

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 15th DAY OF SEPTEMBER 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: Kyle Wheeler..... USDA
Klint Penney..... East Maintenance Supervisor
Kevin Morris and Rick Bublitz. West Maintenance
Sheri Dearden..... County Treasurer
Bonnie Smith. County Auditor
Adam Richins.. County Planner
Pat Manis. County Assessor
Lindsay Mitchell. Millard County Sheriff's Office
Tom Huffer and Corey Woods.. Landfill
Rod Moore, Sandi Greathouse, and
Brandon Anderson. Days of the Old West Rodeo
Tiffany James..... Magnum
Dave and Vicki Allen..... American Legion
Sam Jacobson..... Chronicle Progress
Pam Sheridan..... ScipioTown
Dane Stephenson, Aaron James, Ivy Huffer, Jordan Roper,
and Bobbi Beckstead. 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 asked if anyone had an opening statement to give. Commissioner Jackson read a quote from Chris Stewart which states, “America has often been revered as The Shining City Upon a Hill. But I think of it more of a mountain, a treacherous path to the top – rocky and steep, with many cliffs and dangerous trails along the way. And every generation or so, a critical choice is put before us. Do we give up, turn and plunge off a nearby cliff, or do we keep climbing toward the “more perfect union”? Commissioner Jackson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF SEPTEMBER 1, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 1, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of September 1, 2020, as corrected.

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

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 1, 2020

Commissioner Draper referred to the employee appeals at the last meeting and asked if it had been found to be illegal to combine loads from the landfill transfer stations.

Attorney Finlinson said that he hadn’t found any authority for the assertion that it was illegal.

RATIFY THE MOTION TO APPROVE THE ASSIGNMENT ASSUMPTION, AND CONSENT CONTRACT, ESTOPPEL CERTIFICATE, AND AN EXTENSION OF THE GROUND LEASE WITH IHC.

Commissioner Jackson made a motion to ratify the Assignment Assumption, and Consent Contract, Estoppel Certificate, and an extension of the ground lease with IHC.

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

RATIFY THE MOTION TO EXTEND THE BIDS FOR THE ROAD BUILDING CONCRETE, TRUSS INSTALLATION, AND DOORS

Commissioner Draper made a motion to ratify the extension of bids for the road building concrete, truss installation, and doors.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR HANSEN FABRICATION MOBILE WELDING, OWNER - ZACHARY HANSEN

A business license application was presented for Hansen Fabrication Mobile Welding, Owner - Zachary Hansen, a mobile welding business. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Hansen Fabrication Mobile Welding, Owner - Zachary Hansen.

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

INFORMATIONAL PRESENTATION ON THE MAGNUM/MITSUBISHI ADVANCED CLEAN ENERGY STORAGE (ACES) PROJECT SCOPE AND TIMELINE TO APPLY FOR A CUP AMENDMENT

Tiffany James, Magnum, presented a handout and presented the time line for the Magnum/Mitshubishi advanced clean storage (ACES) project. She said that it is progressing very quickly. She said that they will come back to Commission next month with an application for the CUP amendment.

The amount of jobs this project will bring to Millard County was briefly discussed.

DISCUSSION AND POSSIBLE APPROVAL OF THE COUNTY BECOMING A CO-SPONSOR ON THE C-CANAL LINER PL-566 GRANT WITH NRCS - JASON DODD, NRCS

Attorney Finlinson said that he is confident that the County can allay any financial responsibility or other risk involved in the project. He said that there is a risk in becoming a co-sponsor; however, that risk can be split with Delta City if they agree to be a co-sponsor as well.

Commissioner Draper said that he has done a lot of research on this since the last meeting and it appears that becoming a co-sponsor will obligate either Delta City or Millard County to become the lead because the paperwork would be channeled to one entity. He said that the creation of the watershed is solely for a geographic area for a project and it doesn't create a legal entity. He said that this watershed would be of interest to several other entities.

Commissioner Draper said that Sevier County has done this extensively and the grant money available to agriculture has been quite helpful there in several different projects. He said that he cannot find a possible reason for the County or Delta City to have to exercise eminent domain and the risks can be handled with contracts between the County and the canal companies.

Commissioner Draper said that it would open the door for future projects in the largest agricultural County in the State and has some advantages that way. He said that he was able to find good answers for his concerns since the last meeting.

Commissioner Warnick said that she spoke with the Delta City Mayor regarding this and he is in favor of this project. She said that right now, the C-Canal company is just asking for a co-sponsor and the contracts will come later, after the project is approved.

