said that all necessary documentation has been provided. Commissioner Draper briefly went through the business finance history.

Commissioner Jackson made a motion to approve the application for Evelyn Warnick Travel in the amount of \$10,000.00.

Commissioner Draper SECONDED the motion. Commissioner Warnick abstained. The motion passed by majority vote.

Commissioner Jackson said that delivery vans, updated stoves, and updated refrigerators have been requested in order to provide food to senior citizens through the Six Counties Aging Program. He said that the cost is approximately \$255,000.00 for our County but that amount may change.

Commissioner Draper said that the Sheriff's Office and Ambulance are in need of more gurneys due to increased sanitation requirements. He said that another ambulance may also be prudent due to sanitation between runs. A brief discussion was had on the cost of a gurney and how quickly they could be purchased and delivered, and maintenance agreements.

Commissioner Draper made a motion to approve two gurneys for approximately \$25,633.80

each, dependant upon the company being able to complete the order in time.

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

Later, Sheriff Jacobson said that the gurneys could be delivered before the grant deadline.

#### DISCUSSION AND POSSIBLE APPROVAL OF ROAD DEPARTMENT BUILDING BIDS

Commissioner Draper said that this has not been rebid as of yet so the Commission needs to either award the bids received or reject and rebid the items.

Planner Richins gave a brief overview and explained that a possible building redesign may reduce the costs of the roof by approximately \$100,000.00. He said that the redesign of the roof would require other significant changes and the changes would need to be submitted to the engineer for review.

Planner Richins said that the other significant changes include alterations to the insulation and the installation of posts to support the roof.

Supervisor Winget said that better insulation will reduce the costs of heating the building in the long term and doesn't recommend altering it.

Planner Richins said that the bid trusses have an 8 week lead time and a redesign would add more time onto that.

Attorney Finlinson said that there are significant changes proposed in the redesign that would require new specifications and a new bid process.

Commissioner Draper asked that Commissioners Jackson and Warnick get with Mr. Richins to discuss the current road building design versus a redesign before the meeting next week.

#### DISCUSSION AND POSSIBLE APPROVAL OF SURPLUS ITEMS

The Commission was presented with a list of the surplus items. Eva Timothy said that her department is interested in the 2008 Impala.

Commissioner Jackson made a motion to approve the listed surplus items minus the 2008 Impala.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF MOVING APPROPRIATED BUDGET FROM ONE DEPARTMENT TO ANOTHER WITHIN THE SAME FUND

Auditor Smith said that she is proposing to move \$100.00 to the Rodeo fund from the Personnel Fund because they were short on the National Finals Rodeo and to move \$25,000.00 to risk management from the Personnel fund.

Commissioner Jackson made a motion to approve Resolution 20-11-10A, a resolution of the

Board of County Commissioners of Millard County, Utah moving appropriated budget from one department to another within the same fund.

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 20-11-10, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY (1) CHANGING THE POSITION TITLE IN THE DELTA OFFICE DEPARTMENT FROM “OFFICE MANAGER/LANDFILL MANAGER” TO “OFFICE MANAGER” AND CHANGING THE STEP AND GRADE ASSIGNMENT FOR SAID POSITION, (2) CHANGING THE POSITION TITLE OF LEGAL SECRETARY II IN THE MILLARD COUNTY ATTORNEY'S OFFICE TO LEGAL ASSISTANT; AND (3) ELIMINATING THE POSITION OF LEGAL SECRETARY I.

Commissioner Draper said that these are necessary changes to the step and grade. The Delta Office Manager and the Landfill office manager was combined a few years back and needs to be upgraded.

Attorney Finlinson said that the titles are the only thing changing in his office not the assigned step and grade.

Auditor Smith said that moving the office managers to a 13 has them earning more than the chief deputies. She said that chief deputies assume duties for the elected official and jobs are appointed positions tied to the elected officials that they work for. Auditor Smith said that the office deputies are the lowest paid benefitted positions at a grade 8.

A brief discussion was had on chief deputies, office managers, and the step and grade. It was decided to put this on the next agenda.

DISCUSSION AND POSSIBLE APPROVAL OF REVISED CONTRACTS WITH INTERMOUNTAIN HEALTH REGARDING CARE CENTER DINING ROOM ADDITION

Attorney Finlinson said that these contracts came back with several revisions, most notably that they wanted the County to assume liability along with the local Building Authority. He said that the local Building Authority is the Commission. Attorney Finlinson gave a brief history of these contracts.

Commissioner Draper said that costs have skyrocketed since the bids were received and asked if this would impact the overall costs.

Attorney Finlinson said that the bidder is standing by their original bid.

Commissioner Draper made a motion to approve the two revised contracts with Intermountain HealthCare regarding the care center dining room addition.

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



## DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR OASIS LEGAL SERVICES, LCC; OWNER - ANGELA WILLOUGHBY

A business license application was presented for Oasis Legal Services, Owner - Angela Willoughby, a legal services business. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Oasis Legal Services, Owner - Angela Willoughby.

