

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF MARCH, 2023
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bill Wright..... Chairperson
Vicki Lyman..... Commissioner
Trevor Johnson..... Commissioner

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

ALSO PRESENT: Bonnie Smith County Auditor
Sheri Dearden County Treasurer
Sierra Dickens. County Recorder
Adam Richins..... County Planner
John Higgins. County Landfill Director
Kevin Morris. County Tourism Director
Richard Beckstrand County IT Supervisor
Sarah Richins..... Delta Girls State
Mike Jackson and Lauri Jackson. Boneyard Crushing
Pat Bennett..... Millard County Sheriff's Office (MCSO)
Sierra Finlinson, Kaylee Stewart, Bailyn Knight, Alexa Diaz,
Reagan Finlinson, Camrie Anderson, and
Alison Robinson. Governors Youth Council (GYC)
Nathan Strait and Richard Anderson. Central Utah Counseling Center
Mark Whitney Great Basin Water Network
Aaron Tiede. Mount West Computers
Matt Kolste, Darla Ewart, Jace Morgan, Dennis Alldredge,
Kaden Richins, Ethan Richins, and Austin Richins..... 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 Wright to the public and Commission members.

OPENING STATEMENTS

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

APPROVAL OF FEBRUARY 21, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 21, 2023 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Johnson made a motion to approve the minutes of February 21, 2023 as corrected.

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

FOLLOW UP ACTION ITEMS FROM FEBRUARY 21, 2023

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR D P SMITH AND ASSOCIATES LLC, OWNER - DARON P SMITH

A business license application was presented for D P Smith and Associates LLC, Owner - Daron P. Smith, a consulting service. After review of the application and finding all signatures in order, Commissioner Lyman made a motion to approve a business license for D P Smith and Associates LLC, Owner - Daron P. Smith.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE COUNTY CONTINUING ITS PARTICIPATION IN THE DISCOUNTEDLAGOON TICKET PROGRAM

Clerk Rowley explained that the County participates in a discounted Lagoon ticket program. She said that tickets are now purchased online and there is no cost to the County to continue with this program.

Commissioner Johnson made a motion to approve the County continuing its participation in the discounted Lagoon ticket program.

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

DISCUSSION AND POSSIBLE APPROVAL OF LIVE STREAMING THE COMMISSION MEETINGS

Aaron Tiede, from Mount West Computers in Cedar City, explained that he provides contracted computer support for other Utah counties. He has established the live streaming program for many other counties in Utah and is offering his expertise to the County. He explained the costs

and technologies that would be required in order to live stream the County's commission meetings. He explained that after the initial setup, the actual process uses Youtube Live and is relatively simple.

IT Supervisor Beckstrand explained the technology upgrades that would be required. The estimated total cost would be around \$2,500.00.

Auditor Smith suggested using the funds from Special Projects to pay for this.

Commissioner Johnson made a motion to approve live streaming the Commission meetings using funds from Special Projects up to the amount of \$2,500.00.

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

OPENING OF SEALED REQUEST FOR PROPOSALS (RFP) FOR TOURISM MARKETING

Director Morris and Auditor Smith opened the following 14 RFPs that were received for the Tourism Department;

- Chad Booth from KirMag Inc.
- Briana Smith
- Tonia Dalton from Induo Marketing Group
- Bryan Buenascosa-Brooks from HUB
- McKayla Walker from Sorenson Advertising, dba Relic
- Randy Miguel from Dekalon
- Jentri Shurtz from Jentri Shurtz Art and Design
- Jason Coulam from Avalaunch Media
- Jason Van Houten from Align Multimedia
- Izzy Miller from Milrich Virtual Professionals, LLC
- Braxton Wihelmsen from Sus Creative
- Bryan Jordan from Vista Works
- Stirling Ruuth from Take Action Media
- Steven Nguyen from ABN Asia

Commissioner Wright explained that some of the proposals may not fit the needs of the department and that further scrutiny into each offer will be required.

Director Morris explained that there are many who could fit their needs and explained the communications that he has had with the bidders.

Attorney Finlinson said that it would be helpful if the Tourism Department to create a tabulation and summary based on the proposals and present them to the Commission. He also that he not talk to any of the bidders before it is brought back to the Commission.

Commissioner Johnson made a motion to accept the RFPs as presented.

