

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 18th DAY OF JANUARY 2022
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: Matt Ward..... Chronicle Progress
Bonnie Smith..... County Auditor
Sheri Dearden..... County Treasurer
Adam Richins..... County Planner
Pat Manis..... County Assessor
Sierra Dickens..... County Recorder
Brendan Turner and Brooks Jackson..... Recreation Supervisors
Casey Fowles..... Golf Course
Lindsay Mitchell and Pat Bennett..... Sheriff’s Office
Kalan Taylor..... USU Extension
Dennis Alldredge, Ron Heard, Brent Tolbert, Todd Macfarlane,
and Sharon Harris..... 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 there has been a lot of discussion regarding IPP and the County. He said that he would like everyone to know that each Commissioner is under a non disclosure agreement and are unable to tell the full side of what is taking place. Commissioner Draper encouraged questions and said that the commissioners will answer them as best they can. Commissioner Warnick said the

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

APPROVAL OF THE MINUTES OF JANUARY 4, 2022

The proposed minutes of a regular County Commission meeting held January 4, 2022 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of January 4, 2022, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 4, 2022

Commissioner Draper referred to the Gandy Road discussion during the last meeting and said that a letter of support to change the status of the Gandy Road to a major collector has been sent.

APPOINTMENT OF A NEW COMMISSION CHAIRPERSON AND CHAIRPERSON PRO TEMPORE

Commissioner Wright made a motion to appoint Commissioner Warnick as the Chairperson.

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

Commissioner Warnick made a motion to appoint Commissioner Wright as the Chairperson Pro Tempore.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-01-18, A RESOLUTION OF THE MILLARD COUNTY COMMISSION DIVIDING THE EXECUTIVE FUNCTIONS OF THE COUNTY COMMISSION TO INDIVIDUAL COMMISSIONERS

A brief discussion was had on the assigned duties. The approved 2022 assigned duties are attached.

Commissioner Warnick made a motion to approve Resolution 22-01-18, a resolution of the Board of County Commissioners of Millard County, Utah, dividing the executive functions of the county commission to individual commissioners.

Commissioner Wright 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

DISCLOSURE STATEMENTS

Disclosure statements were presented for the following employees:

- Evelyn Warnick - Evelyn Warnick Travel
- Ben McDonald - B&M Electric
- Lindsay Mitchell - JM Welding

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-01-18A, A RESOLUTION OF THE MILLARD COUNTY COMMISSION CREATING A POLICY IN REGARDS TO ELECTRONIC ATTENDANCE AT COUNTY MEETINGS

Attorney Finlinson gave a brief history for the reason of this item and asked that this resolution be stricken because it is unnecessary. He said the current policy limits opening statements to two minutes and have some guidelines in place. He said that current policy doesn't address electronic attendance so the Commission can still make a decision on that, but it will not need to be done in a resolution.

Commissioner Wright made motion to strike the resolution.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-01-18B, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING THE FEE SCHEDULE FOR THE RECORDER'S OFFICE, GOLF COURSE, EAST MILLARD POOL, EAST MILLARD RECREATION, WEST MILLARD POOL, AND WEST MILLARD RECREATION

Recorder Dickens said that she is proposing to increase the survey filing fees to \$40.00 from \$20.00. She said that the proposal also removes email and fax fees and increases the cost for a digital copy of all ownership plats to \$150.00.

Casey Fowles, Golf Director, said that current fees haven't changed in 17 years. He said that most fees will increase by \$1.00-\$2.00 and season passes will increase by \$25.00. Director Fowles said that these increases will amount to approximately \$15,000.00 in revenue per year.

Recreation Supervisors, Brooks Jackson and Brendan Turner, proposed increasing recreation prices by 5%. Supervisor Jackson said that they didn't raise fees for ZUMBA classes. Supervisor Turner said that recreation fees are being proposed to increase from \$35.00 to \$40.00 for each sport. He said that the proposed pool fees are comparable to other pool fees in Central Utah.

Auditor Smith said that these increases will amount to approximately \$13,000.00 total revenue per year for both recreation departments.

Commissioner Wright made a motion to approve Resolution 22-01-18B, a resolution of the Board of County Commissioners of Millard County, Utah, amending the fee schedule for the Recorder's Office, Golf Course, East Millard Pool, East Millard Recreation, West Millard Pool, and West Millard Recreation.

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

OPENING OF SECURITY CAMERA RFPS

Auditor Smith opened the following RFPS:

Tritel Networks	\$104,893.00 or \$102,783.00 (without four interview cameras)
DSI National	\$153,591.82

Captain Bennett explained the need for an updated camera/security system and said that some of the equipment currently being used is now illegal on the federal level.

