

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 22nd DAY OF January 2019  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper..... Chairperson  
Wayne Jackson..... Commissioner  
Evelyn Warnick..... ..Commissioner  
  
Pat Finlinson. .... County Attorney  
Marki Rowley. .... County Clerk  
Jamie Hair ..... Deputy Clerk

ALSO PRESENT: Richard Jacobson..... Millard County Sheriff  
Lynette Madsen. .... Deputy Auditor  
Kevin Morris. .... Maintenance Supervisor  
Sheri Dearden..... County Treasurer  
Adam Richins..... County Planner  
Scott Barney..... MEDA  
Brooks Jackson. .... Recreation Director  
Brenden Turner. .... Recreation Director  
Matt Ward. .... Chronicle Progress  
Mike Utley and Blaine Ipson..... IPSC  
Tiffany James and Samuel Quigley..... SawTooth  
Stewart and Patricia Vaughn..... Citizens

Note: Not all agenda items were followed in order.

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

## APPROVAL OF January 8, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 8, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of January 8, 2019, as corrected.

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

## FOLLOW UP ACTION ITEMS FROM January 8, 2019

Commissioner Warnick said that she followed up with the dairies who would be impacted by the landfill fees and said that they have been proactive and found a solution to their concerns.

Attorney Finlinson said that the Road Department received a citation from the Mine Safety and Health Administration (MSHA) a few months ago. He said that the citation amount has been reduced to \$1,024.00 and the Commission needs to approve the payment to MSHA.

## RATIFY APPROVAL FOR FUNDING \$1,000.00 TO COUNTIES FOR THE 2019 CONGRESSIONAL RIDE

Commissioner Jackson made a motion to ratify the approval for funding \$1,000.00 to Six and Five Counties Association Of Governments for the 2019 Congressional Ride.

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

## RATIFY THE APPROVAL OF AN AMENDMENT TO THE CARE FACILITY CONTRACT WITH THE UTAH DEPARTMENT OF HEALTH

Commissioner Draper said that Millard County Care and Rehabilitation has contracts with the Utah State Department of Health. He said that this contract is part of the medicaid and medicare system that deals with upper limit money.

Attorney Finlinson said that the reason the Commission is approving and ratifying the contract is because upper limit money is contingent on a local non-state government entity being involved.

Commissioner Jackson made a motion to ratify the approval of an amendment to the Care Facility Contract with the Utah Department of Health.

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

## DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR COMMISSIONER EVELYN WARNICK

Commissioner Draper said that each commissioner has a credit card in order to pay for business they conduct on behalf of the County. He said that the credit card limit is \$3,000.00.

Commissioner Jackson made a motion to approve of a credit card for Commissioner Evelyn Warnick in the amount of \$3,000.00.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE STIPEND FOR COMMISSIONER EVELYN WARNICK

Commissioner Draper said that the duties of a commissioner are full-time and cell phones are necessary for the commissioners to conduct their duties. He said that the cell phone stipend is \$120.00 per month.

Commissioner Jackson made a motion to approve of a cell phone stipend for Commissioner Evelyn Warnick in the amount of \$120.00 per month.

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

#### DISCUSSION AND POSSIBLE AMENDMENT OF THE 2019 COMMISSION DUTY ASSIGNMENTS

Clerk Rowley said that the Agricultural Protection and Advisory Board was missed on the 2019 Commission Duty Assignments and has now been added and assigned to Commissioner Draper.

Commissioner Draper briefly explained the purpose of the Agriculture Protection and Advisory Board.

Commissioner Warnick made a motion to approve the amended 2019 Commission Duty Assignments.

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

#### DISCUSSION AND POSSIBLE AWARDING OF THE BIDS FOR REAL PROPERTY; PARCEL #DO-4531-1

Commissioner Jackson made a motion to award the bid for real property; Parcel #DO-4531-1 to Edward Brown.

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

## TREASURER FINANCIAL REPORTS

Treasurer Dearden presented the financial reports ending in December 2018 and said that a thorough review was held between her, Auditor Gehre and Commissioner Draper on January 16, 2019. She explained that the Semi Annual Deposit and Investment Report lists all bank balances as of December 31, 2018. The December Treasurer's Report shows how much was property tax was collected and distributed for the month of December.

Treasurer Dearden said that they are holding distributions for Drainage Districts 1, 2 and 4 because of a miscalculation in the State Charter School Levy they were overpaid for 2018. She explained that the levy, calculated by the Utah State Tax Commission, was too high in 2017 and was reduced significantly in 2018.

Treasurer Dearden referred to the report showing tax amounts that have been overridden. There was one personal property account that needed to be overridden due to a glitch in the property tax software system.

Treasurer Dearden said that the Pooled Cash Report shows that the Auditor and the Treasurer are in balance and all outstanding items have been cleared. She said that the Fund Summary is also in balance and that she included the Budget Report at the request of the State Auditor's Office.

