

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 15<sup>th</sup> DAY OF JUNE 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: Richard Beckstrand and Ryan Lang..... IT Department  
Mike Holt and Dennis Alldredge..... Fillmore City  
Jared Christensen..... Delta High School  
Elise Harris..... Attorney's Office  
Sierra Dickens..... County Recorder  
Sheri Dearden..... County Treasurer  
Bonnie Smith..... County Auditor  
Adam Richins..... County Planner  
Pat Manis..... County Assessor  
Brooks Jackson..... West Recreation Supervisor  
Cyndee Probert..... Justice Court  
Craig Grose and Howard Quackenbush..... 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 Draper referenced Flag Day which was yesterday and said that when we say the pledge of Allegiance to the flag, we are pledging to the nation it represents which is governed by an inspired constitution. He said that the community's reverence to the flag displays is gratifying and he hopes to see it continue. Commissioner Wright said the invocation. Everyone stood and said the Pledge of

Allegiance to the Flag.

#### APPROVAL OF THE MINUTES OF JUNE 1, 2021

The proposed minutes of a regular County Commission meeting held June 1, 2021 were presented for consideration and approval. Commissioner Warnick made a motion to approve the minutes of June 1, 2021, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM JUNE 1, 2021

Commissioner Draper referred to the agenda item that requested to permanently station a county vehicle at residence. He said that the Commission has since received an email with updated information that stated it was to help with commuting purposes so no action is needed.

#### INTERIM SUCCESSORS

Interim successors were presented for the following:

- Auditor's Office
- Attorney's Office
- Clerk's Office
- Recorder's Office
- Treasurer's Office
- East Maintenance Department
- Assessor's Office

#### RATIFY THE AWARDING OF THE PHONE PROVIDER BID

Richard Beckstrand, IT Supervisor, said that representatives from CentraCom are in attendance and they have the approved agreement that needs to be signed.

Commissioner Draper said that at the last meeting it was decided to go with CentraCom for telephone provider services.

Commissioner Warnick made a motion to ratify awarding of the phone provider bid to Centracom.

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

#### DISCUSSION AND POSSIBLE ACTION REGARDING A CRA ON THE NORTH END OF FILLMORE - FILLMORE CITY MAYOR MIKE HOLT

Mike Holt, Fillmore City, said that he is here to see what the Commission decided on the CRA that was previously presented before the Commission.

Commissioner Draper said that he is not in favor because the area located on the South end of Fillmore was created so several different businesses could locate there. He said that the entity on the north end would be in competition with local businesses and only benefit one before its done and this is not what CRAs are created for.

Mayor Holt said that it will benefit more than one business.

Commissioner Warnick said that she is worried that approving this will open the door up for others to request the same. She said that she was hoping to see other negotiations regarding the time line and costs.

Mayor Holt said that these CRAs are being put up all over the State of Utah and if Fillmore can't give them an incentive they will go to New Mexico or Las Vegas.

Commissioner Wright said that he agrees with Commissioners Warnick and Draper. He said that the County's contribution based on the numbers he had seen is too high. He said that there are other opportunities available.

Mayor Holt said that the County won't lose any money and asked what the Commission would like to see going forward

Commissioner Wright said that he would like to see new numbers and have the County Treasurer go over those.

Commissioner Draper said that the Commission hasn't received any updated numbers.

Mayor Holt said that he will provide the Commission with updated numbers by the end of the day.

The Commission decided to wait for updated information before making a decision.

## DISCUSSION AND POSSIBLE APPROVAL OF COUNTY SPONSORSHIP OF WEST MILLARD YOUTH COURT - JARED CHRISTENSEN

Mr. Christensen, Vice Principal of Delta High School, said that he is looking into creating a youth court in the Delta area and ask that Millard County be a sponsoring entity for this youth court. Attorney Elise Harris presented paperwork regarding common youth court questions and laws.

Mr. Christensen said that they would like to model Millard County's youth court program after Nephi City's program. He said that the state requires a sponsoring entity who oversees the information, provide training, and help get it passed and certified through the State.