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

## PUBLIC INPUT

There was none.

## OTHER BUSINESS

Commissioner Draper said that the Bureau of Land Management (BLM) has made contact in regards to the County becoming a cooperating agency during the EIS process in the Pine Valley water project. He explained the project and location and said that studies found that more would be drained than recharged. Commissioner Draper said that portion is solely about the right-of-way and the water argument will come later. He said that he recommends entering into the agreement as a cooperating agency. Attorney Finlinson agreed with Commissioner Draper and said that this will guarantee the County a voice in this project.

Commissioner Draper made a motion to enter into an agreement with the BLM as a cooperating agency in regards to the Pine Valley Water Project.

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

Commissioner Jackson said that a contract with Tammy Bartholomew and the County was approved last meeting; however, it said that she would provide the garbage bags which wouldn't make the contract worth it financially for her. Commissioner Jackson said that he would like the County to provide the garbage bags.

Commissioner Jackson made a motion to approved the revised contract with Tammy Bartholomew that specifies that the County will provide the garbage bags.

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

Planner Richins said that the plat map for the Henke subdivision in Deseret has been completed and needs Commission approval. It was decided to put this item on the next agenda.

Sheriff Jacobson referred to the Utah Governor's mandate and said that the County needs to

define what it means for Millard County. He said that we need to be careful not to become the mask police. He said that it would be difficult and explained that it is already challenging to detain those with violent offenses.

Attorney Finlinson said that other rural counties have been having this conversation and the consistent theme is that this needs to be taken seriously; however, enforcement guidance hasn't been provided. He said that there is a concern that mask mandate violators may take precedence over rape, attempted murders, thefts, and other serious matters that law enforcement and the Attorney's Office currently deals with.

Commissioner Jackson said that he would like to open the pools that he closed after the Governor's mandate was issued. Commissioners Warnick and Draper agreed and its function falls within the mask exceptions.

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

There were none.

#### POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX

Treasurer Dearden said that Account #0099102 - Owners, Blaine and Danielle Carter missed the qualification period because they didn't move to the County until July. She said that they still qualify for the disabled veteran's abatement; however, the Auditor's software will not allow it at this point so it needs Commission approval in order to reduce the amount of tax owed.

Commissioner Draper made a motion to grant the abatement for the house and one acre by 100% for Blaine and Danielle Carter.

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

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

Clerk Rowley said that the Canvass will be held next Tuesday, November 17, 2020 at 12:00 p.m.. She said that the State will release a second set of unofficial election results today at 4:00 p.m.

Clerk Rowley gave a brief overview of the number of ballots that could potentially be processed before the Canvass.

Commissioner Draper asked why the second set of results have taken this long.

Clerk Rowley said that many ballots were received on or after election day and explained the ballot process, which includes verifying signatures, opening ballots, and counting the ballots.

#### AUDITOR REPORT

Auditor Smith said that information regarding holiday grocery vouchers for employees has been sent to the commissioners. She said that these are not gift cards and cash back couldn't be received. She said that funding for this can come out of the personnel line item.

Commissioner Jackson made a motion to approve the employee holiday vouchers.  
Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

Auditor Smith presented the following reports:

Accounts Payable:

October 23, 2020 - \$164,807.12  
October 30, 2020 - \$19,984.25  
October 30, 2020 - \$118,189.42 Visa Bank-draft  
November 6, 2020 - \$227,486.32

Payroll Liabilities:

October 23, 2020 - \$422,600.17  
November 6, 2020 - \$176,171.68

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 1:05 p.m..

Auditor Smith said that Sun Development has withdrawn their application.

Auditor Smith presented an indigent abatement application for Account # 94947- Corey and Mary Anderson.

Commissioner Jackson made a motion to abate 25% of property taxes for account #94947.  
Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

Auditor Smith presented a hardship abatement application for Account #127903 - Kody and Brinlee Kimball

Commissioner Jackson made a motion to abate 40 % of property taxes for account #127903.  
Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

Auditor Smith presented a hardship abatement application for Account #70194 - Jenna and

Juan Carcamo

Commissioner Jackson made a motion to abate 30% of property taxes for Account #70194. Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

Auditor Smith said that there were a couple Assessor errors that were processed. She said that she sent the commissioners a notice of corrections and is asking the Commission to approve these. Auditor Smith went through each of the corrections.

Commissioner Jackson made a motion to approve the correction for Account #192432 - Thane and Suzanne Hillestad.

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

Commissioner Jackson made a motion to approve the correction for Account #124454 - John Coleman.

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

Commissioner Jackson made a motion to approve the correction for Account #0050006 - Ronald Myers.

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 1:22 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 Commissioner Warnick, Commissioner Draper, Commissioner Jackson, and Attorney Finlinson.

After the closed executive session the regular meeting reconvened at 1:37 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 1:38 p.m..

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

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