

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF SEPTEMBER 2021
AT THE COURTHOUSE, FILLMORE, UTAH

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

Marki Rowley..... County Clerk
Jamie Hair..... Deputy Clerk
Elise Harris..... Deputy County Attorney

EXCUSED: Pat Finlinson..... County Attorney

ALSO PRESENT: Sam Jacobson..... Chronicle Progress
Sierra Dickens..... County Recorder
Bonnie Smith..... County Auditor
Sheri Dearden..... County Treasurer
Pat Manis..... County Assessor
Kevin Morris..... Tourism Director
Ben McDonald..... Sheriff’s Office
Nicole Henrie..... Delta Chamber of Commerce
Molly Stevens, Vickie Carling, Jim and Cynthia Kaufman..... 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 read a section of the meeting minutes from a group that met over 150 years ago that states: “People can’t agree to disagree long enough to pick the gold nuggets out of what is left.” He said that this statement may be relevant to the upcoming budget discussions. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES OF AUGUST 17, 2021

The proposed minutes of a regular County Commission meeting held August 17, 2021 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of August 17, 2021, as corrected.

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

APPROVAL OF THE SPECIAL MEETING MINUTES OF AUGUST 24, 2021

The proposed minutes of a Special County Commission meeting held August 24, 2021 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of August 24, 2021, as corrected.

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

FOLLOW UP ACTION ITEMS FROM AUGUST 17, 2021

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF THE SALE OR TRANSFER OF THE 2021 SURPLUS ITEMS

Auditor Smith presented the list of surplus items. She said that this will be circulated between departments before being put on the public surplus website.

Commissioner Wright made a motion to approve the sale or transfer of the 2021 surplus items.

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

OPENING OF THE CONCRETE BIDS FOR THE ROAD DEPARTMENT SHED

Auditor Smith said that the bid advertisement listed the deadline as September 6, 2021, which was a holiday and the offices were closed. She said that they posted a note on the door that extended the deadline to receive bids until 9:00 a.m. this morning. She said that only one bid was received.

Auditor Smith opened the following bids:

- Carling and Company \$146.90 per 7 bag concrete mix.

Commissioner Wright asked how many other bids may be sent out to finish the road barn. Commissioner Draper said that the electrical work for lighting still needs to be done. He said

that they will use space heaters this winter and look into installing heating at a future date. He said that eventually a pit will be cut into the cement in order to access the bottoms of vehicles. Commissioner Wright said that he would suggest they cut and pour the pit while pouring the concrete the first time instead of tearing up the cement in the future.

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

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-09-07, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AUTHORIZING THE FILING OF CROSS-APPEALS TO 2021 APPEALS FILED BY TAXPAYERS SUBJECT TO CENTRAL ASSESSMENT

Commissioner Draper read the resolution into the record which authorizes the cross appeal for Union Pacific Railroad's central assessment appeal.

Commissioner Wright made a motion to approve Resolution 21-09-07, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing the filing of cross-appeals to 2021 appeals filed by taxpayers subject to central assessment.

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 21-09-07A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AUTHORIZING MILLARD COUNTY AUDITOR TO SUBMIT FOR THE ALLOTTED \$2,561,614.00 OF FEDERAL FUNDS UNDER THE AMERICAN RESCUE PLAN ACT (ARPA)

Auditor Smith said that they are still waiting for final clarification on the ARPA act. She said that there seems to be some latitude with public health funding which would allow the purchase of an ambulance in rural areas. She said that the resolution just authorizes the Auditor to obtain those funds. Auditor Smith said that as more clarification are received, more restrictions have been defined.

Commissioner Draper said that the deadline to submit for joint funding with the State is September 15, 2021. He said that the funding will come in two increments; one this year and one next year.

Commissioner Wright said that he wants to state on the record that someone somewhere will have to pay this bill and he hopes we remember that. Commissioner Draper agreed that this is not free money.

Commissioner Wright made a motion to approve Resolution 21-09-07A, a resolution of the Board of County Commissioners of Millard County, Utah, Authorizing Millard County Auditor to submit for the allotted \$2,561,614.00 of federal funds under the American Rescue Plan Act.

