

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF MARCH 2021
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper.....Chairperson
Bill Wright..... Commissioner
Evelyn Warnick..... Commissioner

Pat Finlinson..... County Attorney
Marki Rowley..... County Clerk
Jamie Hair..... Deputy Clerk

ALSO PRESENT: Wayne Jackson..... Military Liaison
Brandon Winget..... Road Supervisor
Richard Beckstrand..... IT Supervisor
John Higgins..... Landfill Supervisor
Sierra Dickens..... County Recorder
Lindsay Mitchell..... Sheriff’s Office
Bonnie Smith..... County Auditor
Sheri Dearden..... County Treasurer
Adam Richins..... County Planner
Landon Rowley, Kayli Yardley, and Jason Torgeson..... Millard County Fire
Kendrick Thomas..... Jones and Demille
Elizabeth Jordan, Lisa Fowles, and Rick Fowles..... 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 asked if anyone had an opening statement to give. Commissioner Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES OF FEBRUARY 16, 2021

The proposed minutes of a regular County Commission meeting held February 16, 2021 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of February 16, 2021, as corrected.

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

FOLLOW UP ACTION ITEMS FROM FEBRUARY 16, 2021

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR DEPUTY BRANDON LOE- SHERIFF'S OFFICE

Lindsay Mitchell, Sheriff's Office, said that they are requesting a credit card for Deputy Loe who has transferred from Patrol into Investigations. She said that they are requesting a \$1,500.00 limit. Ms. Mitchell said that Deputy Curtis has turned in his credit card and this will be replacing that.

Commissioner Wright made a motion to approval a credit card with a limit of \$1,500.00 for Deputy Brandon Loe- Sheriff's Office.

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

DISCUSSION AND POSSIBLE APPROVAL OF SOLE SOURCE ACQUISITION OF THE BRUSH HIGHWAY PROJECT SHAVINGS

Commissioner Draper said that this agenda item has changed since it was put on the agenda. He said that the Auditor's Office contacted other sources of shavings so this isn't a sole source; however, this is the best value at approximately \$16,200.00.

Commissioner Draper gave a brief history of the Brush Wellman Highway project. He said that the asphalt shavings that were taken off belong to WW Clyde ; not the County. He said that they are available to purchase and can be used to pave other County roads.

DISCUSSION AND POSSIBLE APPROVAL OF A CHANGE ORDER FOR ENGINEERING AND FEES FOR THE MILLARD COUNTY ROAD SHOP BUILDING

Kendrick Thomas, Jones and Demille, said that he submitted a change order request to the joist manufacture for the Road shop building requiring that they limit the camber on the joists that are closest to the masonry walls. He briefly explained the engineering process and said that the deflection and the camber of the original joists have become an issue because they move and flex up to 4 inches and masonry walls are rigid. He said that this flex may give the appearance that the roof is sagging and welds may be weakened. Mr. Thomas said that this engineer review is a standard and an important part of the building process and its purpose is to catch potential problems like this.

Commissioner Wright asked if there was negligence or how this had happened. Mr. Thomas said that the joist manufacturer's bid was up to code, but didn't specify how high the deflections could be. He said once the deflection amount was specified it was determined that it wasn't adequate for the functionality of the building. He said that this could have been looked at ahead of time.

Commissioner Warnick said that this makes the roof more viable. She asked what the cost is for this change and if the joists had already been ordered.

Commissioner Draper said that the cost is approximately \$9,846.00. He said that the joists hadn't yet been ordered because they needed this engineering approval. Commissioner Draper explained that this review is the standard process for engineered buildings and the engineer approval will protect the County if any problems manifest themselves in the future.

Commissioner Wright said that he hopes in the future that these things will be caught sooner, so we don't have to keep going back and spending more money.

Commissioner Draper said that this won't increase cost for the materials if this is approved within 30 days.

Auditor Smith asked if this additional cost will be a part of the budget line item for the building. She said that the payment for the trusses was sent in December and has been cleared.

Commissioner Draper said that this will be paid within the budget.

Attorney Finlinson said that this is a change to an existing contract and needs Commission approval.

Commissioner Wright made a motion to approve a change order for engineering and fees for the Millard County Road shop building.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-03-02, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS DESIGNATING A HOME BASE FOR THE COUNTY VEHICLE ASSIGNED TO THE USU EXTENSION AGENT

Attorney Finlinson recommended that this resolution be stricken because the Auditor's Office has spoken with the County's independent auditors and found that a resolution is isn't necessary and is mostly like counter productive. He said that the Commission just needs to make a finding that it is the best interest of the County that a county vehicle be kept at the Extension Agent's residence.

Commissioner Wright made motion to approve of a county vehicle being kept at the USU extension agent's house because it is in the best interest of the County.

