

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF DECEMBER 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:

Shauna Watts, Kurt Forsyth, Wendy Chatland, and Andrea Wardle..... IHC
Sheriff Jacobson, Rob Clark, Pat Bennett,
Tyler Hathaway, and Lindsay Mitchell..... MCSO
Kim Rowell..... Millard County Ambulance
Sheri Dearden..... County Treasurer
Bonnie Smith..... County Auditor
Kalen Taylor..... USU Extension
Heidi Stringham and Stacie McIff..... Snow College
Cory Allen..... Materion
Mark and Kim Stevenson, Greg Waters, Ken Mattson, Bart Whatcott, Matt Zeeman, Kory
Zeeman, Tracy Whatcott, Richard and Susan Reed, Rob and Denise Rogers, Rod Olsen,
Scott Woffinden, Mani and Lippa Grewal..... 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 said that IPP is pushing forward on construction of its new gas units. He said that they took some time to reevaluate, but have not stopped construction. Commissioner Draper said that the Commission will likely address IPP’s conditional use permit (CUP) during the December 21, 2021

meeting. Commissioner Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES OF NOVEMBER 16 , 2021

The proposed minutes of a regular County Commission meeting held November 16, 2021 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of November 16, 2021, as corrected.

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

FOLLOW UP ACTION ITEMS FROM NOVEMBER 16, 2021

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR CARPET CLEAN, OWNER - VANCE BECKSTEAD

A business license application was presented for Carpet Clean, Owner - Vance Beckstead, a carpet cleaning business. After review of the application and finding all signatures in order, Commissioner Wright made a motion to approve a business license for Carpet Clean, Owner - Vance Beckstead

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

OPENING OF THE BIDS FOR SHERIFF'S OFFICE PATROL VEHICLES

Auditor Smith opened the following emailed bids:

- Sahara Motors \$119,500.50 for three vehicles.
- Droubay Chevrolet \$113,491.00 for three vehicles

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.

INTERMOUNTAIN HEALTHCARE PRESENTATION FOR "GIFT OF COMMUNITY" - KURT FORSYTH & SHAUNNA WATTS

Kurt Forsyth introduced his local team members Andrea Wardle, Wendy Chatland, and Shauna Watts. Mr. Forsyth presented an overview of the Delta and Fillmore Community Hospital's services, community initiatives, and their status as a not-for-profit IHC Entity. He said that their total "Gift to the Community" which includes discounted and/or charity care was approximately

\$4,435,501.00 in 2020.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON IMPROVING AND/OR POSSIBLY RELOCATING A PORTION OF THE ROAD KNOWN AS BAKER LANE (100 EAST EXTENSION) SOUTH OF FILLMORE

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on improving and/or possibly relocating a portion of the road known as Baker Lane (100 East extension) south of Fillmore.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:33 a.m.

Present were: Shauna Watts, Kurt Forsyth, Wendy Chatland, Andrea Wardle, Sheriff Jacobson, Rob Clark, Pat Bennett, Tyler Hathaway, Lindsay Mitchell, Kim Rowell, Sheri Dearden, Bonnie Smith, Kalen Taylor, Heidi Stringham, Stacie McIff,, Cory Allen, Mark and Kim Stevenson, Greg Waters, Ken Mattson, Bart Whatcott, Matt Zeeman, Kory Zeeman, Tracy Whatcott, Richard and Susan Reed, Rob and Denise Rogers, Rod Olsen, Scott Woffinden, Mani and Lippa Grewal

Attorney Finlinson presented a map and pinpointed the location of Baker Lane and the Virginia Hills Subdivision. He said that roads within the subdivision were platted and dedicated when the area was subdivided into approximately 60 lots in 1978. He said that the County maintains Baker Lane up to a certain point while other property owners have widened and taken care of it further up the lane.

Attorney Finlinson said that it is the desire of some owners to make Baker Lane a better access road; however, it is a prescriptive road that is limited by its historic use and the County cannot widen a prescriptive road. He said that at some point Baker Lane's classification was changed to a Class B, but he has not been able to find out when or why that happened. He said that it was a prescriptive RS247 road when the transportation map was adopted in 2000 so there is some confusion on whether it is a Class B or D road.