Commissioner Draper said it would be in the interest of the County to meet with everyone involved in an administrative meeting and the Commission can take action at the next meeting to become a formal sponsor.

Commissioner Jackson made motion to move this agenda item to the next commission meeting.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN AMENDED JANITORIAL CONTRACT - TAMARA BARTHOLOMEW

Commissioner Jackson made a motion to table this item.

Commissioner Draper 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.

Commissioner Jackson made a motion to enter into a public hearing for the purpose of opening the budgets for the 2020 year. All budgets could be discussed and considered as necessary.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:43 a.m..

Present were: Ryan Lang, Bonnie Smith, Pat Manis, Richard Jacobson, Sam Jacobson, Kurt Forsyth, Lindsay Mitchell, Klint Penney, Pam Sheridan, Lindsay Mitchell, David and Vicki Allen, Sheri Dearden, Kevin Morris, Rick Bublitz, Kyle Wheeler, Sandi Greathouse, Rod Moore, and Brandon Anderson.

Commissioner Jackson said that the chiller at the Public Safety Building is going out and needs to be replaced. Supervisor Penney said that the chiller has been there since 1992 and is on its last leg. He said that there is a quote to replace it for approximately \$65,121.00.

Supervisor Morris said that Tourism received a grant in the amount of \$19,350.00 and the funds are to be used for the creation of a new website. He said that they were also awarded the Great Basin Heritage Area Grant in the amount of \$19,500.00 for interactive mapping, media campaigns, videos, photography, etc.. He said that both of these grants need to be received and passed through.

Auditor Smith said that the local soccer association budgeted approximately \$13,000.00 for a passthrough and brought in closer to \$17,500.00. She said that she would also like to clarify if there was administrative charge approved for processing these funds. She said the fees would be approximately \$350.00.

Attorney Finlinson said that the Commission can approve the Auditor's Office taking a specific amount for administrative purposes.

Commissioner Warnick said that the County can take this fee going forward, but the Soccer Association was unaware of it this year. Attorney Finlinson said that he thinks the Association was aware of this and would be happy to pay it. It was decided to contact the Association to make sure that they are aware of the charge before taking any fees.

Commissioner Warnick said that the Wellness Committee received a grant in the amount of \$350.00 and the funds will go into the Wellness account.

Supervisor Morris said that a discussion was had on rearranging the fairgrounds in Delta in a commission meeting a while back and Commissioner Warnick asked him to find out if any of the changes could be made using CARES Act funding. He said that he found that moving the bleachers, work on the entrances, restroom construction, and changes do the announcer station would fall under the CARES Act funding requirements. So he would like to apply for funds from the CARES Act and use funds from the rodeo fund to complete these changes.

Mr. Moore said that the Days of the Old West Rodeo members have gathered approximately 50 signatures from people associated with the arena and rodeo who are in favor of these changes and briefly went over the proposed changes.

There were no other comments made.

Commissioner Jackson made a motion to close the public hearing.

Commissioner Warnick stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:13 a.m..

DISCUSSION AND POSSIBLE RESOLUTION 20-09-15, A RESOLUTION OF THE MILLARD COUNTY COMMISSION OPENING AND AMENDING THE 2020 MILLARD COUNTY BUDGET

Commissioner Jackson made a motion to approve Resolution 20-09-15, a resolution of the Board of County Commissioners of Millard County, Utah, amending the 2020 Millard County Budget.

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 CARES ACT APPLICATIONS

Commissioner Warnick said that she has received an application from the American Legion in the amount of \$6,000.00. Mr. David Allen said that the American Legion Hall was impacted by COVID-19 and they haven't been able to rent it out since the pandemic began. He said that there are several items that need to be taken care of including the kitchen, restrooms, and floors.

Commissioner Warnick said that there is an application from Ghost Dog Enterprises and she thinks this one needs to be put on the next agenda after more information is received.

Commissioner Warnick said that there is an application from Big Pop Philly Phix in the amount of \$5,614.00 who will use funds for rent, utilities, and inventory supplies.

Commissioner Warnick said that there is an application from Mountain View Mushroom in the amount of \$10,000.00 who will use the funds for utilities.

Commissioner Warnick said that there is an application from Storage Sellers and she thinks this one needs to be put on the next agenda after more information is received.

Commissioner Jackson made a motion to approve the Cares Act applications for American Legion, Big Pop Philly Phix, and Mountain View Mushrooms.

