

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF DECEMBER 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: Nick Carter. State Bank of Southern Utah
Amam Shamo. Chevron
Richard Beckstrand. IT Supervisor
Paul Checketts and Noel Sanyal. Kern River Gas
Mike Holt. Fillmore City
Tim Beesley. CentraCom
Sheri Dearden. County Treasurer
Bonnie Smith and Karen Jordan. Auditor’s Office
Pat Manis. County Assessor
Richard Jacobson. County Sheriff
Randie Smith. G&R Livestock
Kyle Roerink. Great Basin Water Network

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 said that his 4 year term will be ending this month and thanked everyone that he has worked with for the important work that they do. Commissioners Warnick and Draper thanked him for his service and said that Commissioner Jackson has been an exemplary commissioner. Commissioner

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

APPROVAL OF NOVEMBER 10, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 10, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of November 10, 2020, as corrected.

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

APPROVAL OF NOVEMBER 17, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 17, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of November 17, 2020, as corrected.

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

FOLLOW UP ACTION ITEMS FROM NOVEMBER 17, 2020

Commissioner Draper referenced the agreement with the Bureau of Land Management (BLM) in Cedar City regarding the Pine Valley Water Project. He said that the County has received an MOU prepared by the BLM and it will be reviewed and signed.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-12-01, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH MOVING APPROPRIATED BUDGET FROM ONE DEPARTMENT TO ANOTHER WITHIN THE SAME FUND

Auditor Smith said that approximately \$1,600.00 is needed in the indigent burial line item because there isn't enough to cover any more burials.

Auditor Smith said that the County also received a bill in the amount of \$1,500.00 from Central Utah Public Health. She said that the Central Utah Public Health also needs a rent payment of \$1,500.00. She said that these two items will be included in the budget going forward.

Commissioner Draper made a motion to approve Resolution 20-12-01, 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 Jackson SECONDED the motion. Deputy Clerk Hair 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 INDIGENT BURIAL APPLICATIONS

Commissioner Draper said that the County received an application for an indigent burial from Olpin Mortuary in the amount of \$1,600.00.

Commissioner Draper made a motion to approve an indigent burial application for Bisaross Koeu.

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

DISCUSSION AND POSSIBLE APPROVAL OF CENTRACOM USING THE TOWER SOUTH OF LEAMINGTON

Tim Beesley, CentraCom, said that they are interested in using the tower that is south of Leamington. A brief discussion was had on the location.

Attorney Finlinson said that ownership needs to be determined before any action can be taken.

DISCUSSION AND POSSIBLE NEGOTIATION OF PROPERTY TAXES FOR AN EXISTING BUSINESS EXPANSION LOCATED AT THE NORTH END OF FILLMORE- NICK CARTER

Nick Carter, State Bank, said that he has been assisting Mr. Shamo with an expansion of the chevron at the north end of Fillmore. He briefly explained the expansion and said that they have been speaking with all the taxing entities involved and hopes to have their participation. He said that sewer lines are necessary in order to bring potential vendors in. He said that they plan to utilize the RDA and has also spoken with the County's Economic Development personnel from Utah Association of Counties.

Amam Shamo, Chevron, said that this is a great location and they will be investing a lot of time and effort on this project. He said that they will need some help on the infrastructure portion.

Commissioner Draper asked if they have looked into opportunity zones to see if the State can become involved. He said that he welcomed the project and wants them to have as much aid as possible.

Stuart Clason, Economic Development, gave a brief history of their involvement and said that they will be looking at what incentives can be utilized.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A C-2 CONDITIONAL USE PERMIT APPLICATION # Z-2020-037 FOR A SOLAR ENERGY SYSTEM (MAJOR) ON PROPERTY LOCATED APPROXIMATELY 13 MILES WEST OF COVE FORT AND WITHIN SECTION 16, T25S, R9W. CLINTON BROWN, APPLICANT

Commissioner Jackson made a motion to enter into a public hearing for the purpose of receiving public comment on a C-2 conditional use permit (CUP) application # Z-2020-037 for a

solar energy system (major) on property located approximately 13 miles west of Cove Fort and within section 16, T25S, R9W. Clinton Brown, applicant.

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

The public hearing began at 10:36 a.m..

Present were: Randie Smith, Sheri Dearden, Paul Checketts, Noel Sanyal, Adam Richins, and Richard Beckstrand.