Commissioner Wright made a motion to accept the RFPS, 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.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON APPLICATION #Z-2021-061 AMENDING THE TABLE OF USES AND USE DEFINITIONS IN TITLE 10, CHAPTER 25 OF THE MILLARD COUNTY ZONING ORDINANCE, AND AMENDING THE MILLARD COUNTY ZONING MAP TO CREATE A NEW LARGE CAFO OVERLAY ZONING DISTRICT FOR LARGE ANIMAL FEEDING OPERATIONS

Commissioner Warnick made a motion to enter into a public hearing for the purpose of receiving public comment on Application #Z-2021-061 amending the Table of Uses and use definitions in Title 10, Chapter 25 of the Millard County Zoning Ordinance, and amending the Millard County Zoning Map to create a new large CAFO Overlay Zoning District for large animal feeding operations.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:37 a.m.

Present were: Matt Ward, Bonnie Smith, Sheri Dearden, Adam Richins, Pat Manis, Sierra Dickens, Lindsay Mitchell, Pat Bennett, Kalan Taylor, Dennis Alldredge, Ron Heard, Brent Tolbert, Todd Macfarlane, and Sharon Harris.

Planner Richins said that the State Legislature amended the State Code which requires County's who create CAFO ordinances to include an area that comprises both state and private managed land within that ordinance by February 1, 2022. He said that the intent is that an applicant desiring to establish a CAFO can do so without seeking a zone change in this area. Planner Richins presented a map that explains the area that the Planning and Zoning Commission recommended as a designated area. Planner Richins read the State Code.

Planner Richins said that the Planning and Zoning Commission took on the task to designate an area and the new proposed area meets the criteria and includes both state and private land. He said

that this ordinance doesn't force anyone to build a CAFO in this area; it just provides an area that won't require a zone change. He said that individuals can still apply for zone changes in any other areas.

Ron Heard said that he moved to Meadow because it is a small town. He said that he has lived in other towns that turned into larger cities because of ordinances and legislation changes. He said that those changes ruined the town and he sees similarities to what is happening in Millard County and the State. He said that once the rural atmosphere is gone; its gone forever.

Mr. Heard said that the State is taking away the local community interests without their input. He said that this is an overreach and there's no turning back once its adopted. Mr. Heard said that if this continues, quality of life will suffer.

Todd Macfarlane said that he understood the ordinance was just to adopt complying with the State Code and a future ordinance would be brought forth with a proposed area to be adopted. He questioned that it appears that both are being done in the same ordinance.

Planner Richins said that this ordinance isn't changing anything except one area is being added to meet the State Code requirements. Planner Richins said that the proposed area is approximately 90 square miles.

Mr. Macfarlane briefly studied the map and the proposed area. He said that a topography map would be useful, but it appears most of the proposed area is unsuitable for the purpose of CAFOs due to its topography. Planner Richins said that a portion of that area that is hilly; however, the foothills and further west are suitable for the construction of CAFOs.

Mr. Macfarlane asked why the areas further west weren't considered. He said that a few years ago there was a substantial amount of interest from landowners who wanted to utilize their own land for CAFOs and went through a brief history of the County's moratorium, the voter initiative, and the resulting State statute. Mr. Macfarlane said that the proposal doesn't look like a good faith effort to satisfy the spirit of the law. He said that it doesn't appear that those who would like to build a CAFO would want to build in this area due to its remote location.

Planner Richins said that there is both private and SITLA land in the townships west of the proposed area. Mr. Macfarlane asked if the County was worried about losing the current zoning structure if this wasn't adopted by February 1, 2022. Attorney Finlinson said that was the fear, but the County doesn't know what the impacts of not having this adopted by the State's deadline.

Mr. Macfarlane said that his other concern is that this overlay could have a chilling effect on the investment expectations of privately owned properties in the proposed area. He said that this overlay may destroy the opportunities that were available when owners originally purchased the property.

Dennis Alldredge asked where the water will come from in this area and where the waste will go. He said that he understands why putting an area like this together is advantageous and he can support it. Attorney Finlinson said that underground water will supply potential CAFOs in the designated area.