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

DISCUSSION AND POSSIBLE APPROVAL OF MILLARD COUNTY RELEASING TITLE III FUNDS TO THE FIRE DISTRICT - LANDON ROWLEY

Treasurer Dearden said that in 2018, it was determined that the County is responsible for the certification of Title III Funds and how they were spent. She briefly went over the advertized uses.

Landon Rowley, Millard County Fire Warden, said that approximately \$32,000.00 of Title III Funds have been released and utilized and there is still approximately \$60,000.00 available that they are requesting be released to do hazard mitigation work in the Leamington area. He said that this work is in compliance with what the funds can be used for. Mr. Rowley said that he has reached out to most of the Fire District members and received their approval for this.

Auditor Smith said that there is approximately \$66,439.41 still available but it needs to be advertised with a 45 day comment period before they could release those funds.

Kayli Yardley, Millard County Fire, said that advertizing with a 45 day comment period doesn't give them enough time.

Mr. Rowley said that according to the grant, they need a signed document from the funding source which is the Fire District stating that they agree to fund the project. He explained how in the past, the Fire District had to pay an annual premium for fire suppression, but now they don't have to and instead budgets a similar amount for fire suppression. He said that there is approximately \$100,000.00 currently in that budget.

Mr. Rowley said that the Fire District indicated that they would be willing to put forth \$80,000.00 if he could also acquire the Title III Funds. He said that signatures should suffice for now and it shouldn't be a problem to advertize the Title III Funds with a public comment period of 45 days.

Commissioner Wright asked if there was a reluctance by the Fire District to use those funds.

Mr. Rowley said that there is a little reluctance because they like to save funds in case something needs to be repaired but those he has talked to on the Fire District Board agree that this is a good project and the County needs to take advantage of this grant where it can receive 75% of those spent funds back.

Jason Torgerson, Area Manager, said that a recent Community Wildfire System review found there isn't enough mitigation happening and they want to see more investment on mitigation. He said that this Post Fire Mitigation Grant is FEMA funds and comes directly to the County and the Fire District can use the grant funds as their participation commitment.

Mr. Rowley said that the release request of the Title III funds is because of the reluctance to use the fire suppressant money. He said that the hazard mitigation work will only be done on private property and will limit the cost of fires on private grounds in Millard County.

Commissioner Draper asked if a letter of intent would suffice. Ms. Yardley said that a letter of intent from the Commission or the Attorney's office will work.

Attorney Finlinson said that it appears the mitigation money can be used to move forward on the grant and then the Title III Funds can be used to replace that. He said that the Commission can sign a letter of intent.

Commissioner Draper referred to the Canal fire and said that the Forest Service and Bureau of Land Management have done their share of the rehabilitation. He said that this grant will help those private land owners recuperate from that devastation. He said that this will only be used on private property.

Ms. Yardley explained that she needs a letter of support from the County because they are applying for this grant on the County's behalf. She said that she will draft a letter and send it to the

Clerk's Office.

DISCUSSION AND POSSIBLE APPROVAL OF HMGP GRANT SUBMISSION - LANDON ROWLEY

Mr. Rowley explained the grant and what the funds can be used for. He said that he anticipates using \$100,000.00 in Millard County.

It was decided to move this item to the March 23, 2021 Commission meeting.

RESOLUTION 21-03-02A, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS AMENDING SECTION XVII OF THE MILLARD COUNTY POLICIES AND PROCEDURES MANUAL

Deputy Clerk Hair explained the changes to Section XVII which includes language that gives the Commission the option to appoint a hearing officer for appeals. Attorney Finlinson explained who possible hearing officers may be and said most counties are utilizing an independent hearing officer.

Commissioner Wright made a motion to approve Resolution 21-03-02A, a resolution of the Board of County Commissioners of Millard County, Utah, amending Section XVII of the Millard County Policies and Procedures Manual.

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

DISCUSSION AND POSSIBLE APPROVAL OF RETIRING AND TRANSFERRING OWNERSHIP OF K9 SERVICE ANIMAL "FREYA" TO RETIRED SGT. COREY ANDERSON

Attorney Finlinson said that Sgt. Anderson has been Freya's handler for years and this is the sensible home for her. He said that she has been a tremendous asset to the County.

Sheriff Jacobson said that Freya served as a patrol service dog which includes apprehension and tracking. He said that this is the safest placement for her.

Sheriff Jacobson explained the cost and process for acquiring new K9 service animals.

Commissioner Wright made a motion to approve retiring and transferring ownership of K9 service animal "Freya" to retired Sgt. Corey Anderson.

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

CONSIDERATION AND POSSIBLE APPROVAL OF A SUBDIVISION PLAT FOR PROPERTY LOCATED AT APPROXIMATELY 3750 S 3000 W DELTA (OASIS). BRIAN BEN WILLOUGHBY, APPLICANT

Planner Richins said that this needs to be moved to the next agenda because there has been

a change.