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 REGARDING EAST MILLARD SWIMMING POOL PROJECT

Supervisor Brendon Turner gave a brief history of the replastering project at the pool and said that the original bids came back a lot higher than what was budgeted. He said that they decided to shrink the project and just do the bathrooms because they needed it the most. He said that they hired a company named PEP who did the bathrooms for under \$15,000.00.

Supervisor Turner said that while PEP was there for the bathrooms, they stated that they could clean and reseal the pool deck for \$5,000.00. He said that this will extend the life of the pool deck.

Supervisor Turner said that they initially thought this would be considered two separate projects that both cost under \$15,000.00 each but have since found out they will be combined as one project so he sent out bids for the pool decking. He said that they received the following three bids:

- PEP \$5,000.00
- Sundek \$13,371.00
- MidAmerica \$67,000.00. Will not recover the deck, but will tear out and install new.

Auditor Smith said that sealed bids were not necessary because they didn't go over \$75,000.00. She said that there are funds within the recreation capital budget to reseal. Supervisor Turner said that \$50,000.00 was originally put into the recreation capital projects fund.

Supervisor Turner said that Sundek may be higher quality because they specialize in pool surfaces. He said that Sundek doesn't offer a warranty, and PEP offers a five year warranty because PEP was the company that originally put in the pool deck. Supervisor Turner said that Sundek is his preference based on quality.

Commissioner Warnick made a motion to award the bid of the swimming pool deck resurfacing to Sundek.

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

DISCUSSION AND POSSIBLE APPROVAL OF ROAD AGREEMENT WITH GREENCRAFT, PVT MATERIALS LLC, FOR ROADS MC 1422 AND MC1590 IN MILLARD COUNTY

Commissioner Draper said that PVT materials has licenses and permits to begin mining

ash in the Pahvant Butte area. He said that two roads need to be improved in order to transport the pozzalonic ash: One road goes across the causeway at the Clear Lake Wildlife Management Area and the other is to the east and is a 2 track road that will have to be worked on and converted into a class B road.

Commissioner Draper said that the proper permits and studies are being conducted by the Bureau of Land Management (BLM). He said that a portion goes across State land and those studies are already done. Commissioner Draper said that the road agreement he has in hand has been reviewed by the County's attorneys and PVT who found it acceptable.

Commissioner Draper said that the road will be improved by the County and PVT will pay for the time and labor. He said after that, it will be a County Class B road which requires regular maintenance. He said that four miles of an existing Class B road will be improved and two and half miles will be improved and turned into a Class B road.

Commissioner Draper briefly explained the mining project and said that it will be an open pit and the majority of the reclamation will be natural. He said that eventually two class D county roads will need to be improved to a Class B, so trucks can haul to a mill site that is being provided by the BLM.

Commissioner Wright made a motion to approve the road agreement with Greencraft, PVT Materials LLC, for roads MC 1422 and MC 1590 in Millard County.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING AMENDING TITLE 3, CHAPTER 2, TRANSIENT ROOM TAX, OF THE MILLARD COUNTY CODE, INCREASING THE TRANSIENT ROOM TAX RATE

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment regarding amending Title 3, Chapter 2, Transient Room Tax, of the Millard County Code, increasing the transient room tax rate.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:45 a.m.

Present were: Bonnie Smith, Kevin Morris, Sam Jacobson, Sheri Dearden, Vicki Carling, Adam Richins, Jim and Cynthia Kaufman, Sierra Dickens, and Ben McDonald.

Tourism Director Kevin Morris said that Millard County currently has a 3.0% TRT tax rate that is assessed to all hotels, motels, RV Parks, and campgrounds. He said that the State has authorized counties to increase that rate to 4.25%. He said that they would like to increase the rate because the increased rate may offset future decreases. He said that future decreases may happen if people move into the hotels, rv parks, campsites, etc. long term.

Treasurer Dearden said that she averaged out the TRT for the last three years and it was approximately \$59,000.00.