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 11:10 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 22-01-18, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING THE TABLE OF USES AND USE DEFINITIONS IN TITLE 10, CHAPTER 25 OF THE MILLARD COUNTY ZONING ORDINANCE, AND AMENDING THE MILLARD COUNTY ZONING MAP TO CREATE A NEW LARGE CAFO OVERLAY ZONING DISTRICT FOR LARGE ANIMAL FEEDING OPERATIONS

Commissioner Draper said that SB 130 mandates that each county, except some with larger populations, designate an area for CAFOs. He said that there has been talk about extending the deadline, but as of today it is still February 1, 2022. Commissioner Draper explained the map and said that water access is already established in a few places of the proposed area. He referred to the waste and said that some ideas brought forth proposed to take methane gas taken off of lagoons to create methane energy.

Commissioner Draper said that proximity to highways and I-15 were a consideration. He reiterated that this change does not preclude anyone who wants to pursue a CAFO in another area. He said that inaction by the deadline may leave the County without any say.

Commissioner Draper said that twenty-nine counties reacted strongly when this was mandated and said that this treatment isn't provided to any other industry in the State.

Commissioner Warnick said that she appreciates the Planning and Zoning Commission and their work on this.

Planner Richins said that the Planning and Zoning Commission considered the existing infrastructure in that area, and found that it is suitable. He referred to the comment suggesting that there wasn't a good faith effort and said that everyone was invited to participate when this process began. He said that the thoughts and opinions from members of the Planning and Zoning Commission were split; however, the proposed area was agreed upon and voted on. Planner Richins said the process was a good faith effort and that they included both the letter and spirit of the law into the process. He said that it took a considerable amount of effort to determine this area. Planner Richins said that there is a good amount of land in this area managed by BLM which is also the case of much of the rest of the County.

Commissioner Warnick said that she sees the challenges that the Planning and Zoning Commission had to address and she appreciates their efforts. She said that its important to realize that landowners in other areas can still apply for zone changes to put CAFOs in other areas of the County.

Commissioner Wright suspects that the legislation will change and would like to wait until its ironed out but will support this if there is opportunity to make changes later. He referred to reasonable opportunities for access in the proposed area and asked why the proposed area wasn't moved west closer to the roads.

Planner Richins said that there are existing roads that give good access to the area. Commissioner Draper said that there are two well maintained Class B roads. Planner Richins said that State Engineer determined that the proposed area has available underground water that can be used. Planner Richins said that the area further west was considered and that adjoining landowners were of great concern when considering areas to be designated. He said that they tried to keep the

designated area in townships for simplicity.

Commissioner Wright asked if this changes the existing exemptions and setbacks. Attorney Finlinson said that nothing else is changing.

Planner Richins said that more requests for zone changes are anticipated in the future.

Commissioner Wright said that the suggestion is acceptable and thinks the Planning and Zoning Commission put a lot of thought in the process.

Commissioner Draper read the findings and the recitals into the record.

Commissioner Warnick made a motion to adopt Ordinance 22-01-18, an ordinance of the Board of County Commissioners of Millard County, Utah, amending the Table of Uses and use definitions in Title 10, Chapter 25 of the Millard County Zoning Ordinance, and amending the Millard County Zoning Map to create a new large CAFO Overlay Zoning District for large animal feeding operations.

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 HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON APPLICATION #Z-2021-062 AMENDING THE DEFINITION OF CAMPGROUNDS IN THE TABLE OF USES AND USE DEFINITIONS IN TITLE 10, CHAPTER 25, APPENDIX A, OF THE MILLARD COUNTY ZONING ORDINANCE

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on Application #Z-2021-062, amending the definition of campgrounds in the Table of Uses and Use Definitions in Title 10, Chapter 25, Appendix A, of the Millard County Zoning Ordinance

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:47 a.m.

Present were: Matt Ward, Bonnie Smith, Sheri Dearden, Adam Richins, Pat Manis, Sierra Dickens, Lindsay Mitchell Pat Bennett, Kalan Taylor, Dennis Alldredge, Ron Heard, Brent Tolbert, Todd Macfarlane, and Sharon Harris

Planner Richins said that the table of uses don't contain a comprehensive list of everything that could be done. He said that the proposed change adds additional wording and the intent is to preserve the intent of use for Commercial Campgrounds which aren't intended to be permanent residences. He said that there aren't any other areas in the County that support multi-family dwellings. He said that the Forest Service and other entities require that camping be on a temporary basis.

Planner Richins said that the proposed change clarifies that if someone is staying in a tent or recreational vehicle, that is temporary. He said that fourteen days is consistent with the current ordinance and general plan.

Mr. Macfarlane said that he has concerns that anything that isn't in the table of uses is prohibited. He said that he strongly disagrees with that approach and said that the inhabitants of the

earth have always had an inherent right to use their property any way they wanted as long as it didn't interfere with someone else's use. Mr. Macfarlane said that he thinks that it is more appropriate to approach things like this as a limit if it interferes with someone else's property. He said that he doesn't understand why there needs to be a fourteen day limitation on a commercial campground.