Attorney Finlinson said that the platted roads have been designated on paper and dedicated to Millard County for the purpose of constructing roads. He said that the County doesn't have the obligation to construct the roads, but the recorded documents are clear that these roads are dedicated. He said that the Zeemans have proposed to cut and create a portion of the dedicated road and tie it back into Baker Lane instead of improving the portion of Baker Lane that goes through their property. Attorney Finlinson said that the Zeemans will agree to develop a road within the dedication that is the same standard of road that crosses their property right now.

Bart Whatcott asked the Commission to view a map that he brought and said that it gives a better bird's eye view. He asked about the quality of the road being built and possible graveling so they don't have to deal with mud. Mr. Zeeman said that, as was stated, they will create a new road that is to the standard of the current road. Nearby owners reviewed the map and discussed the proposed changes.

Mr. Whatcott said that they have a concern about fighting mud on a new road and trying to access their property while the construction is being done. He said that they walked the proposed

area and there will be some cut and fill needed and possibly some culverts put in. He said that before Baker Lane is vacated on the Zeeman's property, they want a road that is up to the same standard to access their property.

Mr. Matt Zeeman said that their basic proposal is to move the road from their property to the dedicated roads that were created when the land was subdivided. He said that the road would be built to the current standard, and they are willing to help extend the road further with the cooperation of other owners. He said that the burden to extend the road further or to make it better than the current road isn't on them. Mr. Zeeman said that their intend would be to ask the County to abandon that portion of Baker Lane after the new road is created.

Mr. Zeeman said that other nearby property owners have widened the road on his property and in the process trees have been pushed down and drains have been cut. He said that three main drains have been added or cleaned up and they run 60-110 feet into their property from the road. He said that speeds on that road have increased since the road has been widened which is a safety concern for them.

Mr. Corey Zeeman said that access to Baker Lane on their property will not be removed until the new road is created.

Robert Rogers said that he supports them building the road, but he wants it done to current specifications and done right. He said that the drainage was there prior to them purchasing the property. He said that he would like the road better maintained and was told by the County GIS Specialist that it is a Class B road all the way to his property. Mr. Rogers said that he would like to see improvements on the existing road.

Matt Zeeman said that the drainage Mr. Rogers spoke about, was not one of the three that he mentioned before.

Kim Stevenson said that if they are going to build a road, there needs to be a bond and it needs to be built to a certain standard.

Bart Whatcott asked if the County will gravel and maintain the new road if it is put in. Commissioner Draper said that no decisions have been made yet.

Attorney Finlinson said that once the County commits to maintaining it to a certain degree, it can't just stop. Mr. Whatcott asked if the County would be willing to put down the gravel if the owners purchased the material. Commissioner Draper said he doesn't think that would be a problem since the equipment is already maintaining the road to some extent. Mr. Whatcott thanked the Commission for their recent work on IPA.

Rod Robinson asked the location of the new road and a brief discussion was had on where it would be cut in and where it would tie into Baker Lane.

Bart Whatcott said that the road may cause Mr. Waters to move a building that he has on his property. Mr. Waters said that the building could be moved.

Mark Stevenson said that he appreciated them offering to do something with that road and this will continue to be an issue since it wasn't developed initially. He said that he would like to see the road built right by a licensed contractor.

Tracy Whatcott asked who will oversee the Zeemans to make sure the standards are met on this new road.

Susan Reid said that she doesn't want the road widened any further because the traffic speeds have increased which is a safety concern for her and her family when they are using the property.

Scott Woffinden said that he would like the entire road brought up to current standards so this process doesn't have to be done again.

Matt Zeeman said that when each owner bought the property, they knew what the road standard was. He said that he isn't developing a subdivision, so all landowners should contribute to bringing the road up to a new current standard.

Kim Stevenson said that no one is asking for the road to be moved except the Zeemans so they should foot the bill.

Mr. Rogers said that he has contributed rock to the current road. He said that he has done that as part of the response to a past fire. He asked why as a Class B road it isn't maintained. Attorney Finlinson said that he is looking into when this was changed into a Class B road because it wasn't designated as that in the original transportation map.

