

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 3rd DAY OF AUGUST 2021
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson..... County Attorney
Marki Rowley..... County Clerk

EXCUSED: Jamie Hair..... Deputy Clerk

ALSO PRESENT: Brandon Winget..... Millard County Recreation
Paul Eardley..... PES
Greg Mapes..... Valley Wide Boix
Dale Dyer..... Valley Agronomics
Richard Jacobson..... Millard County Sheriff
Matt Ward..... Millard County Chronicle Progress
Miranda Riding, Lillie Reid, Olivia Seiler, Emma Whitaker, Addison Abbott,
Lottie Anderson, Seybre Rowley, Lilyana Canalas..... Miss Millard Royalty
Kevin Morris..... Millard County Tourism
Sandi Greathouse,
Brandon Anderson & Rod Moore..... Days of the Old West Rodeo

Note: Not all agenda items were followed in order

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

APPROVAL OF THE MINUTES OF JULY 20 , 2021

The proposed minutes of a regular County Commission meeting held July 20, 2021 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of July 20, 2021, as presented.

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

FOLLOW UP ACTION ITEMS FROM JULY 20, 2021

Commissioner Draper said that the County was contacted by Martin Nascimento with the Notch Peak Solar Farm. He said that they are requesting that the County waive its right to extract minerals on the property, because they are wanting to put a solar farm in that area.

Commissioner Draper said that the going rate to waive the mineral rights is up to \$400.00 an acre. He wanted to contact Notch Peak Solar Farm to work out a contract, rather than a waiver.

Commissioner Wright questioned if the County would be conveying the mineral rights to the Solar Farm. Commissioner Draper clarified that the County would not act upon the mineral rights, but they would not be conveyed to the Solar Farm.

RATIFY THE APPROVAL OF A BUSINESS LICENSE FOR C&L SHIELDS, OWNER - CASEY AND LAURA SHIELDS

Commissioner Warnick made a motion to ratify the approval of a business license for C&L Shields, Owner - Casey and Laura Shields.

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

RATIFY THE APPROVAL OF A BUSINESS LICENSE FOR NEIL HOWARD CLAYTON, OWNER - NEIL HOWARD CLAYTON

Commissioner Wright made a motion to ratify the approval of a business license for Neil Howard Clayton, Owner - Neil Howard Clayton.

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

INTRODUCTION FROM THE 2021-2022 MISS MILLARD ROYALTY

Aubrey Woodard, Miss Millard Program Director, thanked the Commission for sponsoring the pageant. She then introduced the Miss Millard Royalty; Miss Millard Miranda Riding and Outstanding Teen Emma Whitaker.

Miss Millard Riding introduced Lillie Reid as her 1st Attendant and Olivia Seiler as her 2nd Attendant.

Outstanding Teen Whitaker introduced Addison Abbot as her 1st Attendant and Kyla Robins as her 2nd Attendant. She also introduced Lottie Anderson as Jr. Miss, Seybre Rowley as Little Miss and Lilyana Canales as Mini Miss.

Miss Millard Riding and Outstanding Teen Whitaker both thanked the Commission for the opportunity to serve and said that they have a lot of things planned this year.

Commissioner Draper thanked each of them for coming in today and for representing Millard County.

Commissioner Warnick said that she attended the pageant and enjoyed the show. She thanked the Royalty for their service and for all the talents and goodness that they bring with them.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-08-03, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH OPPOSING PRESIDENT JOE BIDEN'S NOMINATION OF TRACY STONE-MANNING AS NATIONAL DIRECTOR OF THE UNITED STATES BUREAU OF LAND MANAGEMENT AND URGING THE U.S. SENATE ENERGY AND NATURAL RESOURCES COMMITTEE AND FULL SENATE BODY TO REJECT THE NOMINATION

Commissioner Draper explained that the Biden Administration has nominated Tracy Stone-Manning to be the National Director of the United States Bureau of Land Management. The UAC Public Lands Commission is unanimously opposed to this nomination.

Commissioner Draper read a section of the presented resolution for the record, which included statements made by Ms. Stone-Manning.

Commissioner Draper said that a nomination of a person with this type of history would prove challenging, at the very least, for people in our County to use the natural resources that are therein. It was proposed that the Commission consider this resolution and if passed forward it to the Senate immediately. He said that it is his opinion, that the resolution be passed.

Commissioner Wright questioned how soon this would proceed. Commissioner Draper said that the vote was 10-10 in the committee for consideration yesterday and would be up for consideration with Senator Chair Chuck Shumer. He said that the Democrats want a vote today; however, he has not seen the results from that vote as of yet.