Planner Richins said that this solar project is located roughly 3 miles north of the windmills. He said that the land is zoned Range and Forest (RF) and large scale solar project requires a C-2 CUP in this zone.

Planner Richins said that one adjoining property owner called him and expressed concern about this and said that they would send him an email, but he hasn't yet seen one. He said that the Planning and Zoning Commission gave a favorable recommendation with conditions. Planner Richins said that this CUP doesn't include the right-of-way which is necessary to connect this project to whatever transmission system is utilized. There were 19 proposed conditions.

Clinton Brown said that he spoke with the adjacent land owner about the conditions from the Planning and Zoning Commission. He said that they will apply for the right-of-way in the future and this CUP is a first step.

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 10:42 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF A C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2020-037 FOR A SOLAR ENERGY SYSTEM (MAJOR) ON PROPERTY LOCATED APPROXIMATELY 13 MILES WEST OF COVE FORT AND WITHIN SECTION 16, T25S, R9W. CLINTON BROWN, APPLICANT

Commissioner Draper asked if there was a written agreement with the adjacent property owner. Mr. Brown said that they didn't; however, they have deeded access from Black Rock Road to the property. Commissioner Draper asked about the size of the project and if they planned to expand in the future. Mr. Brown said that the land is approximately 160 acres, but the installation is only 150 acres. Mr. Brown said that he sees a lot of opportunity and would be happy to work with adjacent land owners to expand solar operations in the area.

Planner Richins read the 19 proposed conditions into the record.

Commissioner Draper asked where the proposed transmission lines will be. Mr. Brown said

that they will follow the easement that connects to Black Rock Road and they will be underground.

Commissioner Draper asked if the Road Department and Sheriff's Office had been contacted and explained how the remoteness of the location may cause issues.

Commissioner Draper made a motion to approve a C-2 CUP application # Z-2020-037 for a solar energy system (major) on property located approximately 13 miles west of Cove Fort and within section 16, T25S, R9W. Clinton Brown, applicant.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2020-043 FOR A LEVEL 3 CONCENTRATED ANIMAL FEEDING OPERATION FOR HORSES & BURROS ON PROPERTY LOCATED APPROXIMATELY 1.5 MILES NORTHWEST OF SUTHERLAND. G&R LIVESTOCK, APPLICANT

Commissioner Jackson made a motion to enter into a public hearing for the purpose of receiving public comment on a C-2 CUP application #Z-2020-043 for a level 3 concentrated animal feeding operation for horses & burros on property located approximately 1.5 miles northwest of Sutherland. G&R Livestock, applicant.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:59 a.m..

Present were: Randie Smith, Paul Checketts, Noel Sanyal, Adam Richins, and Richard Beckstrand.

Planner Richins said that Millard County has a number of wild horses and burros but they overpopulate and don't have sufficient resources. He said that the BLM gathers them periodically and then house and feed those animals. Planner Richins said that G&R Livestock have been awarded a contract to house these gathered animals and they previously changed the zoning on this property to AG Industrial for this purpose. He said that the property was previously used as a CAFO which is being discontinued. Planner Richins said that the Planning and Zoning Commission gave a favorable recommendation with 8 proposed conditions. He said that if approved, The BLM will regulate this operation more stringently than the County.

Randie Smith, G&L Livestock, said that they are excited about this project and are working to get the facilities up to BLM codes.

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 11:04 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF A C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2020-043 FOR A LEVEL 3 CONCENTRATED ANIMAL FEEDING OPERATION FOR HORSES & BURROS ON PROPERTY LOCATED APPROXIMATELY 1.5 MILES NORTHWEST OF SUTHERLAND. G&R LIVESTOCK, APPLICANT

Commissioner Warnick asked what happens to the animals after they are received. Ms. Smith said that they will receive the first group of horses in January 2022 and then they will bring the animal's health conditions back up. She said that those who are of age to be adopted will be sent to adoption agencies and the ones left will then be moved to long term facilities. She said that they will house the animals for approximately 1 year before they are moved out of their care.

Commissioner Draper said that some of the wild horse population from Millard County may be brought to this operation. He said that this is a wonderful project and he is delighted to support it.

Planner Richins read the conditions into the record.