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 11:59 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 22-01-18A, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING THE DEFINITION OF CAMPGROUNDS IN THE TABLE OF USES AND USE DEFINITIONS IN TITLE 10, CHAPTER 25, APPENDIX A, OF THE MILLARD COUNTY ZONING ORDINANCE

Commissioner Wright asked about Cove Fort. Planner Richins said that they don't operate under the campground table of uses.

Planner Richins said that the intent isn't to discourage commercial campgrounds from existing, but large portions of the County don't have the infrastructure like access to emergency services that campgrounds in the municipalities may have.

Commissioner Wright said that this may prohibit those who come to stay for the summer for things like family reunions. Planner Richins said that there are things like family reunions and other gatherings that wouldn't require special permission.

Commissioner Wright said that he would like more information on this and said that he is worried that this may be discouraging to those who would otherwise recreate in Millard County.

Planner Richins said that this ordinance points out that camping and setting up an RV Park with more permanent housing are not the same thing.

Commissioner Draper said that this isn't to discourage anyone, but is designed to manage the influx of those coming to the County for future construction projects.

Commissioner Warnick would like time to get more information and suggested this be moved to the February 22, 2022 Commission meeting.

Action failed for lack of motion.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-01-18C, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY CREATING A NEW FULL-TIME POSITION IN THE ROAD DEPARTMENT OF A EQUIPMENT OPERATOR WITH A SPECIAL RESIDENCY ASSIGNMENT IN THE WEST DESERT; AND BY CHANGING THE GRADE ASSIGNMENT OF THE ROAD SUPERINTENDENT

Commissioner Draper said that in previous meeting, a raise was approved for the operator on the west desert and for the Road Department Superintendent.

Commissioner Wright said that this was discussed in the budget hearings. Commissioner Draper read the resolution into the record. Attorney Finlinson said that this resolution places the West Desert Operator at grade 14 and the Road Superintendent at grade 20.

Commissioner Wright made a motion to approve Resolution 22-01-18C, 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 creating a new full-time position in the Road Department of an Equipment Operator with a Special Residency Assignment in the West Desert to a grade 14; and by changing the grade assignment of the Road Superintendent to a grade 20.

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 22-01-18D, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS AMENDING THE MILLARD COUNTY CREDIT CARD POLICY AND SECTION XI OF THE MILLARD COUNTY POLICIES AND PROCEDURES MANUAL

Auditor Smith said that the changes clarify the existing language and explained where those are found in each policy.

Commissioner Wright made a motion to approve Resolution 22-01-18D, a resolution of the Board of County Commissioners of Millard County, Utah, amending the Millard County Credit Card Policy and Section XI of the Millard County Policies and Procedures Manual

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 SURPLUS PROPERTY

Auditor Smith presented a list of surplus property. She said that the ambulance can be excluded from the list until more information is received on a possible trade-in. Auditor Smith said that most items are insignificant in value except a 2001 Dodge Ram. She said that these items can be advertized to other departments first.

Commissioner Warnick said that she is in favor of sending the 2001 Dodge Ram to surplus because it has issues.

Commissioner Warnick made a motion to approve sending the listed property excluding the ambulance to surplus.

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

DISCUSSION AND POSSIBLE APPROVAL OF TRANSFER OF FUNDS WITHIN THE 2022 CAPITAL FUND, REDESIGNATING ASSIGNED FUNDS TO ANOTHER PROJECT(S)

Auditor Smith said that Maintenance Supervisor Penney has been unable to find a forklift within the allotted budget. She said that the lowest price was approximately \$20,000.00 for a used one. Commissioner Wright said that he will reach out to Supervisor Penney to get more information on trade in and cash price for a forklift.

Auditor Smith said that Recreation Supervisor Jackson budgeted for a scoreboard and prices have gone up since he was quoted. She said that he is short approximately \$1,300.00.

Auditor Smith said that West Maintenance received a truck and now there is approximately \$30,000.00 no longer appropriated for a specific purpose. Commissioner Warnick said Maintenance Supervisor Bublitz is aware that he received a truck and moving funds from that budget to go toward a forklift and scoreboard is acceptable.

Commissioner Wright made a motion to approve the transfer of funds within the 2022 Capital Fund, redesignating assigned funds to other projects.

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

DISCLOSURE OF UPDATED 2022 MILEAGE REIMBURSEMENT AND PER DIEM RATES

Auditor Smith disclosed the updated 2022 mileage reimbursement and per diem rates. She said that the County follows the Federal rates which is now \$54.00 daily per diem and .585 per mile. She said that these new amounts have been updated on the forms.