Commissioner Wright made a motion to approve Resolution 21-08-03, a resolution of the Board of County Commissioners of Millard County, Utah, opposing President Joe Biden's nomination of Tracy Stone-Manning as National Director of the United States Bureau of Land Management and urging the U.S. Senate Energy and Natural Resources Committee and Full Senate Body to reject the nomination.

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.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-08-03C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND

GRADE SCALE) BY ADJUSTING THE SALARY GUIDELINES FOR THE CHIEF DEPUTY IN THE SHERIFF'S OFFICE

Commissioner Draper read the recitals from the resolution for the record.

Commissioner Wright said that he discussed this with Sheriff Jacobson and then explained his own understanding of this. He then questioned why the other elected officials are restricted to the 75%. He asked if there is a reason why all elected officials could not make those decisions within their own offices.

Attorney Finlinson explained that it comes down to the cost. He said that the difference with the Sheriff and other offices is that there are so many ranks within the Sheriff's Office and the step increases can cause a deputy to make more than a captain.

Commissioner Wright said that he understands that there is plenty of reasoning and justifications behind this, but was still not understanding how it would affect all offices.

Attorney Finlinson explained that the other elected officials are not as compressed as the Sheriff's Office and each have room for their deputies to grow within each office. He said that Sheriff Jacobson wanted to fix this and not just continue with what has been done in the past.

Commissioner Draper explained that when the step and grade scale was adopted in 2013, it was after studies had been conducted of the norm in about six or seven other similar counties. He said that this portion was adopted to ensure that the chief deputies had a salary to attract people to work at that point. He said that they are working on this and it will be addressed at a future meeting.

Attorney Finlinson said that the salary survey is included as an exhibit to the resolution, which shows what happens to the chief deputies when they go to 75%. He also said that in every office they could stay the same or increase a little bit, except the Sheriff's Office. He said that they knew in 2013 that this has a massive hit to the Sheriff's Office and he is not sure why it was not addressed at that time.

Commissioner Draper said that the people in the Sheriff's Office have different stress and physical requirements within their duties. They risk their lives on a daily basis in one form or another, which has led to a problem recruiting law enforcement officers throughout the state of Utah. He said that this resolution addresses the compression mentioned by Attorney Finlinson while attempting to attract and retain good law enforcement in the County.

Commissioner Wright made a motion to approve Resolution 21-08-03C, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (adopting the Millard County Step and Grade Scale) by adjusting the salary guidelines for the Chief Deputy in the Sheriff's Office.

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.

OTHER BUSINESS

Commissioner Wright said that the County Fair requires extensive hours and two employees from USU Extension have the need to take a county vehicle home during the duration of the County

Fair due to the long hours. All three commissioners agreed that the two employees be allowed to take their county vehicles home for the duration of the County Fair.

Commissioner Draper said that the deadline for entering anything into the County Fair was tonight at 7:00 p.m..

Commissioner Draper said that there is a major power line proposed to be constructed that will run through the County beginning at Mona, Utah and ending at Robinson's Summit in Ely, Nevada. He said that there will be a scoping meeting held on September 21, 2021 at 6:00 p.m. at the School District building in Delta, Utah. They will have maps of proposed routes available for review at the meeting. He said that several government agencies will be in attendance to answer questions and take comments. The comment period should extend to at least twenty to thirty days after that meeting.

Commissioner Draper said that there will be a tour at Margum Pass on September 23, 2021 to show the route of the line that will go through the existing BLM energy corridor. They will meet at 10:00 a.m. at the Painter Springs turnoff on Hwy 50&6, West of the Pass. They will discuss any complications that might arise at that time.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON APPLICATION #Z-2021-041 AMENDING THE TABLE OF USES AND USE DEFINITIONS IN TITLE 10, CHAPTER 25 OF THE MILLARD COUNTY ZONING ORDINANCE FOR THE STORAGE OF HAZARDOUS MATERIALS. VALLEY AGRONOMICS, APPLICANT

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on application #Z-2021-041 amending the table of uses and use definitions in Title 10, Chapter 25 of the Millard County Zoning Ordinance for the storage of hazardous materials. Valley Agronomics, applicant

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:30 a.m.

Present were: Adam Richins, Dennis Alldredge, Brandon Winget, Sheriff Jacobson, Kevin Morris, Matt Ward, Paul Eardley, Greg Mapes and Dale Dyer.

Planner Richins explained that there are zoning districts and a table matrix that has five categories within the table of uses and use definitions for the County. He explained the approval level of each category:

P1 & P2: permits can be approved at a certain level.