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

DISCUSSION AND POSSIBLE APPROVAL OF GIRLS' STATE REQUEST FOR FUNDS - SARAH RICHINS

Mrs. Richins presented the request from the Delta Girls State unit for the Commission to help cover the \$450.00 program fee. She explained what the program teaches and said that two girls are planning on attending this year.

Commissioner Lyman made a motion to approve the Girls State request for funds in the amount of \$225.00 for each participant, totaling \$450.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-03-07, A RESOLUTION OF THE MILLARD COUNTY COMMISSION ESTABLISHING A POLICY REGULATING THE USE OF TOBACCO PRODUCTS AT COUNTY FACILITIES

Members of the local Governors Youth Council (GYC) returned to continue discussions with the Commission about establishing a tobacco free policy.

Attorney Finlinson presented the resolution.

Commissioner Wright explained what the resolution says.

The representatives from GYC expressed their approval and appreciation for the Commission's action on this issue.

Commissioner Lyman made a motion to approve Resolution 23-03-07, a resolution of the Board of County Commissioners of Millard County, Utah, establishing a policy regulating the use of tobacco products at County facilities.

Commissioner Johnson SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Johnson voted YES. Commissioner Lyman voted YES. Commissioner Wright voted YES. The voting was unanimous and the motion carried.

PUBLIC HEARING FOR ZONING ORDINANCE MAP AMENDMENT APPLICATION # Z-2023-003 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 80.00 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1000 S 2500 E DELTA FROM AGRICULTURE 20 (AG-20) TO LIGHT INDUSTRIAL (LI). BIOREALITY, APPLICANT; DAVID JOHNSON, OWNER

Commissioner Johnson excused himself from this discussion, as the applicant is his father.

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

receiving public comment on application #Zz-2023-003 requesting to change the zoning of approximately 80.00 acres of property located at approximately 1000 S 2500 S Delta from AG-20 to LI.

Commissioner Wright stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:41 a.m..

Present were: Recorder Dickens, Matt Kolste, Auditor Smith, Treasurer Dearden, Phil Morrison, Supervisor Higgins. Director Morris, Mike Jackson, Laurie Jackson, Aaron Tiede, Planner Richins, Jace Morgan, Richard Anderson, Nathan Strait, and Dennis Alldredge.

Planner Richins explained the application and that the Planning Commission has forwarded a favorable recommendation for this application.

Commissioner Lyman asked if they would be responsible for improving the access roads.

Planner Richins explained that this would be covered in conditional use permits and generally speaking the Road Department would be responsible for maintaining the roads as the roads are classified as B roads.

Attorney Finlinson confirmed that the County would be responsible for maintaining the roads.

There were no other comments made.

Commissioner Lyman made a motion to close the public hearing.

Commissioner Wright stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:46 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 23-03-07 AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF APPROXIMATELY 80.00 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1000 S 2500 E DELTA FROM AGRICULTURE 20 (AG-20) TO LIGHT INDUSTRIAL (LI)

Commissioner Lyman made a motion to adopt Ordinance 23-03-07, an ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of approximately 80.00 acres of property located at approximately 1000 S 2500 E Delta from AG-20 to LI.

Commissioner Wright stepped from the chair and SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Wright voted YES. Commissioner Lyman voted YES. Commissioner Johnson abstained. The motion passed by majority vote.

PUBLIC HEARING FOR C-2 CONDITIONAL USE PERMIT APPLICATION # Z-2023-011 TO OPERATE A RECYCLING CENTER LOCATED AT APPROXIMATELY 7100 W 3000 N DELTA (ABRAHAM). BONEYARD CRUSHING INC, OWNER. MIKE & LAURIE JACKSON, APPLICANTS.

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comment on C-2 Conditional Use Permit Application # Z-2023-011 to operate a recycling center located at approximately 7100 W 3000 N Delta (Abraham).

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:49 a.m..

Present were: Recorder Dickens, Captain Bennett, Mark Whitney, Matt Kolste, Auditor Smith, Treasurer Dearden, Phil Morrison, Supervisor Higgins. Director Morris, Mike Jackson, Laurie Jackson, Aaron Tiede, Planner Richins, Jace Morgan, Mack Whitney, Richard Anderson, Nathan Strait, and Dennis Alldredge.

Planner Richins explained the application for a recycling center of concrete. He said that the Planning Commission has proposed reasonable recommendations and conditions.