Treasurer Dearden said that the County has received \$31,210.00 in SRS money from the State Treasurer's Office. She said that it is Title III monies and has several restrictions.

## DISCUSSION AND POSSIBLE APPROVAL OF THE CONTRACT BETWEEN MILLARD COUNTY AND KJ PLUMBING FOR AIR HANDLERS AT THE WEST MILLARD SWIMMING POOL

Attorney Finlinson gave a brief history of the bids and said that the contract is ready to be approved.

Commissioner Draper said that the air doesn't circulate correctly at the West Millard Swimming Pool and this will resolve that issue.

Commissioner Jackson made a motion to approve the contract between Millard County and KJ Plumbing for air handlers at the West Millard Swimming Pool.

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

## DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-01-22, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING TRUSTEES TO THE BOARDS OF MILLARD COUNTY DRAINAGE DISTRICT 1 THROUGH DRAINAGE DISTRICT 4

A discussion was had on appointing the following individuals to the Drainage Districts:

District 1-Bill Shumway  
District 2-Tony Anderson  
District 3-Ken Fowles

District 4-Scott Anderson

Commissioner Warnick made a motion to approve Resolution 19-01-22, a Resolution of the Board of County Commissioners of Millard County, Utah, Appointing Trustees to the Boards of Millard County Drainage District 1 Through Drainage District 4.

Commissioner Jackson SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Warnick voted YES. Commissioner Jackson 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-2018-026 FOR AN AMENDMENT TO C-2 CONDITIONAL USE PERMIT (CUP) #Z-2014-043. SAWTOOTH CAVERNS, LLC—OWNER; MAGNUM HOLDINGS, LLC—APPLICANT

Commissioner Jackson made a motion to enter into a public hearing for the purpose of receiving public comment on Application #Z-2018-026 for an amendment to C-2 Conditional Use Permit (Cup) #Z-2014-043. Sawtooth Caverns, LLC—owner; Magnum Holdings, LLC—applicant

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:32 a.m..

Present were: Sheriff Jacobson, Lynette Madsen, Kevin Morris, Sheri Dearden, Matt Ward, Patricia Vaughn, Stewart Vaughn, Mike Utley, Blaine Ipson, Tiffany James, Samuel Quigley, Adam Richins, Scott Barney, Brooks Jackson, and Brenden Turner.

Tiffany James, Sawtooth Caverns, LLC, presented a handout for review and went over a brief history and purpose of their facility. She said that they are here today to get approval for a small modification of the existing conditional use permit (CUP).

Samuel Quigley, Sawtooth Caverns LLC, said that the amended CUP will allow them to store refined products like gas and diesel. He said that the infrastructure they are adding includes a gasoline storage tank, pumping system, and a 3½ mile connection which would essentially be a petroleum right of way with a pipe. Mr. Quigley said that the right of way is along side a county road and the disturbance will be limited. He said that the pipeline will go under the rail line and under two high voltage power lines.

Mr. Quigley said that MAGNUM has worked closely with Intermountain Power Service Corporation (IPSC) to make sure that this right of way doesn't impact them negatively. He said that their facility design, construction, and operation will comply with all Federal, State, County, and Industry regulations.

Ms. James said that the amended CUP will also change their legal operating entity to Sawtooth Caverns, LLC. She said that they believe the amendment is consistent with Millard County's stated goals in relation to the expansion of industrial lands, development of natural resources, positive economic impact, and complementing community lifestyle.

Commissioner Draper asked if they foresee any future above ground transmission lines

crossing the power lines.

Mr. Quigley said that there is a possibility and they will follow the specified clearances and codes in order to cross electric lines. Ms. James said that they don't believe any other easement holders will be impacted.

Planner Richins said that this amendment would allow Sawtooth Caverns, LLC to move product to its site through pipelines. He said that the scope of the amendment grants the right of way for a pipeline in addition to allowing a change to its legal name, construct a tie-in at its facility, and create additional caverns. He said that this is an expansion and will increase its footprint once this amendment is part of the CUP. He said that this is consistent with the County's development plans and meets the federal safety, environmental, and process requirements.

Commissioner Warnick asked what the time line was to put things in place upon approval. Mr. Quigley said that they would be operating in the fall of 2019 if they were to able start construction this spring. He said that the latest estimated completion date would be in the fall of 2020.

Blaine Epton, IPSC, said that they have been in contact with Sawtooth Caverns, LLC and have been involved in the process to make sure their infrastructure is not impacted. He said that they feel comfortable that the amended CUP will not impact them negatively.

There were no other comments made.

Commissioner Jackson 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 10:57 a.m..

The regular meeting reconvened.

#### REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2018-026 FOR AN AMENDMENT TO C-2 CONDITIONAL USE PERMIT #Z-2014-043 SAWTOOTH CAVERNS, LLC—OWNER; MAGNUM HOLDINGS, LLC—APPLICANT

Commissioner Jackson made a motion to approve Application #Z-2018-026 for an Amendment to C-2 Conditional Use Permit # Z -2014-043 Sawtooth Caverns, LLC—owner; Magnum Holdings, LLC—applicant

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-01-22A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH ALLOWING TRANSFER OF FUNDS BETWEEN DEPARTMENTS WITHIN THE ROAD DEPARTMENT FUND

Attorney Finlinson said that this is a little unusual because this moves funds in the 2018

budget, but the Auditor has indicated that the budget hasn't been closed yet. He said that the purpose of the resolution is to balance issues with pass through money within the Road Department. Attorney Finlinson read the following language from the resolution:

The Millard County Auditor is hereby authorized to transfer unencumbered or unexpected appropriation balances between departments within the following funds: Road Department

Commissioner Jackson made a motion to approve Resolution 19-01-22A, a resolution of the Board of County Commissioners of Millard County, Utah, allowing transfer of funds between departments within the Road Department Fund.

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

**DISCUSSION & POSSIBLE APPROVAL OF NON PLAT SUBDIVISION APPLICATION # Z-2018-024 FOR PROPERTY LOCATED APPROXIMATELY 3 MILES SOUTH OF LEAMINGTON (FOOL CREEK). PETITIONERS & OWNERS — STEWART & PATRICIA VAUGHN**

Stewart Vaughn said that they have owned their property for over 20 years and are hoping to build across the street from where their current home is.

Planner Richins said that this application meets the criteria for a non plat subdivision and received a favorable recommendation from the Planning and Zoning Commission.

Commissioner Warnick made a motion to approve the non plat subdivision Application #Z-2018-024 for Property Located Approximately 3 Miles South of Leamington (Fool Creek). Petitioners & Owners — Stewart & Patricia Vaughn

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

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 19-01-22B, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY CREATING A NEW PERMANENT PART-TIME POSITION IN THE MILLARD COUNTY RECREATION DEPARTMENT AND ESTABLISHING AN APPROPRIATE STEP AND GRADE FOR THE NEW POSITION.**

Brooks Jackson, West Millard Recreation Director, said that Linda is retiring and his hope is that he can create more flexibility by replacing Linda's position with a part-time pool manager and a part-time receptionist. He said that he is hoping to have a new hire by mid February in order to train with Linda before she retires.

Commissioner Draper asked what hours the individuals would receive. Mr. Jackson said that he would be at the pool until 10:00 a.m. and then go to the recreation office. He said that the part-time pool manager will work from about 10:00 a.m. to 4:00 or 5:00 p.m. and the part time

receptionist will work from 12:00 p.m. to 5:00 p.m. Mr. Jackson said that this will give him some flexibility and will allow for closer supervision of the lifeguards.

Commissioner Warnick asked what the current pool hours are. Mr. Jackson said that it opens at 5:30 a.m. and closes at 8:00 p.m. on weekdays and 9:00 p.m. on weekends.

Brenden Turner, East Millard Recreation Director, said that the East Swimming Pool has a full-time pool manager, as well as, himself which works well.

Mr. Jackson said that he doesn't foresee a problem getting applicants, but wants to be competitive. A discussion was had on what grade current part-time county employees fall under and what would be appropriate for these two new part-time positions.

Commissioner Draper said that he isn't comfortable placing these part-time positions at a hire grade than current part-time employees.

Treasurer Dearden said that the entire part-time step and grade schedule would need to be changed; not just for one part-time employee.

Commissioner Jackson said that if this was pursued in the future, he would like to address all part-time position schedules instead of just one.

It was decided to place these new positions at grade 8 which is consistent with other permanent part-time county employees.

Commissioner Jackson made a motion to approve Resolution 19-01-22B, 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 permanent part-time position in the Millard County Recreation Department and establishing an appropriate step and grade for the new position.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF OUT-OF-STATE TRAVEL FOR SCOTT BARNEY TO ATTEND A MEETING WITH THE US DEPARTMENT OF ENERGY ON JANUARY 28, 2019 IN LOS ANGELES, CALIFORNIA

Scott Barney, MEDA Coordinator, said that this meeting is part of the hydrogen initiative and will be held in Los Angeles, California. Commissioner Draper said that the County needs to pursue the hydrogen initiative and recommended that the Commission approve the travel.

Commissioner Warnick made a motion to approve out-of-state travel for Scott Barney to attend a meeting with the US Department of Energy on January 28, 2019 in Los Angeles, California

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

#### AND POSSIBLE APPROVAL OF RESOLUTION 19-01-22C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, ADOPTING A NEW MILLARD COUNTY POOLS FEE SCHEDULE



Attorney Finlinson read the following language from the resolution:

The attached fee schedule is hereby adopted as the fee schedule of the East Millard Swimming Pool and the West Millard Swimming Pool; All prior pool fee schedules are hereby repealed.