- P1 - approved by the zoning administrator;
- P2 - approved by the Planning Commission;

CUP: a conditional use permit that could be permitted or deemed appropriate for a particular area, with imposed conditions to help mitigate any adverse impacts.

- C1 - approved by the Planning Commission;
- CU2 - approved by the County Commission;

- X - prohibited - cannot be done in the particular area

Planner Richins said that currently the hazardous material is not allowed in light industrial (LI) or heavy industrial (HI). He said that the applicant has some intention to conduct business that would use hazardous material and they have applied for a C1 conditional use permit (CUP). He said that if they were to conduct that type of business in that area, the impacts could be mitigated appropriately.

Dale Dyer, Location Manager for Valley Agronomics, explained that they are currently zoned as LI to operate agriculture input. He said that they are asking to be approved to store bulk fuels and propane on site, so the energy division can utilize the property as well. He said that their view is to become in line with the General Plan of the County and to re-utilize property set aside for agriculture production. He said that they have the water and will not need any extra resources. He said that it will not take up anymore air balloon and no more farming land other than what is currently in use. They said that their desire is to be a good member of the community and to add jobs and increase value to the community.

Planner Richins said that this particular property is located at approximately 1000 North just to the side of the railroad tracks. He said that the applicant is familiar with the use of propane storage. However, under the proposal they would need to present a site plan, along with the amount of propane to be stored, the way it would be accessed, plans and correlation with emergency responders, as well as anything else that would ensure that things are done properly and is not unduly hazardous. He said that conditions could be imposed to make sure it is an appropriate activity for the location.

Planner Richins said that the Planning Commission felt that both LI and HI would be appropriate, but should have an additional oversight to ensure the health, safety and welfare of the public. He said that they recommended to change it to a C2 and to include the other zone to be compatible with the table of uses in the way the zoning districts are done.

Commissioner Draper asked if there was anything in place that would address underground storage. Planner Richins said that the current definition does not allow for underground storage. He said that so far, the applicant has not presented a site plan to do that. He said that, should there be quantities of hazardous material, these quantities would be required to be reported and regulated by the State.

Commissioner Wright said that they would have to comply with Federal and State requirements.

Planner Richins said that all the rules apply for the same level. He said that there is a fair amount of paperwork to ensure that no bad things happen. However, this requested change would simply allow an application to be made.

Planner Richins said that the applicant did point out that the particular activity would be done in town with proper measures, but the ground work needs to be made before they could go that route.

Mr. Dyer said that they are happy to answer any questions regarding safety measures or the processes that they use at any time.

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 10:41 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 21-08-03, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING THE TABLE OF USES AND ACCOMPANYING USE DEFINITIONS, LOCATED IN TITLE 10, CHAPTER 25, APPENDIX A, OF THE MILLARD COUNTY ZONING ORDINANCE FOR THE STORAGE OF HAZARDOUS MATERIALS

Commissioner Draper clarified that the State regulates underground storage and he did not anticipate that this is what the applicant was asking.

Commissioner Draper said that he sees no issues with amending an entire ordinance to include above ground storage. He feels that it fits within their business and does not see a problem with their location. He feels that this should be done.

Commissioner Wright said that this may create huge economic growth and allow more people to move to the County and provide a good service to the community.

Planner Richins clarified that the applicant requested to change to a C1, but it was recommended by the Planning Commission to change to a C2.

Commissioner Wright made a motion to adopt Ordinance 21-08-03, a resolution of the Board of County Commissioners of Millard County, Utah, amending the Table of Uses and accompanying use definitions, located in Title 10, Chapter 25, Appendix A, of the Millard County Zoning Ordinance to include storage of hazardous materials as a C2 CUP in both the LI and HI zones.

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.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON OPENING THE 2021 BUDGET. SEVERAL PROJECTS/GRANTS WILL BE UNDER CONSIDERATION SUCH AS CAPITAL PROJECTS, LANDFILL, ROAD, TOURISM, GENERAL FUND, BUT ALL BUDGETS MAY BE CONSIDERED AS NECESSARY

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on opening the 2021 Budget. Several projects/grants will be under consideration such as Capital Projects, Landfill, Road, Tourism, General fund, but all budgets may be considered as necessary.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:50 a.m.

Present were: Brandon Anderson, Rod Moore, Sandi Greathouse, Auditor Smith, Vicki Bennett, Brandon Winget, John Higgins, Sheriff Jacobson, Matt Ward, Kevin

Morris and Adam Richins.