Commissioner Draper made a motion to approve a C-2 CUP application #Z-2020-043 for a level 3 concentrated animal feeding operation for horses & burros on property located approximately 1.5 miles northwest of Sutherland. G&R Livestock, applicant.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON ZONING ORDINANCE TEXT AMENDMENT APPLICATION # Z-2020-041 AMENDING THE TABLE OF USES AND ACCOMPANYING USE DEFINITIONS, LOCATED IN TITLE 10, CHAPTER 25, APPENDIX A, OF THE MILLARD COUNTY ZONING ORDINANCE FOR GAS PIPE LINE RIGHT OF WAY. KERN RIVER GAS TRANSMISSION CO., APPLICANTS

Commissioner Jackson made a motion to enter into a public hearing for the purpose of receiving public comment on zoning ordinance text amendment application # Z-2020-041 amending the table of uses and accompanying use definitions, located in Title 10, Chapter 25, Appendix A, of the Millard County Zoning Ordinance for gas pipe line right-of-way. Kern River Gas Transmission Co., applicants.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:12 a.m..

Present were: Paul Checketts, Noel Sanyal, Adam Richins, and Richard Beckstrand.

Planner Richins explained the current table of uses and conditions regarding pipelines. He said that this particular project wasn't anticipated and will be federally regulated. He said that the County may be better served to create a new use for federally regulated projects so it can work with the project owners and propose conditions.

Noel Sanyal, Kern River Gas, explained the location and scope of the proposed project.

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 11:20 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 20-12-01, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING THE TABLE OF USES AND ACCOMPANYING USE DEFINITIONS IN TITLE 10, CHAPTER 25, APPENDIX A, OF THE MILLARD COUNTY ZONING ORDINANCE FOR GAS PIPE LINE RIGHT OF WAY

Attorney Finlinson said that the easements along Whiskey Creek Road don't follow where the actual road is. He said that it is his opinion that they will be fine as long as they are along the right-of-way of where the road actually is.

Mr. Checketts, Kern Rivers, said that the project is expected to be completed in 2023 with a service date starting in May 2024. Mr. Checketts said that they don't have an estimated number of jobs that this project will provide. He said that they will bid the project in late 2022.

Commissioner Jackson made a motion to adopt Ordinance 20-12-01, an ordinance of the Board of County Commissioners of Millard County, Utah, amending the Table of Uses and accompanying use definitions in Title 10, Chapter 25, Appendix A, of the Millard County Zoning Ordinance for gas pipe line right-of-way.

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.

OPENING OF BIDS FOR PATROL TRUCKS

Auditor Smith opened the following bids:

- Sahara Motors \$32,882.50 - 2021 1500 Ram and
 \$40,382.50 - 2021 Ford F150
- Droubay Chevrolet \$41,739.00 - 2021 Chevy Silverado 1500 or \$48,550.15 which
 includes some options and a destination charge.

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 DISSOLVEMENT OF VETERINARY AGREEMENTS

Sheriff Jacobson said that any veterinary agreements that the County has are very outdated and he would like to dissolve any agreements and bid these out going forward.

Attorney Finlinson said that we don't have an actual copy of veterinary agreements. After a brief discussion, Attorney Finlinson said that a request for proposals may be the proper way to approach this issue and he will work with Sheriff Jacobson to begin that process.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-12-01A, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS ADOPTING A POLICY RESTRICTING THE DELEGATION OF CERTAIN EXECUTIVE FUNCTIONS BY THE MILLARD COUNTY COMMISSION TO OFFICERS AND EMPLOYEES OF MILLARD COUNTY

Attorney Finlinson said that he has received comments from the Treasurer, Auditor, and members of the public who asked to see these proposed changes. He said that this resolution recognizes that management of construction projects is an executive function that can be delegated. He said that it proposes that any delegations need to be done by resolution and any alteration that may result in an increase cost must come back to the Commission for approval.

A brief discussion was had on language changes.

Commissioner Draper read the resolution into the record.

Commissioner Jackson made a motion to approve Resolution 20-12-01A, a resolution of the Board of County Commissioners of Millard County, Utah, adopting a policy restricting the delegation of certain executive functions by the Millard County Commission to officers and employees of Millard County.