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

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 20-09-15 AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING THE USE DEFINITIONS AND TABLE OF USES IN TITLE 10, CHAPTER 25, APPENDIX A OF THE MILLARD COUNTY CODE TO INCLUDE HEALTH AND/OR FITNESS CENTER

Planner Richins said that the use definition would be new to the table of uses. He read the proposed definition and went through the different zones and categories and what kind of permits might be required in each.

Commissioner Draper said that this situation is similar to one where an individual built a large building on Sherwood Shores without gathering the permits. He said that there is a request to match zoning to something that someone has already done instead of an individual conforming to the zoning ordinance. He said that in the County's general plan, land uses are outlined and commercial uses are encouraged to be put near communities and incorporated areas. He said that this location is right next to an incorporated area and he would like to see this come in under a Conditional Use Permit or have the applicant apply for a zone change.

Planner Richins said it would take a little more than a zone change because right now there is not a zone that they could request.

Commissioner Draper said that he would like this to be looked into further.

Commissioner Jackson made a motion to table this agenda item.

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

EMPLOYEE APPEALS

Commissioner Warnick said that after considering the presentation of the employees in the last commission meeting and speaking to the Human Resource Director, it is her opinion that the County should withdraw the write-ups dated May 18, 2020 and July 1, 2020. She said that the May 18, 2020 write-up did not result in any corrective action to the employees. Rather, an admonition was given to the department and to the employees to communicate better. Commissioner Warnick said that the July 1, 2020 write-up may have had merit. However, the department did not keep a record of the action taken and the County isn't in a position to defend that write-up. She said that she would like to withdraw the May 18, 2020 and the July 1, 2020 write-ups and remove them from the employees' files.

Commissioner Warnick said that this leaves the July 15, 2020 write-up. She said if the May 18, 2020 and July 1, 2020 write-ups are removed, then the July 15, 2020 write-up becomes a first write-up. She said that if the employees still want to pursue their appeal of the July 15, 2020 write-up, she would like to appoint an appeal officer to hear that appeal and to determine whether the time

standards established by the landfill administration are reasonable.

Commissioners Draper and Jackson agreed with Commissioner Warnick.

Commissioner Draper made a motion to withdraw the May 18, 2020 and July 1, 2020 write-ups and appoint an appeal officer if the July 15, 2020 appeal is pursued.

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

BID OPENING FOR ROAD DEPARTMENT BUILDING DOORS

There were none.

BID OPENING FOR THE ROAD DEPARTMENT BUILDING CONCRETE

Auditor Smith opened the following bids:

- Dutson Supply \$119,200.00
- Carling and Company \$123.96/cubic yard

Commissioner Jackson made a motion to accept the bids, as presented, and review the specifications of the bids, before making a decision.

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

BID OPENING FOR THE ROAD DEPARTMENT BUILDING TRUSS INSTALLATION

Auditor Smith opened the following bids:

- Advanced Steel Building Systems, LLC \$333,822.52

Commissioner Jackson made a motion to accept the bids, as presented, and review the specifications of the bids, before making a decision.

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

DISCUSSION AND POSSIBLE APPROVAL OF 2020 SRS TITLE III FUNDING

Commissioner Jackson said that he has asked the Fire District for a list of their necessities and he hasn't yet received anything.

Auditor Smith said that the period for comment on this ended yesterday and no comments were received.

Commissioner Draper said that it is not uncommon that comments weren't received. He said that there are restrictions on how this money can be spent. He said that the district does know what the money can be spent on and this can be approved so it can be made available to the district.

DISCUSSION AND POSSIBLE RESOLUTION 20-09-15A, A RESOLUTION OF THE MILLARD COUNTY COMMISSION DESIGNATING THE CREATION OF THE MILLARD COUNTY ECONOMIC DEVELOPMENT BOARD

Attorney Finlinson said that the Economic Development Board has been in place for a long time; however, the structure needs to change in order to qualify for some grants. He said that this resolution acknowledges that because of Senate Bill 95, the Millard County Economic Development Association needs to be restructured into the Millard County Economic Development Board. He said that the members of the association will be carried over to the board and are listed in the resolution.

Commissioner Draper said that due to Senate Bill 95 and this restructuring, the County will be eligible for approximately \$200,000.00 each year and possibly \$600,000.00 in a competitive bid to use for economic development in the County.

Commissioner Warnick read the members who are being re-appointed to the board.

Commissioner Draper made a motion to approve Resolution 20-09-15A, a resolution of the Board of County Commissioners of Millard County, Utah, designating the creation of the Millard County Economic Development Board and reappoint Nick Killpack, John Higgins, Mark Huntsman, Sheri Stansworth, Dean Draper, Roger Killpack, Rob Lowe, Michael Winget, Jon Finlinson, Greg Roper, Brandon Bartholomew, and David Styler.

