

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 19th DAY OF JANUARY 2021
AT THE COURTHOUSE, FILLMORE, UTAH

- PRESENT: Dean Draper.....Chairperson
Bill Wright..... Commissioner
Evelyn Warnick..... Commissioner
- Pat Finlinson..... County Attorney
Jamie Hair..... Deputy Clerk
- EXCUSED: Marki Rowley..... County Clerk
- ALSO PRESENT: Richard Beckstrand..... IT Supervisor
Brandon Winget..... Road Supervisor
Sierra Dickens..... County Recorder
Kevin Morris and Rick Bublitz..... West Maintenance
Bonnie Smith and Lynette Madsen..... Auditor’s Office
Sheri Dearden..... Treasurer’s Office
Richard Jacobson..... County Sheriff
Pat Manis..... County Assessor
Eva Timothy and Kalan Taylor..... USU Extension
Paul Cozzens..... Iron County
Paul Monroe and Jessica Staheli..... Iron County Water Conservancy District
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 Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper excused Clerk Rowley and asked if anyone had an opening statement to give. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES OF DECEMBER 30, 2020

The proposed minutes of a special County Commission meeting held December 30, 2020 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of December 30, 2020, as presented.

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

APPROVAL OF THE MINUTES OF JANUARY 5, 2021

The proposed minutes of a regular County Commission meeting held January 5, 2021 were presented for consideration and approval. Commissioner Warnick made a motion to approve the minutes of January 5, 2021, as presented.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 5, 2021

There were none.

DISCLOSURE STATEMENTS

Disclosure statements were presented for the following employees:

Ben McDonald - B&M Electric
Deb Arnold - T&D Maint Inc.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR PRECISION MASTER CARPENTRY, LLC - OWNER, CHRIS SHUMWAY

A business license application was presented for Precision Master Carpentry, LLC, Owner - Chris Shumway, a general contracting business. After review of the application and finding all signatures in order, Commissioner Wright made a motion to approve a business license for Precision Master Carpentry, LLC, Owner - Chris Shumway.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR REIGN FIREARMS, LLC - OWNER, DUSTIN PETERSEN

A business license application was presented for Reign Firearms, LCC, Owner - Dustin Petersen, a business that sales ammo, guns, scopes, binoculars, clothing and camping gear/equipment. After review of the application and finding all signatures in order, Commissioner

Wright made a motion to approve a business license for Reign Firearms, LCC, Owner - Dustin Petersen.

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

DISCUSSION AND POSSIBLE APPROVAL OF APPOINTING WAYNE JACKSON AS THE COUNTY'S MILITARY LIAISON

Commissioner Warnick made a motion to appoint Wayne Jackson as the County's Military Liaison.

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

DISCUSSION AND POSSIBLE APPROVAL OF OUT OF STATE TRAVEL FOR ROAD SUPERVISOR BRANDON WINGET

Supervisor Winget said that he will be traveling to Billings, Montana to look at roller equipment that goes behind the graders to compact the roads. He said that he can purchase the equipment at a lower cost from this dealership in Montana and will see a demonstration on how to run them while he is there. He briefly explained how this equipment will improve the road construction process.

Attorney Finlinson said that the bid process may be needed to acquire this equipment and said that he will work with Supervisor Winget to prepare a bid if it becomes necessary.

Commissioner Draper pointed out a specific road that would benefit from this new equipment.

Commissioner Warnick said that the funds to travel are already in Supervisor Winget's budget, but it needs Commission approval since he is traveling outside of the State of Utah.

Commissioner Warnick made a motion to approve out of state travel for Road Supervisor, Brandon Winget.

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

SHERIFF RECOGNITION

Sheriff Jacobson asked that this item be moved to the February 2, 2021 Commission agenda.

DISCUSSION REGARDING PINE VALLEY WATER PROJECT; PROPOSED PUMPING OF UNDERGROUND WATER FROM THE PINE VALLEY PARTIALLY LOCATED IN SOUTHWESTERN MILLARD COUNTY - PAUL MONROE

Paul Monroe, Central Iron County Water Conservancy District, gave a presentation regarding their Pine Valley Water Project which included studies concerning the potential water impact to

Millard County.

Commissioner Warnick asked how this may be mitigated if issues arise. Mr. Monroe said that mitigation measures are spelled out in documents and it depends on how much mitigation is necessary.

Commissioner Wright asked how the water rights were acquired. Mr. Monroe said they were filed for in 2006 and explained how they were decreed the water rights through a settlement in 2019.