Attorney Finlinson said that his office will be able to sponsor this and absorb the startup cost.

A brief discussion was had on what charges may be handled in youth court and how the school officers will play a role.

Mr. Dennis Alldredge said that there has been a youth court in Fillmore in the past and described the challenges that they had. He said having the Attorney's Office as a sponsor will remedy many of those past issues by providing a stronger support structure to the program.

Commissioner Warnick made a motion to approve the County Attorney's Office to sponsor the West Millard Youth Court.

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

carried.

#### DISCUSSION AND POSSIBLE DECISION ON CONCESSION AND BUILDING RENTAL AT THE GUNNISON BEND RESERVOIR - BROOKS JACKSON

Brooks Jackson, West Recreation Supervisor, said that the concessions building located at the Gunnison Bend Reservoir has been contracted in the past but it hasn't been in use for many years because it needed some upgrades and repairs. He said that those repairs have been made and two individuals have since asked if the County would be interested in anyone doing concessions out there.

Attorney Finlinson said that it may be prudent to receive proposals from each of them. He said that this could be a fairly simple process if they present their proposals and the Commission then makes a decision. He said that it doesn't need to be bid out because the contract amount will be minimal. It was decided to bring this item back to the next Commission meeting.

#### PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2021-037 FOR A MEAT PROCESSING FACILITY AT APPROXIMATELY 3200 W 1000 S FILLMORE—DANIEL & JESSICA ANDERSON, APPLICANTS

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on a C-2 conditional use permit application #Z-2021-037 for a meat processing facility at approximately 3200 W 1000 S Fillmore—Daniel & Jessica Anderson, applicants.

Commissioner Warnick **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing began at 10:40 a.m.

Present were: Dennis Alldredge, Craig Grose, Howard Quackenbush, Adam Richins, Sheri Dearden, Pat Manis, Sierra Dickens, and Bonnie Smith.

Planner Richins said that this CUP application was heard by the Planning Commission after the zone change on the property was approved last month. He said that the Planning Commission suggested to include perimeter fencing as a condition.

Planner Richins read through the recommended conditions. He said that the applicants were supportive of the conditions.

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 10:44 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2021-037 FOR A MEAT PROCESSING FACILITY AT APPROXIMATELY 3200 W 1000 S FILLMORE—DANIEL & JESSICA ANDERSON, APPLICANTS

Commissioner Draper said that he attended the Planning and Zoning meeting where this was discussed and said that adjacent owners were concerned about their pesticides being sprayed so close to the facility. He said that a counter comment to that concern is that there are homes and other things occupied by people right in the farming area and there hasn't been any prohibitions in the past for this to happen in an agricultural area.

Commissioner Draper said that the zone change was approved in a previous meeting and he supports this as well. He said that there is currently a great back log of meat processing in the State.

Commissioner Wright said that the concerns of the adjacent land owners are justified but didn't rise to a level that would prohibit this facility.

Commissioner Wright made a motion to approve C-2 conditional use permit application #Z-2021-037 for a meat processing facility at approximately 3200 W 1000 S Fillmore—Daniel & Jessica Anderson, Applicants.

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

DISCUSSION AND POSSIBLE APPROVAL OF A C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2021-006 FOR AN ELECTRICAL TRANSMISSION RIGHT-OF-WAY ON PROPERTY LOCATED APPROXIMATELY 13 MILES WEST OF COVE FORT AND WITHIN SECTIONS 16 & 21, T25S, R9W—CLINTON BROWN, APPLICANT

Attorney Finlinson said that this was continued from a previous meeting and he has looked into some legal issues. He said that there is an implied ability to grant utility easements if this is designated as a Class B road; however, it is far less clear if it is a Class D road. He said that it is much safer to get easements from all property owners.

Commissioner Draper said that he believes there is a portion that is Class B and a larger portion that is designated as a Class D Road.

Clinton Brown said that he is hoping that the County would be in a position to approve this and said that the Solar project is largely dependent on this.

