

SPECIAL MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 28th DAY OF DECEMBER 2021
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson..... County Attorney
Jamie Hair..... Deputy Clerk

EXCUSED: Marki Rowley..... County Clerk

ALSO PRESENT: Sheriff Jacobson, Lt. Robert Clark and Lindsay Mitchell..... MCSO
Joel Eves, Mike Utley, and Bret Kent..... IPP
Shonda Robison..... Recorder’s Office
Bonnie Smith and Vickie Bennett..... Auditor’s Office
Pat Manis..... County Assessor
Sheri Dearden..... County Treasurer
Matt Ward..... Chronicle Progress
Hugh Draper, Eric Larsen and Dennis Alldredge..... 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 Wright said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2021 YEAR. ALL BUDGETS COULD BE CONSIDERED FOR INCREASED APPROPRIATION AND/OR TRANSFER

Commissioner Wright made a motion to enter into a public hearing for the purpose of

receiving public comment on opening the budgets for the 2021 year. All budgets could be considered for increased appropriation and/or transfer.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:02 a.m.

Present were: Sheriff Jacobson, Lt. Robert Clark, Lindsay Mitchell, Joel Eves, Mike Utley, Bret Kent, Shonda Robinson, Bonnie Smith, Vickie Bennett, Pat Manis, Matt Ward, Hugh Draper, Eric Larsen, and Dennis Alldredge.

Auditor Smith presented a list of possible amendments for the 2021 budget year. She said that one of the proposed changes is the County option fuel tax which is approximately \$25,000.00. She said that this is a 100% passthrough and the funds go directly from the State to the local municipalities. Auditor Smith said that the County just has to recognize it in its books.

Auditor Smith said that the second proposed change involves the landfill's increased revenue of approximately \$102,000.00. She explained that the landfill took a loan from Capital Projects and the current amount owing is \$197,600.00. Auditor Smith suggested that the increased revenue, plus \$30,000.00 already budgeted, can be put toward a payment on that loan. She said that this will make the total payment \$132,000.00 and leave a balance owing of \$65,600.00.

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 10:06 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-12-28, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TO OPEN AND AMEND THE 2021 MILLARD COUNTY BUDGET

Commissioner Draper said the increased landfill revenue has provided a great opportunity to pay back Capital Projects.

Commissioner Wright said that this was just noticed and agreed that the increased revenue should be used toward the loan.

Commissioner Wright made a motion to approve Resolution 21-12-28, a resolution of the Board of County Commissioners of Millard County, Utah, opening and amending the 2021 Millard County budget.

Commissioner Warnick SECONDED the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Wright voted YES. Commissioner Draper voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-12-28A, 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

Attorney Finlinson explained that these items require a separate resolution. Auditor Smith presented the list of possible transfers which include \$3,200.00 into the indigent burial fund, \$27,000.00 into Centrally Assessed Litigation, and a \$5,000.00 transfer from the Recorder to the Surveyor budget to cover the monuments/corners invoice.

Auditor Smith also requested authorization to transfer funds within the general fund and recreation fund between the various departments in order to balance the department budgets. After a brief discussion, the Commission agreed to authorize the Auditor to make those transfers up to \$100,000.00.

Commissioner Draper questioned whether the fund for indigent burials will be short for next year. Auditor Smith said that it may need to be adjusted as more applications are received.

Commissioner Draper read the resolution into the record.

Commissioner Wright made a motion to approve Resolution 21-12-28A, 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.

Commissioner Warnick SECONDED the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Warnick voted YES. Commissioner Draper voted YES. Commissioner Wright voted YES. The voting was unanimous and the motion carried.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE MILLARD COUNTY STEP AND GRADE POLICY REGARDING POSSIBLE INCREASES TO THE SALARIES AND WAGES OF ELECTED OFFICIALS AND THEIR CHIEF DEPUTIES

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on the Millard County Step and Grade Policy regarding possible increases to the salaries and wages of elected officials and their chief deputies.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:21 a.m.

Present were: Sheriff Jacobson, Lt. Robert Clark, Lindsay Mitchell, Joel Eves, Mike Utley, Bret Kent, Shonda Robinson, Bonnie Smith, Vickie Bennett, Pat Manis, Matt Ward, Hugh Draper, Eric Larsen, and Dennis Alldredge.

Auditor Smith said that the 2022 budget has provided a 3.0% COLA to all County employees. She said that this excludes elected officials and their chief deputies. Auditor Smith said that the total cost to add a 3.0% COLA for elected officials and their chief deputies will be approximately \$30,789.42. She said that this doesn't include the Chief Deputy Sheriff because that

salary isn't tied to its elected official.

Auditor Smith said that the current policy also allows each Commissioner to accept a 2.0% increase per year of service if they so choose. She said that this is approximately \$2,613.29 if all commissioners elect to accept that increase. Commissioner Warnick said that she didn't believe any commissioners have chosen to accept that increase in recent years.

Commissioner Draper said that a 3.0% COLA has been proposed for all employees, but state law separates elected officials from regular employees and the chief deputies salaries are a percentage of their respective elected official's salary. He said that the public has a right to voice their opinion regarding public officials' salaries and this is the purpose of the public hearing.

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 10:25 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-12-28B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, ADOPTING THE FINAL BUDGET FOR MILLARD COUNTY FOR FISCAL YEAR 2022 AND INCREASING SALARY AND WAGES OF ELECTED OFFICIALS AND THEIR CHIEF DEPUTIES

Auditor Smith said that budget has been revised since the last commission meeting and she has spoken to each Commissioner in order to put together a consensus on possible changes. She said that she has moved several items to Capital including software, vehicles, and equipment which came to a total of \$317,240.00. She said that an additional \$300,000.00 of tax revenue was also added to the budget for a total of \$617,240.00.

