

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF NOVEMBER, 2022
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson. County Attorney
Marki Rowley. County Clerk
Kayla Freeman. Deputy County Clerk

ALSO PRESENT: Sierra Dickins. County Recorder
Sheri Dearden. County Treasurer
Bonnie Smith and Vickie Bennnett. County Auditor's Office
Adam Richins County Planner
Richard Jacobson and Patrick Bennett. County Sheriff's Office
Bryant Anderson and Clayton Anderson Commercial Business Radio, LC
Nathan Child. ARES Strategic Mining
Vicki Lyman. Commissioner Elect
Stuart Clason. Utah Association of Counties (UAC)
Dennis Alldredge Fillmore City
Johny Munoz and Matt Kolste 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 Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick 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.

APPROVAL OF OCTOBER 18, 2022 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 18, 2022 were presented for consideration and approval. Commissioner Draper made a motion to approve the minutes of October 18, 2022 as presented.

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

FOLLOW UP ACTION ITEMS FROM OCTOBER 18, 2022

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED CONTRACT RENEWAL BETWEEN MILLARD COUNTY AND COMMERCIAL BUSINESS RADIO, LC FOR RADIO MAINTENANCE AND OVER-THE-GROUND TELEVISION MAINTENANCE - CLAYTON AND BRYANT ANDERSON

Attorney Finlinson stated that there were some amendments to be added to the contract. He also said that there is a change for radio costs, which will be reflected in the new contract.

Commissioner Draper said that there is a current lack of knowledge throughout County emergency services that Commercial Business Radio, LC is the main contact with the County.

Commissioner Draper made a motion to renew the contracts with Commercial Business Radio for radio maintenance and over the ground television maintenance with the suggested amendments totaling \$26,436.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR C&L SHIELDS - OWNER, LAURA SHIELDS

A business license application was presented for C&L Shields - Owner, Laura Shields,- a laundry service and propane filling station.

Attorney Finlinson explained that the business owners are expanding the work they do beyond their current license and that this second license will cover the broader scope of work they will be doing.

There is some confusion over whether or not they will need to pay a separate landfill fee where they will solely be using IPP's landfill, not the County's. Commissioner Wright will look into the situation.

After review of the application and finding all signatures in order, Commissioner Wright made a motion to approve a business license for C&L Shields - Owner, Laura Shields.

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

DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) FOR INDIGENT DEFENSE SERVICES

Attorney Finlinson presented the MOU, with the base amount of \$376,300.00 with an expectation that it would increase to approximately \$415,000.00, due to add-ons as the year progresses.

Commissioner Wright made a motion to approve the MOU for Indigent Defense services.

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

DISCUSSION AND POSSIBLE APPROVAL OF MEDA BYLAWS

Stuart Clason, from the Utah Association of Counties, explained the Rural County Grant Program (SB95), which allows for the transfer of money from the State to the third through sixth class counties. One requirement is that the county in question has to have an economic development board. Millard County already has one called the Millard County Economic Development Association (MEDA).

Mr. Clason said that he has been working with the MEDA Board to make sure it meets the requirements. He then presented the new bylaws that are still being worked on. He said that while MEDA is not quite ready to adopt these bylaws, he wanted to present them and point out specific changes.

Attorney Finlinson suggested that this item be brought up during the next Commission meeting.

Commissioner Draper explained how the SB95 works and the benefits it brings to the County. He then shared specific items in the bylaws that need correction and/or reexamination.

Following discussion, it was decided that this item would be put on the November 22, 2022 Commission agenda.

DISCUSSION AND POSSIBLE ADOPTION OF THE MILLARD COUNTY 2023 TENTATIVE BUDGET

Auditor Smith presented the 2023 Tentative Budget based on department requests, with the exceptions of wages and salaries. A tentative three percent cost of living adjustment (COLA) has also been added.

Commissioner Draper made a motion to approve the adoption of the 2023 tentative budget.

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

UPDATE, DISCUSSION AND POSSIBLE APPROVAL OF ARPA FUNDED PROJECTS

Auditor Smith presented the list of ARPA funded projects to the Commission.

Commissioner Warnick stated that there are a few projects that need discussion.

Treasurer Dearden explained that there is a need for basic financial training when new employees are hired.

Commissioner Warnick said that there is a landfill project, as well as, equipment needs that are pending approval.

Commissioner Wright further explained the equipment needs connected to this project that could potentially be covered with ARPA funds.

Commissioner Warnick stated that there is also a policy update project that needs funding.

Auditor Smith gave a brief rundown of the current and pending ARPA projects and the fund totals. She said that there would be approximately \$860,000.00 left in the fund, if the discussed projects are approved.

Commissioner Draper asked for clarification on whether ARPA funds could be used for law enforcement wages. Auditor Smith said that there are a few requirements on how ARPA funds can be used that would limit its usage to fund wages.