Commissioner Wright said that the Commission needs to know the classification of the road and where those classifications are located before making a decision.

Commissioners Draper and Warnick agreed to wait until more information on the classification is made available.

Commissioner Draper said that he believes it would be in Mr. Brown's best interest to contact the concerned property owner.

Commissioner Wright made a motion to take no further action at this time.

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

## DISCUSSION AND POSSIBLE APPROVAL OF THE 2021 FINAL TAX SALE

Auditor Smith presented a report that shows the items on the tax sale and who purchased it. She said that if no one purchases an item on the tax sale, it becomes property of Millard County that can either be sold or used. Auditor Smith said that the deeds can be recorded and sent to purchasers if the Commission approves this report.

Commissioner Warnick made a motion to approve the 2021 Final Tax Sale.

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

## DISCUSSION AND POSSIBLE APPROVAL OF THE 2021 TAX RATE

Auditor Smith presented the Certified Tax rate System report from the State of Utah. She said that the Auditor's certified tax rate is .003278 and the county assessing and collecting rate is .000371. She said that this is a 1.0% increase from last year.

Auditor Smith said that the report shows that the County is above the maximum rate allowed by law. She said that this is because the combined value of real, centrally assessed, and personal property drive the rate and the IPP project has reduced its centrally assessed value by \$103,000,000.00. She said that since the centrally assessed portion has decreased, the tax burden is shifted to the personal and real property values. Auditor Smith said that 58.31% of property is centrally assessed in Millard County so changes to it can change the rate significantly.

Commissioner Draper said that the current economy and the market has increased property values and asked Assessor Manis to explain further.

Assessor Manis said that market changes have had a large impact on the real property values. He said that another change is that some businesses like Sawtooth are now locally assessed instead of centrally assessed.

Treasurer Dearden went over some graphs that show the shift from centrally assessed taxes to real and personal property taxes.

Commissioner Warnick made a motion to approve the auditor's certified tax rate at .003278 and the county assessing and collecting rate at .000371 for a total certified tax rate of .003649.

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

## DISCUSSION AND POSSIBLE APPROVAL OF THE DISTRIBUTION OF 2020 PEHP PREMIUM REFUND

Auditor Smith said that \$135,213.00 was received from PEHP as a premium refund. She said that in the past, the Commission has decided to use some of the funds to give a premium holiday to county employees and she is asking if they would like to do this again.

A brief discussion was had on possible premium holiday amounts and when they would possibly be given to employees.

Commissioner Wright made a motion to distribute 15% of the 2020 PEHP premium refund in November 2021.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-06-15, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS DESIGNATING THE SALARY FOR THE PART-TIME JUSTICE COURT JUDGE

Attorney Finlinson said that Judge Haveron had dual roles in both the Justice Court and Tourism so Judge Probert's compensation needs to be evaluated and designated. He said that the Administration of the Courts sets a salary range and then the local appointed authority sets the actual salary.

A brief discussion was had on the hours worked and possible compensation.

Commissioner Wright made a motion to approve Resolution 21-06-15, a resolution of the Board of County Commissioners of Millard County, Utah, designating the salary for the part-time justice court judge to \$40,000.00.

Commissioner Warnick SECONDED the motion. Clerk Rowley 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.

#### MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in May 2021.

#### PUBLIC INPUT

Howard Quackenbush said that he has a business located in the south CRA in Fillmore and to do so he entered into the agreement with the CRA which is essentially a loan. He said that as he makes payments on the loan, the money ends up being put toward infrastructure and that infrastructure allows more businesses to come in. Dr. Quackenbush said that if there isn't infrastructure in place, businesses won't come in. He said that growth on the south end of town was impacted by COVID-19.

Dr. Quackenbush said that he is responsible to pay off the loan next year and wanted to remind the Commission that the County isn't on the hook for anything. He said that as they create the infrastructure, it creates opportunities for other businesses to come in which will bring in more revenue. He said that Fillmore has tremendous opportunity to grow if the infrastructure is put in place.

Dr. Quackenbush said that the liability falls on the contractor and not the County due to the way the contract is written.