DISCUSSION AND POSSIBLE APPROVAL OF ARPA PROJECTS

Auditor Smith said that Commissioner Warnick has been appointed to oversee ARPA but would like the Commission to review the projects. Auditor Smith gave a brief explanation and the risk level determined by Deputy Attorney Harris of the following four proposed ARPA projects.

- 1- Tyler Incode. (low/med risk)
- 2- Cyber security (low/med risk)
- 3- Boiler (low/med risk)
- 4- Waterline at the public safety building- Originally designated as more risky but after a second opinion, decided it can be added to the ARPA projects.

Commissioner Wright made a motion to approve the discussed ARPA projects.

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

APPOINTMENT OF COUNTY REPRESENTATIVE(S) FOR THE IPP RENEWAL PROJECT

Commissioner Draper said that this is due to the conditional use permit that was recently

approved and its purpose is to get minor changes of their project approved without having to present to the entire Commission body. He said that any major changes still have to be approved by the Commission.

Commissioner Wright made a motion to appoint Commissioner Draper and Planner Richins as the County representatives for the IPP Renewal Project.

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

PUBLIC INPUT

Todd Macfarlane said that he commends the Commission for holding IPP more accountable. He referred to the CAFO ordinance and clarified that he is troubled that the State is trying to micro manage what local governments do. He said that property and land use regulations mean a lot to him.

Mr. Macfarlane referred to the Planning and Zoning Commission, its current members and where they reside. He said that only two of the seven members reside outside of the Delta area and he would like to see a more balanced geographic representation. He said that there should also be a limit on the three year terms and said there is one member who has been there since 2012 or 2013.

Mr. Macfarlane said that Millard County is unique and it makes sense that appointed members of the Planning and Zoning Commission reside and operate in the unincorporated areas. He said that this would give more geographic and philosophical balance than there currently is. He said that those who serve need to be legitimate representatives of the unincorporated areas in Millard County.

OTHER BUSINESS

Attorney Finlinson said that the County awarded the bid for the construction of a Weed Board building to Merlin Jackson several years ago. Merlin Jackson then subcontracted with Dan and Sharon Harris's company for concrete work. Attorney Finlinson said that after the project was complete, the County received a verbal confirmation from Merlin Jackson that he had paid all the sub contractors and the bond was released. It has since been made known that the Harris's were not paid. He said that the County doesn't have any contractual liability to fix this issue but there is some lein liability.

Ms. Sharon Harris, DCH Construction, said that they did the work for Merlin Jackson and provided materials for concrete. She said that they also furnished the money for the bond and were paid only \$4,000.00 in return for their funds and labor. She said that they assumed that they were safe because of the bond and then later found out that the County had released it. Attorney Finlinson said that the County can't reimburse what they paid for a bond.

Commissioner Warnick said that she would like a total and a complete breakdown of materials and labor. She said that the County released the bond before making sure the subcontractors were paid. Commissioner Warnick acknowledged that the County received a service and the Harris's were not paid for their work.

Attorney Finlinson said that the County can accept that the County received a service and pay what is owed to the Harris's and then pursue action against Mr. Jackson.

Ms. Harris said that she can provide a complete breakdown of costs to Attorney Finlinson.

Commissioner Draper said that Steve Engell and Heather McKnight with Keep the Constitution presented the Commission with 3 framed copies of the Constitution, Bill of Rights, and the Declaration of Independence. He said that this was a magnanimous gesture and he would like these displayed in the building.

Commissioner Draper said that the commissioners are invited to the Delta Canal Company stock holder meeting at the water office on January 26, 2022.

Commissioner Draper said that SITLA intends to sell 10 sections of land in the Cricket Mountains and there is an opportunity for the Commission to comment.

Commissioner Draper said that the draft environmental statement from the BLM regarding the Pine Valley Water Supply Project is out. He said that there is an open comment period lasting 45 days following its publication. He said that the Commission needs to respond soon and that there is a public zoom meeting scheduled at 6:00 p.m. on February 9, 2022.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Warnick made a motion to appoint Jay Finlinson and Brent Tolbert to the Housing Authority Board.

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

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

There was none.

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, Attorney Finlinson, Treasurer Dearden and Planner Richins.

After the closed executive session the regular meeting reconvened at 1:50 p.m.

PLANNING AND ZONING CANDIDATE INTERVIEWS

This item was moved to the February 1, 2022 Commission Meeting.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 1:51 p.m.

Attest: _____

Approved: _____