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

AMEND SCIPIO TOWN CIB PROJECT FROM PARKS RENOVATION TO WATER SYSTEM DEVELOPMENT

Commissioner Draper said that Mayor Sheridan contacted him and requested that their CIB list project be changed to water system development.

Commissioner Draper made a motion amend the CIB List for Scipio Town by replacing parks renovation with water system development.

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

MONTHLY FINANCIAL REVIEW

The Commission reviewed the financial reports ending in August 2020. Treasurer Dearden said that the State Auditor has notified her office to distribute funds to Delta City so that only leaves the Treasurer's Office holding funds for Drainage District #4.

PUBLIC INPUT

Dane Stephenson said that he is concerned about the road building and asked why bids

weren't done right off the bat and asked if someone was going to be held accountable. He said that a lot of people are concerned with how their tax dollars are being spent. He said that the walls have been put up for a while now and it has been sitting there without a roof.

Commissioner Warnick said that those funds don't initially come from County taxes. It comes from road taxes and there are earmarks on how that money can be spent. She said that the Commission was made aware of the challenges in June and there were some miscommunication . She said that the original purpose was to construct a building that was less complicated than the one that stands.

Attorney Finlinson said that he would like to add that the Commission is trying to be transparent and is aware of the communities concerns about this.

Mr. Stephenson said that the Road Supervisor admitted fault in the newspaper and asked if there was any accountability because the cost of the building is approaching \$1,000,000.00.

Attorney Finlinson said that he would be happy to meet with Mr. Stephenson to talk over the specifics.

Mr. Stephenson said that the Road Supervisor has done a great job, but the department spent time working on Sand Rock Ridge, Forest Service property, and there are roads in the valley that need to be worked on.

Commissioner Jackson said that the County has a contract with the Forest Service on maintenance of these roads.

OTHER BUSINESS

Commissioner Warnick said that the Commission is watching over the road building project closely and are consistently working on finishing the building within the funds that are available.

Commissioner Draper said that each year the County prepares a budget for the coming year. He said that property taxes are not being used for this project and the road department receives. The Road Department's budget has enough funds to complete this project properly. He said that this project will not impose a tax burden on residents.

Treasurer Dearden said that approximately \$160,000.00 was originally budgeted for this project to come from the Capital Fund which is taxpayer funded. She said that it hasn't been spent but is available and was allocated for the road building project during last year's budget process.

Attorney Finlinson said that there is an annexation petition in Oak City, and Building Supervisor Richins said that he would be willing to conduct inspections if there was a contract between the County and Oak City Town.

Commissioner Jackson made a motion to approve an MOU between Oak City and Millard County.

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

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There were none.

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

There were none.

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

Commissioner Draper said that Senate Bill 106 was brought up at a legislative meeting again and the primary concern is that it would take zoning regulations away from certain counties in Utah. He said that he will continue to follow this.

AUDITOR REPORT

Auditor Smith gave the following reports:

Check Registers:

09/04/2020 - \$142,955.41

09/11/2020 - \$68,905.83

Liability Register:

9/11/2020 - \$171,726.01

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 12:22 p.m..

Auditor Smith presented a list of appeals that have been stipulated and some that are still being processed. She said that the list was emailed to the commissioners. She said that there are some that are software errors or State revisions that have been adjusted. She said the ones in white are not resolved and will be brought back to the Commission when they are.

Commissioner Draper made a motion to approve the tax BOE appeal list as presented.

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

Auditor Smith presented an indigent abatement for John and Patty Jensen.

Commissioner Draper made a motion to abate John and Patty Jensen's property tax by 50%.

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

carried.

Auditor Smith presented a list of all the abatements that the County has received. She said that under the Tax Commission’s guidelines all the abatements that haven’t been addressed, qualify and will be abated.

Commissioner Draper said that he had a question about the circuit breakers. He referred to a family from Hinckley who had a checkmark indicating blindness. Auditor Smith said that the checkmark indicates that there is a doctor’s note on file and they qualify for the blind exemption.

Commissioner Jackson made a motion to approve of the tax abatement list.

Commissioner Draper 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 Jackson made a motion to go into closed session for the purpose of discussing commercial information.

Commissioner Draper SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Commissioner Draper, Commissioner Jackson, Commissioner Warnick, Attorney Finlinson, Auditor Smith, and Jordan Roper.

After the closed executive session the regular meeting reconvened at 12:55 p.m..

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 12:56 p.m..

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 12:57 p.m..

Attest: _____

Approved: _____