Commissioner Draper noted that the 2022 total county budget has increased approximately \$3,000,000.00 from 2021 and said that most of that is due to the funds received from the American Rescue Plan Act (ARPA) that need to be reflected in the budget.

Auditor Smith said that the County hasn't spent any ARPA funds to date; however, if the Commission approves the proposed projects, the first batch of funds would be depleted.

Commissioner Draper noted the carry over grants in the amount of \$155,195.00. Auditor Smith said that those are grants that are being carried over and can be used for equipment. She said that the ambulances will be paid for through the ARPA act.

Commissioner Warnick said that she is still concerned with setting aside 15% for possible wage increases after the paypoint study is complete. She said that she wants to reduce that to 5.9% and realizes that the cost of benefits needs to be added to that.

Commissioner Draper said that the amount needed to increase wages is unknown until the study is done and the Commission has set aside estimated funds to cover those. He said that the last time a compensation study was done, some employees didn't receive raises and their wages were actually frozen.

Commissioner Draper said that while formulating the budget, he suggested putting \$1,400,000.00 into the budget to cover that because they don't know what the results of that study will be. He said that the Commission can choose to adopt the changes or not when the compensation study is complete. Commissioner Draper said that the Commission isn't obligated to spend any of this money. Keeping it in the budget avoids future public hearings on this subject should the budget need to be opened.

Commissioner Warnick said that 5.9% is what the Social Security is doing and that is based of the 2021 consumer index. Commissioner Draper said that he would like to keep it at 15% which is \$1,400,000.00 to cover the base because the County doesn't know what the recommendation will be.

Commissioner Wright suggested reducing the possible compensation increases to \$1,000,000.00. Commissioner Warnick said that she could accept that.

Commissioner Wright asked if the 3.0% increase for elected officials is consistent with what other employees are receiving. Auditor Smith confirmed that it was.

Commissioner Draper read the resolution into the record.

Commissioner Wright made a motion to approve Resolution 21-12-28B, a resolution of the Board of County Commissioners of Millard County, Utah, adopting the final budget for Millard County fiscal year 2022 and increasing salary and wages of elected officials and their chief deputies.

Commissioner Warnick SECONDED the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Draper voted YES. Commissioner Warnick voted YES. Commissioner Wright voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF THE ANNUAL AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR PAYMENT OF CARE CENTER UPPER PAYMENT LIMIT FUNDS

Commissioner Draper explained that Millard County owns the Care Center building but it is operated by a separate entity. He said that the management structure has made it so the County is the entity that is required to sign this agreement. He said that the agreement has been negotiated several times and is now agreeable and will allow the Care Center to participate in the upper limit payment program.

Commissioner Draper said that the upper payment limit is basically the cash flow of the Care Center. Attorney Finlinson said that medicaid and medicare don't cover enough to handle operating expenses.

Commissioner Wright made a motion to approve the annual agreement with the Utah Department of Health for payment of Care Center upper payment limit funds.

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

DISCUSSION AND POSSIBLE APPROVAL OF TWO INDIGENT BURIAL APPLICATIONS

Auditor Smith presented an indigent burial application for Brenda Furrow and Robert

Crosley. She said that the limit is \$1,600.00.

Commissioner Warnick made a motion to approve two indigent burial applications for \$1,600.00 each.

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

DISCUSSION AND POSSIBLE APPROVAL OF A C-2 CONDITIONAL USE PERMIT APPLICATION # Z-2021-001 TO AMEND THE CONDITIONAL USE PERMIT FOR THE INTERMOUNTAIN POWER PROJECT (IPP) FOR CONSTRUCTION AND OPERATION OF AN ELECTRIC GENERATING FACILITY. INTERMOUNTAIN POWER AGENCY, OWNER. LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP), APPLICANT

Commissioner Draper gave a brief history of the original CUP and said that IPP chose to amend the original CUP rather than requesting a new one for the new natural gas/hydrogen units. He said that there are several major items that were addressed in the CUP amendment including worker safety, law enforcement and project site security, fire prevention and protection, emergency medical services, construction demographic reports, landscaping, reclamation and roads, temporary site and off-site housing, site drainage and erosion control, transportation, water quality, air quality and solid waste, rights of way, continuing information, county access to project site, time for compliance, processing costs, impact alleviation, site plan, and building permits and inspections.

Commissioner Draper gave an overview of the amendment process and said that this received a favorable recommendation from the Planning and Zoning Commission. He then read the general provisions found on page 11 and 12 of the CUP.

Attorney Finlinson said that specific findings need to be specified.

Planner Richins said that those findings are usually found on the original CUP but aren't listed since this is an amendment. Planner Richins read the findings into the record from Title 10, Chapter 8, Section 3 of the Millard County Code; Procedure and Review Standards for CUPs.

Commissioner Warnick made a motion to approve the C-2 Conditional Use Permit Application # Z-2021-001 to amend the conditional use permit for the Intermountain Power Project (IPP) for construction and operation of an electric generating facility. Intermountain Power Agency, Owner. Los Angeles Department of Water and Power (LADWP), Applicant.

Commissioner Wright SECONDED the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Wright voted YES. Commissioner Draper voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 11:10 a.m.

Attest: _____

Approved: _____