Auditor Smith gave an overview of budgets to be considered:

- Wellness - received a \$500 award and needs the budget increased to accommodate this as a pass through.
- Rodeo - sold more signs than anticipated and had an increase in revenue for ticket sales, but more cost in sponsorship materials resulted in spending more than anticipated and now the budget is short; they're asking for an increase of \$5,000.00 to cover NFR and the remaining bills.
- Sheriff - change in percentage of chief deputy's pay scale.
- Risk Management - Centrally Assessed Litigation will be short and will not cover the bills for the rest of the year.
- UTRECs - fees allow to collect on unpaid taxes.
- Care Center Dining Room Project carried over \$45,000 budgeted from last year total of 545,000.00 and included a partial CIB loan and grant. This is all reimbursable. The budget needs to increase to be able to pay final invoices that will be reimbursed by the 45,000.00.
- Re-budget for landfill contribution of \$150,000.00 for the road barn
- Landfill - overtime issue, needs to be paid out which will include benefits and promotion.
- Tourism grant - multi year grant, received most of the funding, the other fees that cost more are reimbursable.
- Tourism Feasibility Study requesting \$9,000.00 to \$12,000.00.
- Ambulance recieved a one time grant 147,058.82.
- Class B Road Fund - possible discussion depending on Capital Funding approved approximately \$50,000.00 left.
- Golf Course Pro Shop sales are up making the line item over, but if it brings in more revenue it may be able to make it on its current budget. The motor on the pump went out on the well, so funding might be needed to cover that.

Auditor Smith went over possible transfers:

- The West Millard Pool budgeted to re-plaster; however, the air conditioning unit went out so they used those funds to pay to fix it and are now requesting a transfer of \$5,000.00 to help finish the project.
- The ATV Jamboree was short due to the increase meal costs and are requesting a transfer from Tourism to ATV Jamboree in the amount of \$2,500.00.

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 11:00 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-08-03A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, OPENING AND AMENDING THE 2021 BUDGET

The following budgets were amended:

- General Fund (Wellness \$500.00, Rodeo \$5,000.00, UTREC \$200.00)
- Capital Fund (Care Center Improvements \$45,000.00, Road Barn \$160,000.00)
- Landfill Enterprise Fund Accounts (Overtime \$7,500.00, Benefits \$1,700.00, Promotions \$800.00, approved to be paid from current year's budget.)
- Tourism (UOT Grant \$5,000.00, Feasibility Study \$12,000.00, Lava Tube Road \$31,000.00)
- Ambulance (Ambulance Grant \$147,058.82; Fillmore City Extrication Truck - approved to be paid from current budget)
- Recreation (Golf Course \$13,500.00)

Commissioner Wright made a motion to approve Resolution 21-08-03A, a resolution of the Board of County Commissioners of Millard County, Utah, opening the 2021 Millard County Budget for the purpose of amending budget appropriations for General Fund, Capital Fund, Landfill Fund, Ambulance Fund, Tourism Fund and Recreation Fund.

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 RESOLUTION 21-08-03B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TRANSFERRING UNENCUMBERED OR UNEXPECTED APPROPRIATION BALANCES FROM ONE DEPARTMENT IN A FUND TO ANOTHER DEPARTMENT WITHIN THE SAME FUND

The following transfers were approved:

- Capital: \$5,000.00 from Fair Facilities to West Millard Swimming Pool
- Tourism: \$2,500.00 from Promotions to the ATV Jamboree

Commissioner Warnick made a motion to approve Resolution 21-08-03B, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing transfers between budget funds and authorizing transfers between budget departments within funds or increasing budget department appropriations using unappropriated fund balances.

Commissioner Wright 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.

PUBLIC INPUT

There was none.

OTHER BUSINESS, CONTINUED

A disclosure statement was submitted from Betty Jo Western, Millard County Fair Director.

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 Millard County Fair put out some good things for this upcoming week and she hopes that it is well attended.

Commissioner Warnick informed the Commission that the Rural Utah Conference is scheduled during the first week in October and proposed changing the Commission meeting scheduled for October 5, 2021 to October 12, 2021, so that the Commission would be able to attend that conference.

Commissioner Warnick made a motion to change the regularly schedule commission meeting from October 5, 2021 to October 12, 2021.

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

Commissioner Draper said that flash flooding hit the west side of the County. The road department has been working on repair of the many passes and roads that were damaged.

AUDITOR REPORT

Auditor Smith presented the following:

AP Check Registers:

- 7/22 \$88,244.48
- 7/30 \$132,867.11
- 7/30 \$18,927.56 Bank draft- Zions

Payroll Liabilities Check Registers:

- 7/30 \$214,295.33

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 12:37 p.m.

Attest: _____

Approved: _____