

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 22nd DAY OF FEBRUARY 2022
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson. County Attorney
Jamie Hair Deputy Clerk

EXCUSED: Marki Rowley. County Clerk

ALSO PRESENT: Jenna Draper. Six County Association of Government
Kevin Bunnell and Kendall Bagley. Utah Department of Wildlife Resources
Richard Jacobson and Patrick Bennett. Millard County Sheriff's Office
Sheri Dearden. County Treasurer
Adam Richins. County Planner
Bonnie Smith. County Auditor
Pat Manis. County Assessor
Dennis Alldredge. Citizen

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 Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick asked if anyone had an opening statement to give. Commissioner Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF FEBRUARY 1, 2022 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 1, 2022 were presented for consideration and approval. Commissioner Draper made a motion to put these minutes on the next agenda in order to add more detail.

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

FOLLOW UP ACTION ITEMS FROM FEBRUARY 1, 2022

Commissioner Draper said that the comment period for the DEIS Pine Valley Water Project has been extended to March 11, 2022. He said that the Commission will be submitting comments in opposition to the project.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE APPLICATION FOR A.K MASSAGE & BODYWORK, OWNER - ALICIA WRIGHT

A business license application was presented for A.K Massage & Bodywork, Owner - Alicia Wright, a massage therapy business. After review of the application and finding all signatures in order, Commissioner Wright made a motion to approve a business license for A.K Massage & Bodywork, Owner - Alicia Wright.

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

DISCUSSION AND POSSIBLE APPROVAL OF CHANGING THE MARCH 8, 2022 COMMISSION MEETING TO MARCH 1, 2022

Commissioner Wright made a motion to change the March 8, 2022 Commission Meeting to March 1, 2022.

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

DISCUSSION AND POSSIBLE APPROVAL OF A PURCHASE AND INSTALLATION AGREEMENT BETWEEN MILLARD COUNTY AND TRITEL NETWORKS

Attorney Finlinson said that the Commission previous awarded the security camera bid to Tritel Networks and the contract is now ready for final approval. He said that it is structured so that Tritel doesn't get paid unless the County has received lein waivers. He said that the contract includes waiving the performance bond in favor of a lein waiver provision.

Captain Bennett said that Tritel Networks has signed the contract and are ready to begin the project.

Commissioner Wright made a motion to approve the Purchase and Installation Agreement between Millard County and Tritel Networks.

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

PRESENTATION OF THE PAYMENT IN LIEU OF TAXES (PILT) DWR - KEVIN BUNNELL

Kevin Bunnell introduced himself and Kendall Bagley from the Utah Department of Wildlife Resources. He said that they are here to present the payment in lieu of taxes to the Commission. Mr. Bunnell presented the payment of approximately \$9,000.00.

Commissioner Draper asked about the project in the 8 mile area and about the deer population. Mr. Bagley said that they have an agreement with the Forest Service for the 8 mile project which consists of approximately 3,000 acres. He briefly described the project and said that it will be complete soon.

Mr. Bunnell said that the deer population is struggling state wide. He said that the does came into this winter in a much better condition than they had the two previous years due to the moisture received. He said that this bodes well for fawn survival; however, a couple of weeks of good moisture last year won't fix four to five years of poor moisture conditions. Mr. Bunnell said that the deer population will rebound when more moisture is received.

Commissioner Draper asked about deer that were moved from the Beaver Range and the deer encroaching on the alfalfa fields around Delta.

Mr. Bunnell said that the Beaver relocation project worked better than most. He said that they work as closely as they can with farmers to try to make things right when the deer become a problem in the alfalfa fields.

Mr. Bunnell briefly read through the amount of projects that they have completed since 2006. He said that Millard County has received the most proactive projects and had the most acres treated than any other county in the southern region.

Mr. Bagley said that the Forest Service is very active in the projects located in Millard County. He said that there are currently six to seven active projects. He said that the Canal Fire project is about 95% complete and briefly described other projects in the County.

Mr. Bagley said that the Forest Service and the Bureau of Land Management in Millard County are both active in trying to get things done. He said that he also appreciates Road Supervisor Brandon Winget and his crew for their diligence in the projects that they have helped with.