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 11:20 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE DECISION REGARDING IMPROVING AND OR/RELOCATING A PORTION OF BAKER LANE (100 EAST EXTENSION) SOUTH OF FILLMORE

Attorney Finlinson said that he doesn't know what the subdivision ordinances looked like in 1978 when this was created, but it would be done differently if this subdivision was created today. He said that it is not the County's obligation to build/create the dedicated roads; however, it is common for the County to look at improving infrastructure in areas where the population has increased. He said that the County Road Department has maintained it to Class B standard up to the edge of the subdivision and gravel has been put down and work has been done by Mr. Rogers, Whatcott's, and other owners within the subdivision.

Attorney Finlinson said that it is the Commission's decision to decide whether it is time to improve infrastructure due to the increased population and if they choose to do so, it can be done by condemning the current road and improving it or moving the road to a dedicated road.

Attorney Finlinson said that if the Commission would like to move forward, he suggest drafting a contract with the Zeemans that outlines what is expected of the new road and that the County not vacate the current road until there is a new road through the easement that is built to the current standard. He said that he also suggests that the Road Department take over this road and maintain it as a Class B road due to the increased use density in this area.

Commissioner Warnick asked the Zeemans what equipment or company they are planning to use to create this road. Attorney Finlinson said that they are offering to use their equipment to cut a new road. Commissioner Warnick asked the Zeemans if they expect to have a contract so expectations are met.

Attorney Finlinson said that the County Road Department would supervise this project and

most of the corners have been marked.

Commissioner Warnick asked about a time frame. Matt Zeeman said that they haven't put together a time line yet and they have no issue with contract if an agreement can be made.

Commissioner Wright said that Attorney Finlinson has outlined a path that will benefit everyone. He would like Attorney Finlinson to write up an agreement to create a new road to the standard and then it would be the County's responsibility to bring it to a Class B standard. He said that he does not want to condemn property.

Commissioner Draper asked if the existing portion would need to be vacated if the new road is created. Attorney Finlinson confirmed that it would. He said that the vacating process involves a public hearing and wouldn't be held until a viable alternative exists.

Commissioner Draper said that the offer to move the road is admirable and that an improvement to the entire road is not being proposed at this time. He said that property owners cannot improve the road outside of their own property. Commissioner Draper said that issues like fire safety and existing easements need to be considered and said that he thinks the proposal to move the road under the supervision of the Road Department would be the way to go. He said that the County won't develop the entire dedicated road grid; just the portion of the road that the Zeemans are creating. However, it may be in the County's interest to improve the road to the standard of a Class B road.

Attorney Finlinson said that he can create a contract and bring this back to the Commission at a later point for consideration and possible approval. Commissioner Wright said that he would like that contract to include a time line and everything else that was discussed in this meeting.

PRESENTATION FROM SNOW COLLEGE REGARDING TECHNICAL EDUCATION - STACIE MCIFF, VICE PRESIDENT OF TECHNICAL EDUCATION AND WORKFORCE DEVELOPMENT

Stacie McIff gave a presentation on Snow College's new technical education programs that focuses on knowledge and skill acquisition that applies directly to the needs of the workforce.

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR RICK BUBLITZ- MAINTENANCE SUPERVISOR

Commissioner Warnick said that Mr. Bublitz doesn't have a purchasing card and needs one in his position as a maintenance supervisor. Auditor Smith said that Kevin Morris had a limit of \$2,000.00 when he held that position.

Commissioner Warnick made a motion to approve a credit card for Rick Bublitz with a limit of \$2,000.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE PREDATOR CONTROL CONTRACT

Attorney Finlinson said that there aren't any significant issues with the renewal.

Commissioner Draper said that the cost is approximately \$5,400.00 which is close to what it has been historically. He said that the contract is from July 1, 2021 to June 30, 2022.

Commissioner Warnick made a motion to approve the predator control contract.

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

DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE BID AMENDMENTS

Attorney Finlinson said that both bidders were awarded a bid for an ambulance at the last meeting. He said that the ambulance in the bid that was awarded was sold already and the other available ambulance is \$235,950.00. He said that Auditor Smith said that this will need to be included when opening the budget if it increases ARPA but that isn't a barrier.

Commissioner Wright made a motion to approve amending the ambulance bid approvals that awarded the bids to both Rocky Mountain Emergency Vehicles and Professional Sales and Service.