There were no other comments made.

Commissioner Lyman made a motion to close the public hearing.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:52 a.m..

DISCUSSION AND POSSIBLE APPROVAL FOR C-2 CONDITIONAL USE PERMIT APPLICATION # Z-2023-011 TO OPERATE A RECYCLING CENTER LOCATED AT APPROXIMATELY 7100 W 3000 N DELTA (ABRAHAM).

Planner Richins explained the recommendations that were presented by the Planning Commission and would be managed through conditional use permits.

Commissioner Lyman expressed her concern with noise control and nighttime operation. Mr. Jackson explained that nighttime operation would only be as needed, not on a regular basis.

Commissioner Johnson made a motion to approve the C-2 Conditional Use Permit Application # Z-2023-011 to operate a recycling center located at approximately 7100 W 3000 N Delta (Abraham) with the proposed conditions.

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

ARPA PROJECT UPDATE FOR LANDFILL BINS

Commissioner Johnson explained the situation regarding the bid for landfill bins saying that more bins were purchased with leftover money as it initially came in under budget.

Auditor Smith said that because it was purchased using ARPA funds, what took place just needs to be on the record.

DISCUSSION AND POSSIBLE APPROVAL OF LOAN FOR A COMPACTOR TRUCK FOR THE LANDFILL

Commissioner Johnson explained the need for another compactor truck at the landfill. Director Higgins is asking for a loan in the amount of \$400,000.00 with his current loan in the amount of \$43,600.00 to be rolled into that loan as well.

Auditor Smith explained the restrictions and necessary conditions that are put on loans taken out from the County.

Attorney Finlinson explained that basically the Commission is refinancing the current loan.

Auditor Smith said that there are Capital funds that could be put towards this loan.

Commissioner Johnson made a motion to approve the five year loan from Capital funds for a compactor truck for the landfill in the total amount of \$443,600.00 with the fixed interest rate at 4.66 percent.

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

DISCUSSION AND POSSIBLE APPROVAL OF INTERMEDIARY RELENDING PROGRAM (IRP) PAYMENT

Commissioner Johnson explained that the IRP payment resulting from a loan taken out by the Six Counties Association of Government (SCAOG) has now defaulted. He explained that the SCAOG decided how each county would pay its share. It was decided that Millard County would pay \$45,987.00, which would come from the County LATCF funds.

Commissioner Lyman made a motion to approve the transfer of \$45,987.00 from LATCF funds to cover the County IRP payment.

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

DISCUSSION AND POSSIBLE APPROVAL TO TRANSFER BUDGETED FUNDS FROM DEPARTMENT TO DEPARTMENT WITHIN THE SAME FUND. SPECIAL PROJECTS TO LATCF PROJECTS FOR POSSIBLE REPAYMENT OF THE SIX COUNTY AOG PAYMENT

This was covered in the previous agenda item. Attorney Finlinson explained that the resolution would be on the next agenda

DISCUSSION AND POSSIBLE APPROVAL TO MOVE FORWARD WITH AN ONLINE 2023 TAX SALE

Auditor Smith explained that the tax sale currently includes eleven parcels and that the sale

is able to be done online. She explained that this provides a fair market price, as well as other benefits that come from modernizing the tax sales. She said that this would require an ordinance to change.

Attorney Finlinson expressed his support of this change.
Treasurer Dearden also expressed her support of this change.

Commissioner Johnson made a motion to approve moving forward with the 2023 online tax sale.

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

PRESENTATION REGARDING THE WEST DESERT WATER GRAB - MARK WHITNEY, GREAT BASIN WATER NETWORK

Mr. Whitney, representing the Great Basin Water Network, explained the Great Basin Water Network's purpose and the work it has done in preserving the water rights and resources of the area. He presented some concerns regarding the project proposed by the Central Iron County Water Conservancy District (CICWCD) to gain more water rights and read a letter concerning this project. See Attachment A. He explained that Beaver County has taken the lead on this fight and is looking for support from Millard County. He said that he will be going to other counties and to the State looking for support, as this will cause a state wide problem.

CENTRAL UTAH COUNSELING CENTER AUDIT REPORT- NATHAN STRAIT AND RICHARD ANDERSON

Nathan Strait and Richard Anderson presented the Central Utah Counseling Center Audit report.