DISCUSSION AND POSSIBLE APPROVAL OF SENDING A LETTER OF SUPPORT FOR LYNNDYL TOWN ON OBTAINING A GRANT TO REPLACE THEIR PLAYGROUND EQUIPMENT - JENNA DRAPER, SIX COUNTY AOG ECONOMIC DEVELOPMENT

Jenna Draper, Six County Association of Government Economic Development, said that Lynndyl is looking for grants to replace their outdoor playground equipment which is twenty-two years old. She asked the Commission for a letter of support that she can send to Utah Outdoor Recreation regarding a mini grant for this project. She said the project is estimated to cost \$17,000.00 for the equipment and they have volunteers who will replace and install it.

Commissioner Wright made a motion to send a letter of support for Lynndyl Town on obtaining a grant to replace their playground equipment - Jenna Draper, Six County AOG Economic Development.

Commissioner Draper **SECONDED** the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-02-22, 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 PART-TIME POSITION IN THE BUILDING DEPARTMENT OF A BUILDING INSPECTOR

Attorney Finlinson said that the positions of Building Inspector and County Planner were formally combined in 2017 and at the time it was anticipated that the County would need a part-time building inspector position. He said that the work in the Building and Planning Departments has increased in the last few years.

Planner Richins presented a few comparables and said that the private sector pays more during a construction boom and the comparables reflect that. He said that the individual will need to be licensed and explained a few other qualifications.

After a brief discussion, it was decided to appoint this position at a grade 18 on the part-time pay schedule.

Commissioner Draper made a motion to adopt Resolution 22-02-22, 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 part-time position in the Building Department of a Building Inspector.

Commissioner Wright SECONDED the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Wright vote YES, Commissioner Draper voted YES, Commissioner Warnick vote YES.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-02-22A, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSION AUTHORIZING THE BASE HOUR REDUCTION FOR THE POSITION OF FULL-TIME CHIEF DEPUTY TREASURER TO 32 HOURS PER WEEK AND CHANGING THE POSITION OF DEPUTY TREASURER PART-TIME TO FULL-TIME WITH BASE HOURS OF 32 HOURS PER WEEK (GRADE 10/STEP F)

Treasurer Dearden said that her office needs additional coverage and this change will help her obtain greater compliance with separation of duties and continuity of operations. She said that current demands in the labor market are requiring the County to be more flexible with what it offers employees.

Treasurer Dearden said that if the two positions in her office are changed to 32 hours, she can fill the needs of her office. She said that she will need to open her budget to fund the position.

Attorney Finlinson gave a brief overview of when the County adopted the 32 hour work week policy.

Commissioner Wright made a motion to approve Resolution 22-02-22a, a Resolution of the Board of Millard County Commission authorizing the base hour reduction for the position of full-time Chief Deputy Treasurer to 32 hours per week and changing the position of Deputy Treasurer part-time to full-time with base hours of 32 hours per week (Grade 10/Step F).

Commissioner Draper SECONDED the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Wright vote YES, Commissioner Draper voted YES, Commissioner Warnick vote YES.

CONSIDERATION AND POSSIBLE APPROVAL OF THE RELEASE OF A SECURITY INTEREST IN REAL PROPERTY IN BLOCK 91, PLAT A, DELTA, UTAH

Attorney Finlinson said that he was contacted by a real estate agency who said that the County had a security interest in the Delta bowling alley which they are trying to sell. He said that he and Treasurer Dearden looked into this and found that there was a period when the County gave out small business loans and the bowling alley was a recipient of one. He said that this loan was paid off years ago and the County just hasn't released the security interest. Attorney Finlinson said that Commission approval is needed in order to release that.

Commissioner Wright made a motion to approve the release of a security interest in Real Property in Block 91, Plat A, Delta, Utah.

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

DISCUSSION REGARDING USE OF COUNTY VEHICLES

Auditor Smith went over the policy and said that the department head can authorize an employee to keep a vehicle at their house overnight if they are traveling the next day. She said that she has looked into fringe benefit updates and said that possible policy updates are needed.

Commissioner Warnick said that those changes can be gone over in a department head meeting.

Commissioner Draper gave an example of him traveling from Scipio to Fillmore to pick up a vehicle then turning around to travel to Salt Lake City for a meeting. Then afterward, returning the vehicle to Fillmore before heading home to Scipio. He said that it is counter productive.