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

MATERION FINANCIAL DONATION TO THE SHERIFF'S OFFICE

Sheriff Jacobson introduced canine Zuko and his handler Deputy Hathaway. He then introduced Mr. Cory Allen, Materion Plant Manager, who facilitated a donation from Materion which enabled the Millard County Sheriff's Office to purchase another K-9 to be deployed for narcotic and detection duties.

Mr. Cory Allen said that Materion is dedicated to being a part of the community and this was an opportunity to step in and help. He said that they want to continue to reach out and find ways to assist the County in any way that they can. Sheriff Jacobson said that this was a \$9,000.00 donation.

Deputy Hathaway said that Zuko is social and catches on very quick. He said that he is already certified in portions of patrol and is currently working on other certifications like detective work. Deputy Hathaway thanked Mr. Allen for Materion's contribution.

Commissioner Draper thanked Mr. Allen for his magnanimous contribution. Commissioners Wright and Warnick expressed their great appreciation as well.

DISCUSSION AND POSSIBLE APPROVAL OF 2022 COMMISSION MEETING DATES

Clerk Rowley presented the following list of proposed 2022 Commission Meeting dates.

January - 4th and 18th
February - 1st and 22nd
March - 8th and 22nd
April - 5th and 19th
May - 3rd and 17th
June - 7th and 21st

July - 5th and 19th
August - 2nd and 16th
September - 6th and 20th
October - 4th and 18th
November - 1st and 15th
December - 6th and 20th

Commissioner Warnick made a motion to approve the 2022 Commission Meeting dates. Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF THE 2022 ECONOMIC DEVELOPMENT SERVICES AGREEMENT WITH UTAH ASSOCIATION OF COUNTIES (UAC)

Commissioner Draper said that the time line of this contract is being moved to coincide with the calendar year. He said that the cost of the contract is approximately \$60,000.00 and an additional \$5,000.00 is also in the budget for other economic development considerations.

Commissioner Wright made a motion to approve the 2022 Economic Development Services agreement with Utah Association of Counties (UAC).

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

DISCUSSION AND POSSIBLE APPOINTMENT OF AN ELECTED OFFICIAL TO SERVE ON THE 2022 UAC BOARD OF DIRECTORS

Commissioner Wright made a motion to appoint Commissioner Draper to serve on the 2022 UAC Board of Directors.

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

DISCUSSION AND POSSIBLE APPROVAL OF TWO DESTINATION DEVELOPMENT GRANTS – KEVIN MORRIS

Kevin Morris, Tourism Director, said that he is asking the Commission to approve two grants that the County will match funds for. He said that the first is a Strategic Implementation Grant in the amount of \$40,000.00. He said the County will pay \$20,000.00 and the grant will pay \$20,000.00. Director Morris said that the purpose of the grant is to put together a 1, 5, and 10 year tourism plan and described how the County will have an influx of workers due to the construction at IPA and how Tourism can provide entertainment, activities, etc. to keep those people busy. He said that the plan also includes an exit strategy for when those workers start leaving.

Director Morris said that the other grant is a Branding Grant in the amount of \$25,000.00. He said that the County will pay \$12,500.00 and the grant will pay \$12,500.00. He said that the purpose is to develop the brand of the County and this process will involve boards and community

members. Commissioner Warnick said that TRT and TRCC funds will be used to match these grants.

Commissioner Wright asked the anticipated TRT for the upcoming year. Director Morris said that TRT for 2021 is approximately \$200,000.00 and they initially anticipated only \$140,000.00. He said that the 2021 TRCC is also over \$20,000.00 more than anticipated.

Commissioner Warnick made a motion to approve two destination development grants.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Draper asked if Auditor Smith had received an invoice for an indigent burial from Nickel Mortuary. Auditor Smith said that she did receive it and it can be handled the next time that the Commission opens the budget.

Commissioner Warnick said that she would like to schedule the next Department Head Meeting. After a brief discussion it was decided to hold the next department head meeting on January 13th, 2021 from noon to 2:00 p.m. It was decided that an additional meeting between the Commission and Paypoint HR will be held beforehand at 11:00 a.m. and a meeting with the local Mayors will be held that night.