Commissioner Wright asked what precipitation and water levels have been considered in these studies. Mr. Monroe said that the studies and current model includes information from both drought years and normal years.

Commissioner Wright asked what the benefit is for Millard County if they decide not to fight this project. Mr. Monroe said that he doesn't see a large negative impact to Millard County.

Commissioner Draper asked how long the project proposes to pump water. Mr. Monroe said that it will be pumped as long as the source is sustainable; however, the study says 50 years because beyond 50 years is considered speculative.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-01-19, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS APPOINTING TRUSTEES TO THE BOARDS OF MILLARD COUNTY DRAINAGE DISTRICTS 1 THROUGH DRAINAGE DISTRICT 4

Commissioner Warnick said that Dallas Anderson will be the trustee for Drainage District 1, Todd Holt for District 2, Jared Bryan for District 3, and Dean Anderson for District 4.

Commissioner Warnick made a motion to approve Resolution 21-01-19, a resolution of the Board of County Commissioners of Millard County, Utah, appointing trustees to the Boards of Millard County Drainage Districts 1 Through Drainage District 4.

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

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2021 YEAR. BUDGETS TO BE CONSIDERED FOR INCREASED APPROPRIATIONS ARE SPECIAL PROJECTS FOR THE CARES FUNDING, HOWEVER ALL BUDGETS MAY BE CONSIDERED IF NECESSARY

Commissioner Warnick made a motion to enter into a public hearing for the purpose of opening budgets for the 2021 year. Budgets to be considered for increased appropriations are special projects for the cares funding; however, all budgets may be considered if necessary.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:52 a.m.

Present were: Bonnie Smith, Paul Monroe, Jessica Staheli, Paul Cozzens, Elizabeth Jordan, Loyd Johnston, Sierra Dickens, Richard Beckstrand, Kevin Morris, Rick Bublitz, and Eva Timothy.

Auditor Smith said that there is approximately \$97,000.00 left of the Cares funding that has been held over and the cost of pending projects is approximately \$102,000.00. She said that many employees have been impacted by Covid-19 and the County paid approximately \$13,000.00 in leave in December 2020. She said that \$9,000.00 in leave was paid on the January 15, 2021 Payroll and part of it included the mandated portion that expired on December 31, 2020.

Auditor Smith explained the following proposed amendments to the budget:

- \$115,000.00 to Special Projects in Fund 22 from unappropriated fund balance and from residual Cares Act Funding.
- Increase the budget appropriation for Ambulance by \$7,000.00 from Cares Act funding and other grant sources.
- Increase the 911 budget appropriation in Fund 57 by \$9,400.00 from Utah Communications Authority Funding.
- Increase Capital Budget appropriation by \$10,000.00 from unappropriated fund balance for curb and gutter improvements.
- Increase the budget appropriation for Special Projects \$1,000.00 from unappropriated fund balance.

Ms. Elizabeth Jordan asked if the County was required to accept the Cares Act Funding and if the County was required to put in place certain mandates like those regarding masks and social distancing in order to receive those funds.

Commissioner Warnick said that the County had the option to decline the Cares Act Funding. She said that the County accepted those funds which have helped the County, as well as, many local businesses who were negatively impacted by Covid-19. Commissioner Warnick said that there were requirements on who qualified for funding and how the funds could be spent, but mandates were not tied to those funds.

There were no other comments made.

Commissioner Wright made a motion to close the public hearing.

Commissioner Warnick **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:10 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-01-19A, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS OPENING AND AMENDING THE 2021 MILLARD COUNTY BUDGET

Commissioner Draper read the resolution language into the minutes.

Commissioner Warnick made a motion to approve Resolution 21-01-19A, a resolution of the Board of County Commissioners of Millard County, Utah, opening and amending the 2021

Millard County Budget.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-01-19B, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY ADJUSTING DEPUTY POSITIONS WITHIN COUNTY ELECTED OFFICES

Deputy Clerk Hair gave a brief history of this agenda item and explained the chart she created which includes information that she gathered from other counties.

Commissioner Draper asked what the origin is for these desired changes.

Deputy Clerk Hair said that Clerk Rowley initially started looking at this because she has an employee who has reached the end of the step and grade scale. She said Clerk Rowley mentioned in a previous commission meeting that this employee has taken on more responsibilities over the years and the job duties of this position justify a wage increase.