Treasurer Dearden said that the use for the TRT funds changed in 2020. She said prior to

2020, most of the funds could be used for promotion and 1/3 of the funds could be used in other categories like construction for event centers and mitigation. She said that the 2020 bill established a base year revenue so if the County increases the TRT to 4.25% anything above the base revenue has to be spent on promotion (37%) and on mitigation (63%).

Nicole Henrie, Tourism Office Manager, said that the increase would benefit our local tourism greatly and help the community. She said that it isn't that much of an increase and most of it will come from out of town visitors.

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 10:48 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 21-09-07, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING TITLE 3, CHAPTER 2, TRANSIENT ROOM TAX, OF THE MILLARD COUNTY CODE, INCREASING THE TRANSIENT ROOM TAX RATE

Commissioner Warnick said that Millard County is only one of four counties who has a 3.0% TRT. She said that every other county is at the 4.25% and this doesn't impact local residence unless they book a hotel room. She said that she would like to utilize what the County can and this will greatly help tourism in the County. She said that it doesn't impose any increase on restaurants.

Commissioner Wright said that he has requested that the Commission review past year budgets and it is in the county's best interest to have departments turn in a budget at 90% in order to put priorities at the top. He said that he doesn't want to support a tax increase without a reduction in the budgets in respect to the tax payers. Commissioner Wright said that you can't balance budget by increasing revenues and wants to see more effort in deciphering the needs verses the wants.

Commissioner Warnick said that these are two separate issues; one is County funds and the other is funds that comes into the County from hotel revenue. She said it is earmarked for tourism and mitigation and is not something that can be used for the county in its regular budget.

Commissioner Draper said that the State has recognized the cost that weekends have on rural counties when people travel from higher populated areas into the more rural ones. He said that currently 66% of the money collected goes toward promotion while the rest can be used to help fund ambulances. He said that the new configuration can be used to help finance increases in EMT pay, ambulances, and other search and rescue equipment. He said that we are seeing these instances in an increased basis.

Commissioner Draper said that he agrees with Commissioner Wright and doesn't like increased taxes, but these funds come from individuals visiting the County. He said that it is a window to help us pay for emergency equipment and he sees this as an advantage.

Commissioner Warnick made a motion to adopt Ordinance 21-09-07, an Ordinance of the Board of County Commissioners of Millard County, Utah, amending Title 3, Chapter 2, Transient Room Tax, of the Millard County Code, increasing the transient room tax rate.

Commissioner Draper stepped from the chair and SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Wright voted NO. Commissioner Warnick voted YES. Commissioner Draper voted YES. The motion passed by majority vote.

Commissioner Draper said a letter stating the County's intent to increase that tax rate will be sent to the State.

DISCUSSION REGARDING THE TOURISM DIRECTOR POSITION - NICOLE HENRIE

Nicole Henrie, Chamber of Commerce, said that although she is not a Tourism Board member herself, the board supports changing the Tourism Director position to full-time. She said that tourism in Millard County has increased a lot in the past couple of years. She said that visitors bring a lot of money to our area and went over where they spend their money. Ms. Henrie listed specific events, attractions, and available County facilities. She said that they have future projects that will take a lot of time and both her and Kevin Morris struggle to complete their current workloads.

Ms. Henrie said that she would like to see the Tourism Director position move from part-time to full-time. She said that the County will get so much more out of the position, if it pays for a full-time employee. She said that most counties have at least one full-time tourism employee.

Deputy Clerk Hair asked about funding from the Board to help pay for the position. Ms. Henrie said that Great Basin National Heritage Area is in support of moving Tourism Director Morris to a full-time position and may have some funds available to put towards this.

Commissioner Draper said that Kevin Morris's position is currently on special assignment and this position including possible funding will be discussed during the 2022 budget cycle.

DISCUSSION AND POSSIBLE APPROVAL OF A C2 CONDITIONAL USE PERMIT APPLICATION # Z-2021-006 FOR AN ELECTRICAL TRANSMISSION RIGHT-OF-WAY ON PROPERTY LOCATED APPROXIMATELY 13 MILES WEST COVE FORT AND WITHIN SECTIONS 16 & 21, T25S, R9W—CLINTON BROWN, APPLICANT

Commissioner Draper said that Mr. Brown was at the last meeting and at that time more research needed to be done.