Mr. Anderson read the opinion statement on page three of the report stating that they are in compliance. He read from page forty two which breaks down where the Center receives funds. He concluded saying that they had a one hundred percent clean audit.

Mr. Strait presented a gift to Commissioner Wright for his help and contributions to the Central Utah Counseling Center Board.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Johnson said that Utah Executive Appropriations Committee has allocated funds to go towards the Agri-Park Project.

Auditor Smith said that there are two items that need to be discussed during the next Commission meeting and that the 2023 budget will need to be opened at that time

Auditor Smith, along with Captain Bennett, gave an update on the bid processes for leasing vehicles for the Sheriff's Office. Captain Bennett explained that the leases are resulting in extra work and multiple lease deadlines spread out throughout the year. He said that while it is still financially smart to lease the vehicles, it is also resulting in continuous movement of equipment setups throughout the fleet. He explained the Unified Fleet Services has an advantage as they are aware of the lease deadlines and have more lead time to prepare bids. He explained that the Sheriff's Office is just trying to be transparent and to find solutions to the problems that they are encountering.

Auditor Smith said that ARPA funds are used for leasing. She said that if leasing is no longer the most cost effective deal, it may be a good time to consider purchasing vehicles outright as \$300,000.00 has been budgeted in the ARPA budget.

Attorney Finlinson summarized the specific issue that is facing the Commission today. He said that the bid that was chosen for the Sheriff's Office vehicles was not the cheapest one. This puts the Auditor's Office in a difficult position where they now have an invoice that needs to be paid that is not in compliance with the County Procurement Code. This situation has brought forward a problem with the bidding process concerning leased vehicles and the Commission needs to decide if there is merit in accepting a deal that is not the lowest bid.

Auditor Smith explained that the vehicles have already been delivered and so they may be obligated to pay for the invoice anyway.

Captain Bennett suggested that one way to provide a more level bidding field is to have a longer procurement time, as long as the companies stand by the amounts they provide and to provide lease dates to the companies in advance. Captain Bennett recognized that because Unified always had that information it gave an advantage. He also stated that he would look at two-year leases due to the cost of upfitting the vehicles, but even with the work that went into a one-year lease and per his numbers it was still cost effective.

It was decided that future bids be given more lead time prior to when the lease is up so that other vendors may have a fair or equal opportunity to bid as there is a possible undue advantage with the incumbent provider.

Commissioner Lyman made a motion to make a finding that the Unified bid is the best value to Millard County based on the availability of the vehicles and to approve the Auditor's Office to pay the invoice.

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

Planner Richins presented an application Z-2023-005 for a Plat Subdivision

located at approximately 1805 East Main Street Delta, with Jace Morgan as the applicant. He explained that the Planning and Zoning Commission are able to provide a favorable recommendation. He said that the highway needs to be dedicated releasing the applicant's ownership of the road in order for Mr. Morgan to build a house on the plat.

Attorney Finlinson stated that his office has received another Opioid Settlement agreement which he will bring back for signatures.

Treasurer Dearden reported on the UAC requests that were presented during the Utah Legislation Session.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There were none.

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

There were none.

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

There was none.

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

Commissioner Lyman made a motion to enter into a BOE.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 12:03 p.m.

Chief Deputy Auditor Bennett presented the list of continuing exemptions applications for 2023 that have met the needed requirements for approval. She said that there are four that have not returned the continuing exemption statement form. Two belong to the Great Basin Church of Christ but did not receive the request for the continuing exemption statement form in the mail. It was resent to the right person yesterday. Account 189078 Parcel HD-DES-HER-7 and account 189117 Parcel HD-DES-HER-11 are properties that have been sold and should be removed from the list.

Commissioner Johnson made a motion to approve the list of continuing exemptions applications for 2023, as discussed.

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

Chief Deputy Auditor Bennett presented a new application from Centro de La Familia de Utah, Account 0134677 Parcel R-1645-1 requesting property tax exemption. She said that it is a nonprofit day care center that meets the exemptions requirements.

Commissioner Lyman made a motion to approve the exemption application from Centro de La Familia de Utah, Account 0134677 Parcel R-1645-1.

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

Commissioner Lyman made motion to close the BOE.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 1:01 p.m.

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.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright adjourned the meeting at 1:01 p.m..

Attest: _____

Approved: _____