Auditor Smith said that the recreation secretary and janitor positions start out at a grade 9 while the deputy auditors start at a grade 8 and she thinks this needs to be looked at. She said that she has sent job descriptions to the commissioners and explained the required ongoing training that her deputies have to receive. Auditor Smith said that she wants to hire and retain educated and qualified employees. She referred to the chart provided by Deputy Clerk Hair and said that most other counties start at a higher pay, and those that don't offer another level to their employees that allows more wage growth.

Recorder Dickens said that she currently has a job opening in her office and hasn't received any applications yet. She said that other businesses in the County offer higher wages and that higher wage incentives may be needed in order to attract good job applicants.

Treasurer Dearden said that while her office wouldn't be directly impacted by a wage increase, they rely on these positions for accurate information on the tax roll. She said it is very important to have quality employees in these positions. Treasurer Dearden said she brought up this concern when the Janitor position increased to a grade 9 which is more than these deputy positions at a grade 8. She said that these deputy positions are expected to interact with the public and be the face of Millard County every day.

Assessor Manis said that he feels his office's pay is comparable to other counties. He said that it is hard to hire and maintain qualified employees but up to this point he has been lucky and hasn't had issues like the other offices.

Commissioner Draper said that the proposal in its shortest form is to move those positions at a grade 8 to a grade 9 and those currently at a 10 to an 11.

He said that comments have come back to him regarding the lieutenant positions that were increased in December. He said that in this particular case, the lieutenant positions had the potential to make less than a sergeant so no one wanted to step up and become a lieutenant which has more responsibility.

Commissioner Draper compared two truck driver positions where one picks up and delivers items and the other pulls over individuals on the highway which has higher responsibility and risks.

He said that different levels of expertise and responsibilities are factored into these issues. He said that delegation is also a consideration and those who delegate are separate from those who report to them.

Commissioner Draper referred to the chart and said that 6 of the 10 counties have a combined Deputy Clerk/Auditor. He said that Millard County most closely aligns to Sevier County, though Sevier County has a larger population and therefore a larger applicant pool. Commissioner Draper briefly went over how Millard County compares to Uintah, Emery, and Duchesne County.

Commissioner Draper said that one of the options discussed was do add a new designation. He said that the paperwork received didn't show much of a difference in training and delegation between the employees. He said that further training carries a great deal of weight.

Commissioner Draper said that the budget would have to be opened in order to make this change and asked where the funds would come from.

Sheriff Jacobson clarified what positions they are talking about in this discussion. He said that his office doesn't have office positions with the title of "Deputy", but he has similar administrative and clerical positions. He said that he agrees with the notion that further fulfillment for employees needs to exist. Sheriff Jacobson said that although his office positions don't have the title of deputy, he doesn't want his staff to be excluded from this potential change.

Auditor Smith said that the funding would come from fund balance which is where all previous employee pay adjustments came from. She said that Sevier County is similar in pay to Millard County, but offers level III positions in their offices. She said that this is a request for equatibility.

Commissioner Warnick said that she thinks the County could possibly keep the 8 and 10 levels and add the 9 and 11 assignments that could be used if an employee qualifies.

Attorney Finlinson said that this adjustment feels bigger because it isn't dealing with an individual position. He said that any change that has been discussed can be adjusted within the step and grade. Attorney Finlinson said that in his opinion, the comparisons within the County are compelling and needs to be looked at. He said that information from other Counties may not tell the entire story because we don't know what wage pressure those other counties have.

Commissioner Warnick said that the County can keep the grade 8, but if an employee has the qualifications then they can start at a higher grade or work at moving to the higher grade.

Auditor Smith said that this is already happening and noted an example in the Maintenance Department where a new hire was hired as a Specialist II, due to experience.

Commissioner Draper said that it is probably time to put a vehicle in motion to overhaul the step and grade scale. He said that the last time it was done, an outside expert was hired.

Auditor Smith said that she has received some information regarding a nationally recognized program from Mike Swallow. She said that maybe it is worth looking at again. It was discussed to prepare a request for proposal in the near future.

Commissioner Draper asked Deputy Clerk Hair if any other counties had a step and grade system that they said worked well.

Deputy Clerk Hair said that Kane County used the program created by Mike Swallow and has had some success with it. She said that she can contact them and report back at the next commission meeting.

DISCUSSION REGARDING THE LEASE FOR THE MILLARD COUNTY RACEWAY

Kevin Morris said that it has been hard to contract with companies to use the fair grounds due to Covid-19. He said that Russell Wolfe is willing to be the promoter again if the contract is renegotiated. A brief discussion was had on potential changes to the contract. It was decided to move forward on contract negotiations with Russell Wolfe.