Mr. Jackson said that there is a need to raise the fees and keep them the same across the board. Mr. Turner said that they have researched the fees of surrounding counties' pools and found that Millard County pool fees are the cheapest.

Commissioner Jackson said that he had asked Mr. Jackson and Mr. Turner to work together as one recreation department. He said that they both have kept the fees minimal. He said that he would like to see this resolution pass.

Commissioner Jackson said that the directors will also be working together on future projects and said that they will soon start a project to reduce costs and the amount of chlorine in the pools.

Mr. Jackson said that they would require a deposit for use of the conference room to mitigate costs of cleaning it up.

Commissioner Jackson made a motion to approve Resolution 19-01-22C, a resolution of the Board of County Commissioners of Millard County, Utah, adopting a new Millard County Pools fee schedule.

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

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Attorney Finlinson said that Meadow Town has contacted the County in regards to contracting use of the Justice Court. He said that with the Commission's approval, he will work with Judge Haveron to see if it is something her office could absorb before creating an agreement.

Treasurer Dearden said that they will need to look into the banking system and asked Attorney Finlinson to keep her involved in the process. Attorney Finlinson said that this will be structured similarly to what the County contracted with Hinckley Town.

Sheriff Jacobson presented two payroll changes for signatures.

Deputy Auditor Madsen presented an engagement letter from Larsen and Rosenburger for audit services. Attorney Finlinson said that he has reviewed the contract and feels that it is a standard contract.

Commissioner Jackson made a motion to approve the agreement to retain Larsen and Rosenburger.

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

Commission Draper asked Attorney Finlinson if he had reviewed the County's proposed response to the State Auditor.

Attorney Finlinson said that he hasn't been able to research the situation; however, he trusts the Treasurer's and Auditor's offices in their response. He said that the County has incredibly qualified people in the Treasurer's and Auditor's Offices and he trusts their technical opinions implicitly.

Commissioner Draper said that he would like to include that the State Auditor's Office is overstepping their authority in the response.

Attorney Finlinson asked Treasurer Dearden to hold sending the response until Friday.

Treasurer Dearden said that she will contact other counties to get their thoughts on the matter.

## DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Scott Barney said that there is an opening on the MEDA board and the school district recommended superintendent David Styler for appointment on the board.

Commissioner Jackson made a motion to appoint David Styler to the MEDA board .

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

Mr. Barney said that Neil Ashton asked to be replaced on the MEDA board. He said that they will begin the search for a member to replace him.

Commissioner Warnick said that the Mosquito Abatement Committee is up to date and said that she is meeting with the Golf Committee later today.

A discussion was had on the process of appointing and submitting names.

Commissioner Warnick said that she will present names for the Mosquito Abatement Committee and Golf Committee, if necessary, at the next commission meeting.

## DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Commissioner Jackson said that he introduced Commissioner Warnick to the Six Counties AOG and the Central Utah Counseling Center where they did some research on Intergenerational Poverty money. He said that they met with an aide from Senator Mitt Romney's office and he thinks it would be a good idea to invite legislature's aides to Millard County to discuss the needs of the County.

Commissioner Draper said that he is meeting with the Utah Department of Transportation (UDOT) in Richfield on Thursday. He said that the County received a grant to repave the Brush Highway from Highway 6 to the Intermountain Power Plant (IPP) and the federal government would like to have the money administered by UDOT. Commissioner Draper said that the County will

provide an in-kind contribution.

## AUDITOR REPORT

There was none.

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

Commissioner Jackson made a motion to enter into a BOE.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 11:49 a.m..

Lynette Madsen, Chief Deputy Auditor, presented an circuit breaker application for Account #0125238-Louis Darwin Starks and said that this is the last abatement for 2018.

Deputy Madsen said that the balance due is \$80.28 and that Mr. Starks has met all requirements.

Commissioner Jackson made motion to approve the circuit breaker application for Account #0125238-Louis Darwin Starks. Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried.

Treasurer Dearden said that circuit breakers are typically reimbursed by the State and if this is dated in 2018, the County may not be reimbursed. It was later found that it was dated and processed in 2018; therefore, will be reimbursed.

Commissioner Warnick made a motion to close the BOE.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:54 a.m..

## POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Attorney Finlinson said that Wolf Productions will be taking over most of the Millard County Raceway; however, the contract isn't ready for approval as of yet.

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

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

Commissioner Jackson SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Commissioner Draper, Commissioner Warnick, Commissioner Jackson, and Attorney Finlinson.

After the closed executive session the regular meeting reconvened at 12:03 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 12:04 p.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_