Planner Richins said that Mr. Brown has a permit to build a solar project and is requesting that an electrical right-of-way be granted. Planner Richins explained the location of the right-of-way in relation to Mr. Browns parcel and Black Rock Road and said that the easements are deeded and not disputed.

Commissioner Draper said that the maps at the last meeting were not showing the proper

area and the wrong roads were looked at. He said that Mr. Brown has easements that allow him to connect along a Class B road and at no point does this easement cross Mr. Kauffman's property to the northeast.

Planner Richins said that a favorable recommendation was given from the Planning and Zoning Commission. He said that several conditions were recommended and Mr. Brown stated that he was ok with those conditions. Mr. Brown said that they intend to place the transmission line underground so it doesn't interfere with people and wildlife.

Planner Richins read a portion of the conditions into the record.

Mr. Brown thanked the Commission and everyone else who took the time to look into this issue further.

Commissioner Wright made a motion to approve C2 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.

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

Commissioner Warnick was excused for the remainder of the meeting.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Draper said that Fillmore City has requested a letter of recommendation from the County stating its support for Fillmore City participating in the \$50,000,000.00 ARPA legislative grant. He said that he is in favor of this. Commissioner Wright said that he was okay with it as well.

Commissioner Draper said that he will prepare a letter.

Commissioner Draper said that Governor Cox will be at the Statehouse at 6:15 p.m. for a program to honor the emergency personnel who responded to the multiple fatality crash along I-15 recently.

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

There was none.

AUDITOR REPORT

Auditor Smith said that the 2022 budget public hearing has been scheduled on December 7, 2021 at 6:00 p.m.

Auditor Smith presented the following reports:

A/P Registers:

8/27/21 \$115,555.14

8/27/21 \$14,269.00 Zions Bank draft

9/03/21 \$123,858.07

Payroll Liability Register:

08/27/2021 \$431,128.31

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND/OR ACTION

Commissioner Wright made a motion to enter into a BOE.

Commissioner Draper stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried. The BOE began at 11:39 a.m.

Assessor Manis said that parcel #'s DOSVB-7B and DOSC-1 belonging to SDSC Enterprises have been brought up each year recently because Millard County has traded these parcels with SDSC Enterprises so that the lots are more uniform. SDSC enterprises is requesting that DOSVB-7B be exempt because it is supposed to be deeded to the County, but it hasn't been done yet.

Assessor Manis said that parcel #DOSC-1 isn't as marketable as it will be until the property is deeded over to SDSC and they are requesting to reduce the assessment to the original amount of \$30,900.00.

Auditor Smith said that Attorney Finlinson is working on getting the deed changes done. A brief discussion was had on when the decision to exchange the property was made.

Commissioner Draper said that he would like to see the file and the reasoning behind the trade and bring this back to the next meeting.

Auditor Smith presented an appeal for Gail Cluff - Parcel #81266. Assessor Manis said that there is an addition to an existing home and explained how they determined if the construction is completed.

Assessor Manis said that Mr. Cluff filed an appeal so he went to assess the completed

work and determined that only 70.83% was completed, which adjusts the value to \$250,425.00. He said that Mr. Cluff is ok with that adjustment.

Auditor Smith presented an abatement for parcel # 94947 - Corey Anderson. She said that he doesn't qualify for disability due to his age, but turned in a dated disability form and letter of hardship.

Auditor Smith presented an abatement for parcel 158569- Jeanne Harmon. She said that Ms. Harmon does not qualify because of age.

Auditor Smith presented an abatement for Parcel #148552 Douglas Fisher.

Commissioner Wright made a motion to reduce the property tax for Parcel #81266 - Gail Cluff to \$250,425.00, abate Parcel #94949 - Corey Anderson by 25%, Parcel #158569- Jeanne Harmon by 45%, and Parcel #148552 Douglas Fisher by 40%.

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

Commissioner Wright made a motion to close the BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 12:08 p.m.

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 12:09 p.m.

Attest: _____

Approved: _____