DISCUSSION AND POSSIBLE APPROVAL OF THE CATEGORICAL EXCLUSION CONTRACT REGARDING THE HIGH DESERT TRAIL

Supervisor Morris explained what the high desert trail system is and said it is located on existing Class D roads. He said that this contract is actually a request that asks for permission to install signs along the trail. He said it will be taken to the Schools Institutional Trust Land Administration (SITLA) and to the Bureau of Land Management (BLM).

Commissioner Warnick made a motion to approve the categorical exclusion request.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE USU EXTENSION COOPERATIVE AGREEMENT RENEWAL

Eva Timothy said that this is a cooperative agreement not a lease renewal, then went over the options of the agreement. She briefly went over the \$4,000.00 increase in their 2021 budget and explained what programs she is implementing to serve the citizens of Millard County.

Commissioner Wright made a motion to approve the USU Extension Cooperative Agreement for 3 years.

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

MONTHLY FINANCIAL REVIEW

Auditor Smith presented the financial reports ending in December 2020.

PUBLIC INPUT

Elizabeth Jordan asked if the Commission knew if the health orders will be extended. The commissioners didn't know if they were being extended yet. She said that there are many citizens challenging the lawfulness of the health mandates and asked what the County legislative body can do if they disagree with the Utah Governor's orders.

Attorney Finlinson said that a County can challenge an action; however, it isn't any different than a private citizen challenging orders. He said that county governments operate as a subdivision of the State. Attorney Finlinson said that the legislative body doesn't have authority to review or check an action from the State.

Elizabeth Jordan asked what the purpose was of the Iron County Water Conservancy's presentation today. She asked if the Commission can approve this project or disapprove this project.

Commissioner Draper said that several counties and entities have been invited to be cooperating agencies; including Millard County. He said that the Great Basin Water Agency came to a previous meeting and presented their opposition to this project. Commissioner Draper said that the County was asked to help pay for water modeling studies and hasn't yet made a decision on that. He said that the County can decide to either support the project or support the opposition.

She asked if this issue will be opened up for public comment where the citizens of Millard County will have a say. Commissioner Draper said that the BLM should hold a public input comment period where any concerned citizens can submit their thoughts.

OTHER BUSINESS

Attorney Finlinson said that they have a meeting with the Oil, Gas, and Mining Division regarding the Red Dome. He said that it will be easier on the County if it can commit to limiting its footprint to 20 acres at a time. Attorney Finlinson said that Road Supervisor Winget said that limiting it to 20 acres at a time shouldn't be a problem.

Kalan Taylor, USU Extension, said that he lives in McCornick and feels like it wastes a lot of time for him to drive to Fillmore in order to get the county truck and then drive to Delta. He asked if he could park the county truck at his house in order to save time and money. Attorney Finlinson said that not allowing public vehicles at residences is an IRS issue because it may become a fringe benefit to specific employees. He said that a different home base can be designated for a vehicle through policy and that may work in this situation.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Warnick made a motion to appoint Sheri Powell to the Tourism Board.

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

Commissioner Warnick made a motion to appoint Bob Rogers to the Water Conservancy District Board.

Commissioner Wright 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 Millard County has cooperating agency status in the Pine Valley Water Project. He said that the next meeting is scheduled on January 26, 2021 and all commissioners may be involved.

Commissioner Draper said that the CARES Act funding had a deadline of December 31, 2020. He said that things like ambulances couldn't be purchased because they couldn't be acquired before the deadline.

AUDITOR REPORT

Chief Deputy Madsen gave the following reports:

Check Registers:

December 29, 2020 - \$296,008.83
December 29, 2020 - \$20,507.44 - Bank Draft
December 30, 2020 - \$31,381.60
January 14, 2021 - \$687,367.38

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

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Attorney Finlinson said that the Care Center project is moving along but needs approval from the Commission to waive the bond requirement due to an increase in material prices. He said that the payment bond is typically a big deal, but instead the County can withhold the final payment on the contract until it has received lien waivers from every single subcontractor to ensure that they have been paid. Attorney Finlinson said that this will give the County the same amount of protection and keeps the cost down.

Commissioner Warnick made a motion to waive the payment bond on the Care Center dining hall project.

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

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

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

Commissioner Wright SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Commissioner Draper, Commissioner

Warnick, Commissioner Wright, and Attorney Finlinson.

After the closed executive session the regular meeting reconvened at 1:34 p.m.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 1:35 p.m.

Attest: _____ Approved: _____