Commissioner Draper 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.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 20-12-01A, AN ORDINANCE AMENDING AND RESTATING THE MILLARD COUNTY PROCUREMENT CODE, ADOPTED BY ORDINANCE 19-03-19

Attorney Finlinson said that the motivation for amendments to the procurement code is to fill in some gaps and clarify things in regard to the same issues as the resolution just passed. He said that the changes include bids that come in at exactly \$15,000.00 and an exception for professional services which was in the County's old procurement code and just didn't make it into the new one. Attorney Finlinson read the proposed changes and explained the comments that he has received on these proposed changes.

A brief discussion was had on the definition of "realm of expertise" and the use of county personnel for project labor.

Auditor Smith said that the personnel labor used needs to be disclosed in order to have complete findings for any proposed projects. A brief discussion was had on county employee labor being used between departments.

Commissioner Draper made a motion to table this agenda item.

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

carried.

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

Kyle Roerink, Great Basin Water Network, gave an overview of the proposed Pine Valley Water Project and said that we are stronger when we are united. He said that they want to join in an agreement with Millard County and possibly Beaver County in the future to work against this massive project in order to protect water supplies.

Commissioner Draper explained where the project is and its connection to the Sevier Lake area. He said that this will impact our communities and farmers. He said that they are looking at a contribution between \$17,000.00 and \$20,000.00 from Millard County.

DISCUSSION AND POSSIBLE APPROVAL OF 2021 COMMISSION MEETING DATES

The following dates were proposed for the Millard County Commission meeting schedule for the year 2021.

January	5	19
February	2	16
March	9	23
April	6	20
May	4	18
June	1	15
July	6	20
August	3	17
September	7	21
October	5	19
November	9	16
December	7	21

Commissioner Draper made a motion to approve the 2021 Commission meeting dates.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Jackson said that the recreation supervisors need to know when they can

open up the program for games. Commissioner Warnick said that as long as individuals adhere to social distancing and mask guidelines, it should be ok to open them up. Commissioner Jackson said that he would like the parents to sign a waiver stating that they will follow the guidelines. After a brief discussion, it was decided to allow the games and follow the same guidelines as the school district.

Attorney Finlinson said that the CIB funds are coming to the County in the form of reimbursements for the Care Center Project and the budget needs to reflect this. Auditor Smith said that there is \$500,000.00 in the 2021 budget for this.

Attorney Finlinson said that Oak City is annexing property south of town and the County previously approved an MOU that allowed the County Building Official to approve one residence. He said that another petitioner has come forward wanting the same agreement to begin building. Attorney Finlinson said that he has an updated contract to reference various petitioners instead of just one, so that these can be built while the annexation is in process.

Commissioner Jackson made a motion to approve the updated MOU with Oak City town.

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

Attorney Finlinson said that Chris Stevens will be retiring on December 16, 2020 and will be missed greatly. He said that Laurie Johnson in the Sheriff's Office has accepted the job of Legal Assistant in the Attorney's Office and she already knows all of the systems in place. He said that he is asking that she be given all of her step credit because she doesn't require any training. Attorney Finlinson said that Lesli Shields will be moving to the Office Manager position.

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 Warnick said that the rodeo ground project is moving forward and they are trying to plan an open house in December.

Commissioner Draper said that the horse gather on the Conger Range is concluding. He said that the Range had approximately 600 animals and it only supports 70-100. He said that their goal was to move 500 animals.

AUDITOR REPORT

Auditor Smith presented the proposed office closures, holidays, and pay period schedule for 2021.

Commissioner Jackson made a motion to approve the office closures, holidays, and pay period schedule for 2021.

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

Auditor Smith presented the following:

Payroll Register:

November 11, 2020 - \$416,257.68

AP Registers:

November 11, 2020 - \$407,579.93

November 30, 2020 - \$374,844.13

November 30, 2020 - \$22,531.17 ZIONS BANKCARD

Transfer of Funds:

December 1, 2020 - \$45,000.00

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 1:06 p.m..

Assessor Manis gave a brief history of the property. He said that the applicants filled out an application to move the property back to greenbelt; however, the deadline for those

applications are in May and this was submitted after the deadline. He said that there was a misunderstanding and the applicants thought that the deadline was extended due to COVID-19 and that they had 30 days to respond.

Assessor Manis said that the Commission needs to decide whether or not they want to hear the appeal.

After a brief discussion, it was decided to hear their appeal.

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.

2021 BUDGET HEARING

The 2021 Budget Hearing was held at 6:00 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 1:15 p.m..

Attest: _____

Approved: _____