Planner Richins asked how this differs from an individual who is using the vehicle to come to work every day. Auditor Smith said that commuting is considered personal use.

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the reports ending in February 2022 and said that a detailed financial review was held on February 15, 2022.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Auditor Smith said that she received approval to make a \$10,000.00 payment for the new

email system at the last meeting. She said that she has since received another invoice in the amount of \$3,531.00. She said that there is still enough in Capital to cover this payment and said that this is hopefully the final invoice.

Commissioner Warnick said that it has been discussed to add a work meeting to the agenda at the end of the second Commission meeting each month.

Attorney Finlinson said that a lot of legislative bodies do this and if possible the agenda language needs to disclose what will be discussed at those work meetings.

All three commissioners agreed to add a work meeting to the end of each second agenda of the month.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper said that the Commission interviewed three candidates for the Planning and Zoning Commission. He said that this was the best set of applicants that he has interviewed. Commissioner Draper said that the responses were all very close and each applicant showed their knowledge. He said that the volunteers on the Planning and Zoning Commission are constantly increasing their knowledge so that their recommendations to the County Commission are very credible. He said that his scores for each interviewee fell within a 5 point range.

Commissioner Wright said that he concurs with Commissioner Draper and said that this may be one of the most difficult positions in the County. He said that the County needs people that it can count on in this position. Commissioner Wright said that all three candidates were very good.

Commissioner Wright said that our Country is founded on property rights and he wants to see those protected so he supports the candidate that has the best background and showed the most passion to protect individual property rights. He said that the Planning and Zoning Commission has done an excellent job this last year.

Commissioner Warnick said that the Commission relies heavily on the Planning and Zoning Commission and needs to know that they do their research and due diligence. She said that they have an excellent board and had three awesome candidates.

Attorney Finlinson referred to questions that have been raised regarding the individuals who serve on the Planning and Zoning Commission. He said that current County and State code does not address whether those serving need to own property in the unincorporated areas of the County and there are no required term limits. He said that all three candidates interviewed own property in unincorporated areas of Millard County.

Commissioner Draper said that each position is appointed for three years then the County is required to advertise again. He said that Joyce Barney has served on the Planning and Zoning Commission for twenty years and has a great deal of experience and institutional knowledge. He said that this has been difficult to decide who he would like to appoint as he weighs institutional knowledge vs. a younger generation to carry the Commission into the future. He said that he scored Mr. Ferrell the highest followed by Ms. Barney and then Mr. Macfarlane.

Commissioner Warnick said that she scored Joyce Barney the highest followed by Mr. Ferrell and then Mr. Macfarlane. She said that all three scored withing a few points and she would like to go with the expertise that Ms. Barney has.

Commissioner Wright made a motion to appoint Todd Macfarlane to the Planning and

Zoning Commission.

The motion died for lack of second.

Commissioner Draper made a motion to reappoint Ms. Barney to the Planning and Zoning Commission.

Commissioner Warnick stepped from the chair and SECONDED the motion. The motion passed by majority vote.

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

Attorney Finlinson said that he is watching several bills at the Legislature and said that there are a lot this year that may impact judicial and civil practices.

Commissioner Draper said that HB393 has been proposed and it mentions the Sevier River in a study. He said that the language is supposed to be amended to remove the Sevier River from this bill. He said that if the Sevier River isn't removed, the Commission does not view this as a good idea. He referred to the Cox Decree and said that the water rights were determined in 1936.

Commissioner Wright said that he spoke with the sponsor of this bill and it wasn't intended to reconsider the Cox decree. He said that he was told that substitute language was going to be put in the bill and he agrees to oppose it if the language doesn't change.

Auditor Smith confirmed with the Commission to open the budget during the March 22, 2022 Commission Meeting.

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

Commissioner Wright SECONDED the motion. All three commissioners voted unanimously

and the motion carried. Present in the closed session were Planner Richins, Treasurer Dearden, Auditor Smith, Commissioner Warnick, Commissioner Wright, Commissioner Draper, Attorney Finlinson and via telephone Tom Peters.

After the closed executive session the regular meeting reconvened at 12:33 p.m.

Commissioner Draper made a motion to approve drafting and sending a formal letter to IPA with the revisions that were discussed with Mr. Tom Peters during the closed session.

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

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 12:34 p.m..

Attest: _____

Approved: _____