Commissioner Draper requested further research and clarification. Commissioner Wright suggested that the Commission stay away from projects that would require future yearly obligations.

Commissioner Wright made a motion to approve the ARPA funded projects as presented.

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

PUBLIC HEARING CONCERNING THE ARES BOND

Commissioner Draper made a motion to enter into a public hearing for the purpose of receiving public comment on the ARES bond.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:17 a.m..

Present were: Recorder Dickins, Treasurer Dearden, Auditor Smith, Chief Deputy Auditor Bennett, Planner Richins, Sheriff Jacobson, Captain Bennett, Johny Munoz, Matt Kolste, Dennis Alldredge, Bryant Anderson, Clayton Anderson, Nathan Child, Vicki Lyman, and Stuart Clason.

There were no comments made.

Commissioner Draper made a motion to close the public hearing.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:21 a.m..

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2022 YEAR, LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUNDS, (LATCF) AND ALL OTHER FUNDS MAY BE CONSIDERED AS NECESSARY

Commissioner Draper made a motion to enter into a public hearing for the purpose of receiving public comment on opening the budget for the 2022 year.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:23 a.m..

Present were: Recorder Dickins, Treasurer Dearden, Auditor Smith, Chief Deputy Auditor Bennett, Planner Richins, Sheriff Jacobson, Captain Bennett, Johny Munoz, Matt Kolste, Dennis Alldredge, Bryant Anderson, Clayton Anderson, Nathan Child, Vicki Lyman, and Stuart Clason.

Auditor Smith said that the golf course does not have enough remaining funds and suggested increasing its budget to cover the rest of the year.

Commissioner Wright made a motion to close the public hearing.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:25 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-11-01, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, TO OPEN AND AMEND THE 2022 BUDGET AS DISCUSSED

Commissioner Warnick informed the Commission that LATCF funds have been received. Commissioner Draper stated that there is \$3,900,000.00 available that needs to be added to the budget, but no decisions of how to appropriate the funds needs to be made at this time.

Auditor Smith confirmed that the funds were received and placed in the Special Projects Fund for the 2023 budget and asked if the Commission would like to move some of the funds to the 2022 budget.

Commissioner Warnick brought up the PayPoint salary project and suggested that some funds be used for employee salaries as the salary project is still on going.

Commissioner Wright stated that there are still funds available to fill holes in the 2022 budget and the LATCF funds should be saved for 2023.

Commissioner Draper recommended \$2,000,000.00 be used to amend the 2022 budget. His reason being that just because it is available doesn't mean that it has to be spent.

Commissioner Wright suggest \$900,000.00 be added to amend the 2022 budget, as there will

most likely be a more important need for the funds in the future.

Commissioner Wright made a motion to approve Resolution 22-11-01, a resolution of the Board of County Commissioners of Millard County, Utah, to open and amend the 2022 budget with \$900,000.00 being amended to the special projects fund and \$22,000.00 to the golf course fund.

Commissioner Warnick stepped from the chair and SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Draper voted NO. Commissioner Wright voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

SHERIFF LETTERS OF COMMENDATION AND RECOGNITION

This item was struck from the agenda.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Draper said that the mining operation at the Pahvant Ute area requires an agreement with the County Road Department and the Bureau of Land Management (BLM). He said that he was asked to attend a meeting to discuss this issue on November 10, 2022.

Attorney Finlinson presented a contract between the County and Friant and Associates regarding work to be done on the Virginia Hills Road.

Commissioner Draper made a motion to accept the contract between the County and Friant and Associates.

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

Auditor Smith presented the 2023 payroll calendar along with the holiday pay schedule.

Commissioner Draper made a motion to approve the 2023 payroll calendar.

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

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There was none.

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF

DELINQUENT PROPERTY TAX

There was none.

DISCUSSION BY EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Commissioner Wright asked Planner Richins if Millard County would have any mitigation responsibility that might occur if the mining in Juab County in conjunction with the Millard County processing project near Delta, Utah is not successful. Planner Richins stated that the project would require a mitigation plan along with conditional use permits. Attorney Finlinson confirmed that the County will be working with Juab County throughout the project.

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

Commissioner Wright made a motion to enter into a BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 11:42 a.m.

Cory and Mary Anderson, Parcel # F-MV-26, Account # 94947, submitted an application for a hardship abatement. The Commission suggested a 25 percent abatement.

A list of late applications for circuit breaker, veteran, and one blind abatement was presented to the Commission.

A request for review for Mr. Floyd Anderson Parcel O-2991-1 account 0133802 was presented due to a factual error with acreage and requested Commission approval to fix the error.

Commissioner Draper made a motion to approve the applications as presented.

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

Commissioner Wright made motion to close the BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:47 a.m..

Attorney Finlinson publically thanked Commissioner Warnick and Commissioner Draper for the work they have done and the devotion they have shown to the County.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION
52-4-204 & 205

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 11:50 a .m..

Attest: _____

Approved: _____