Commissioner Wright made a motion to move this to the next commission meeting.

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

CONSIDERATION AND POSSIBLE APPROVAL OF A SUBDIVISION PLAT FOR PROPERTY LOCATED AT APPROXIMATELY 4000 W 4000 S DELTA (DESERET). LISA & RICK FOWLES, APPLICANT

Planner Richins said that this meets the requirements and received a favorable recommendation by the Planning and Zoning Commission. He said that it is next to residential zoning but is currently zoned AG and will be served by the Deseret/Oasis water system.

Commissioner Wright made a motion to approve a Subdivision Plat for property located at Approximately 4000 W 4000 S Delta (Deseret). Lisa & Rick Fowles, Applicant.

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

PUBLIC INPUT

Elizabeth Jordan asked if the County compromises anything when it accepts FEMA grants.

Commissioner Draper said that the public input portion of the meeting is the allotted time for citizens to share their issues with the Commission. Ms. Jordan said that she is concerned that the County compromises something when they accept federal money.

Ms. Jordan said that her father is in the Care Center and is locked up away from the family which has been really hard on him. Commissioner Draper said that the County owns the building but contracts with Traditions Healthcare for the Care Center. He said that she would need to address her concerns to the Board for the Care Center.

OTHER BUSINESS

Commissioner Warnick said that the Intergenerational Poverty (IGP) recreation waivers are working and she hopes to have more of those in the future. She briefly explained how the IGP waivers work.

Commissioner Warnick said that she will be checking into a USDA COVID-19 food donation project.

A business license application was presented for Artello's Flawless Imperfections, Owner - Erika Dorsey, a soaps and cosmetics company. After review of the application and finding all signatures in order, Commissioner Wright made a motion to approve a business license for Artello's Flawless Imperfections, Owner - Erika Dorsey.

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

carried.

Clerk Rowley said that she has an amended Election Systems and Software, LCC Elections Services Agreement that needs Commission approval. She said that the only change is that they have removed the option mailing services. She has clarified that she can contract with another mailing service with this updated agreement.

Commissioner Warnick made a motion to approve the amended Election Systems & Software, LLC Election Services Agreement.

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

Brooks Jackson, West Recreation Supervisor, said that he has been approached by the Community Resource Family Therapy (CRAFT) group about utilizing the recreation building in Delta. He said that they used to meet at the hospital but can't while it is under construction. He said that they have requested to use it once a week and asked that the fee be waived. Commissioner Warnick said that she appreciates the work that this group does.

Commissioner Warnick made a motion to approve the CRAFT group using the recreation once a week at no charge for their group meetings.

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

Tiffany James, MAGNUM, said that she needs a signature on a Conditional Use Permit (CUP) that was approved in December 2020. She said that she is also requesting an extension on the gas storage CUP which ends on March 31, 2021. After a brief discussion it was decided to put the CUP extension on the March 23, 2021 agenda.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Warnick said that it would be beneficial to have Recreation Supervisors Brooks Jackson and Brendan Turner on the IGP Board.

Commissioner Warnick made a motion to appoint Brooks Jackson and Brendan Turner to the IGP board.

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

Commissioner Draper said that there were two responses of intent for the three Economic Development openings and he isn't ready to appoint these just yet.

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

Treasurer Dearden presented an application to Patrick Hansen - Account #S-1159. She said

that he would have qualified for the Circuit breaker if he had applied in time and briefly went over his income.

Commissioner Warnick made a motion to abate all but \$240.00 of Mr. Hansen's property taxes and put that on a monthly payment program in the amount of \$20.00 per month.

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

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

Clerk Rowley informed the Commission that a legislation change requires all elections be ran by mail. She said that when she informed the city/towns of this she had five of them request information on possibly contracting with the County to run their elections. She said that the Clerk's Office already contracts with Delta City to run its elections and she has budgeted for the expense and revenue for Delta City, but not for any other city/town. If any other city/town contracts with her office she would need to open the budget to account for the revenue and expense for the contract.

AUDITOR REPORT

Auditor Smith said that she received invoices for permits that need to be paid. She said that one is for the TV tower for 30 years and the other is for water for 20 years. Commissioner Draper explained the contracts with the Forest Service and said that the amounts are \$462.00 each. Commissioner Wright said that he wants more information on the water permit. It was decided to pay the TV permit and discuss the water permit on the next agenda.

Auditor Smith presented the following reports:

Check Registers:

2/26/21 - \$422,148.92

2/19/21 - \$151,217.87

2/26/21 - \$175,309.23

2/26/21 - \$14,651.65 DRAFT

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.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 11:57 a.m.

Attest: _____ Approved: _____