GRAMMA AND OPEN MEETING ACT TRAINING

Attorney Finlinson gave a brief training on the Gramma and Open Meeting Act.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There were none.

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

Treasurer Dearden presented an application for Parcel R1744. She said that Nixon Land and Livestock sold it to Holden Town. She said that Nixon Land and Livestock has paid their portion for the days that they owned the property and said that the request is that the County exempts the 78 days that the property was owned by Holden Town. She said that the amount is \$43.67.

Commissioner Wright made a motion to exempt the \$43.57 owing for parcel R1744.

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

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX FOR SANDY CROSSING ENTERPRISES INC (PARCEL: S-1280) AND BT HOLDINGS OF UTAH LLC (PARCEL(S): S-1280-1 & S-1283) MANI GREWAL

Treasurer Dearden said that only Sandy Crossing Enterprises Inc is included in this discussion because that was what was on the application. She gave a brief history of the taxes on this property and said that the Commission is dealing with years 2017-2021.

Mr. Grewal said that Mr. Charles Hannah has been representing them on this matter and turned the discussion over to him. Mr. Hannah explained that the Grewals have been taken advantage of by a Mr. Hansen who is now incarcerated. He briefly explained how the Hansen's have been running the hotel and the agreement was that the Hansen's would pay the taxes. Mr. Hannah said that the Grewals haven't received a dime in the last two years from the hotel and the Hansens have failed to pay the taxes.

Mr. Hannah said that it is now Mr. Grewal's intention to take possession of the hotel and borrow on the hotels value to pay for the taxes which will take an additional 3-4 months.

Treasurer Dearden said that the total amount due is \$52,226.70. Mr. Hannah said that the Grewals are asking for relief of the penalties and interest which brings the amount owing down to \$43,770.00. He said that a full payment on that amount will be made before July 2022.

Commissioner Wright made a motion to waive all penalties and interest from 2017 to 2021 and remove the property from the 2022 tax sale.

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

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

Attorney Finlinson said that the Indigent Defense Commission will be increasing the County's public defender allocation by approximately \$20,000.00. He said that this is due to the increase in the case load. He said that the final figure will not be known in time for the budget hearing tonight.

Attorney Finlinson said that the County purchased a gravel pit property from Tony Fuller some years ago and that land included almost 10 acre feet of water. He said that some water rights were filed in error and the County needs to prove upon 4 more acre feet. He said that Mr. Fuller is willing to help with this and the cost for his services along with other engineering and professional costs should be less than \$5,000.00.

Commissioner Draper said that he and Planner Richins are meeting with the hired attorney Blake Hamilton who is working on the IPA conditional use permit. He said that the final version should be available today and will be sent out to everyone for review.

AUDITOR REPORT

Auditor Smith presented the 2022 pay period and holiday schedule. She said that the only office closure that doesn't fall on a holiday is the day after Thanksgiving. The Commissioners agreed with the proposed schedule.

Auditor Smith said that she received a request for reimbursement that is older than 60 days; however, since it is the same calendar year it shouldn't impact the County negatively. She said that she is asking for special permission to process this outside of the 60 day time frame. Auditor Smith said that the amount is \$204.00. The Commission gave permission to process that reimbursement.

Auditor Smith said that she would also like to add clarifying language regarding meal reimbursements. She said that entity sponsored gatherings or overnight stays are the only activities that apply to meal reimbursements. She said that she can get the language to Attorney Finlinson in order to prepare a resolution.

Auditor Smith gave the following reports:

Payroll Liabilities:

11/19/2021 - \$443,590.51

12/3/2021 - \$183,829.82

AP Totals:

11/19/2021 - \$170,691.71

11/26/2021 - \$127,079.68

11/30/2021 - \$23,066.31 Zions Bank Draft

12/03/2021 - \$64,576.62

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

Commissioner Wright made a motion to go into a closed executive session for the purpose of discussing pending and/or threatened litigation.

Commissioner Warnick **SECONDED** the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Commissioner Draper, Commissioner Warnick, Commissioner Wright, and Attorney Finlinson.

After the closed executive session the regular meeting reconvened at 1:35 p.m.

2022 BUDGET HEARING

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 1:36 p.m.

Attest: _____

Approved: _____