Dennis Alldredge said that he has watched the north end of Fillmore try to grow the past few decades and it has had to be walked away from several times because the infrastructure is not there. He said that this project gives Fillmore another chance and will pave the way for more businesses

to come in. He said that there will be a reduction in taxes for this business for a time, but the tax base will stay exactly the same if nothing happens.

He said that what is good for Fillmore is good for the County and this would result in the County receiving more tax revenue in future. Mr. Alldredge said that concessions have been made to bring businesses here in the past, and they will need to continue in the future to facilitate growth. He said that he doesn't see why this isn't a benefit to the County.

Commissioner Draper said that it hasn't been satisfactorily explained as to why Fillmore isn't the driving agent behind this instead of the County. He said that in the initial proposal, the greatest advantage to the County was if a hotel were to be built, but in later discussions it sounded like a hotel was not going to happen. He said that over the twenty year agreement period the County won't see much benefit until operations are under way.

Mr. Alldredge said that a portion of tax dollars generated by these businesses will eventually make it to the County and it will be more than what the County is receiving now.

Commissioner Draper asked why the County has to be involved and said that he is concerned that the County would be liable if there was a default on the loan.

Dr. Quackenbush said that the south CRA agreement also had to be signed by the County because it deals with property taxes and any entity who has a say in how those property taxes are disbursed has to be in agreement. He briefly explained how the south Fillmore CRA was set up and how it works.

Mr. Alldredge referred to a friend of his who had to walk away from putting a business in on the north end of Fillmore because the infrastructure wasn't in place. He said that things will stay the same if nothing happens, but there is potential for large growth if something is tried.

Commissioner Draper said that the issue is why the County is developing a sewer instead of Fillmore City because that sewer will be given to Fillmore City.

Mr. Alldredge said that he has had the same question as to why the City doesn't put in infrastructure themselves and has been told that this is what developers do; not cities.

Mr. Quackenbush said that the infrastructure is the developer's responsibility if they want to place a business somewhere, but the problem is that businesses can't get loans from the banks for areas that don't have an infrastructure in place. He said that our area needs to be more enticing and right now its not.

Commissioner Draper said that he has appreciated this conversation and input and hopes that the new information being sent to the County will be more enticing. He said that the paperwork and every conversation he has had so far while doing his due diligence on this has been negative.

Mr. Alldredge said that if we don't do anything, nothing will change. He said that this is a great opportunity for growth.

Commissioner Warnick said that she is not opposed to moving forward, but it needs to be done the right way.

Mayor Holt said that the new numbers will be sent today.

## OTHER BUSINESS

There was none.

## DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS



There was none.

#### 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

Attorney Finlinson said that a lot of criminal trials are now being scheduled and his office will be busy preparing for those in the upcoming future.

Commissioner Warnick reminded Commissioners Draper and Wright of the upcoming congressional ride and said that they need to RSVP if they'd like to attend.

Clerk Rowley said that the County will be contracting with Scipio, Kanosh, and Lynndyl for their 2021 Municipal Primary Elections.

Commissioner Draper said that the Delta Rodeo will be held this weekend in Delta.

Auditor Smith said that she would like the Commission to reconsider holding virtual attendance for commission meetings. She said that there are other programs available that wouldn't require as much monitoring.

Commissioner Draper said that they will take that under advisement.

Treasurer Dearden said that virtual meetings are one way that the Commission can be proactive and said that they create more transparency.

#### AUDITOR REPORT

Auditor Smith said that the 2021 Independent Audit has been completed and it has to be filed with the State by June 30, 2021. She said that she will provide the Commission with copies and asked for the Commission's permission to file this with the State. She said that the summary sheet indicates that there weren't any findings. The Commission gave Auditor Smith permission to file the independent audit by the June 30, 2021 deadline.

Auditor Smith presented the following reports:

AP Check Registers:

6/4/2021 - \$99,207.39

6/11/2021 - \$526,092.57

Payroll Check Register:

6/4 /2021 - \$176,459.96

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 12:32 p.m.

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

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