

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 20th DAY OF APRIL 2021
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

EXCUSED:

ALSO PRESENT: Richard Beckstrand..... IT Supervisor
Richard Jacobson and Lindsay Mitchell..... Sheriff's Office
Kim Rowell..... Millard County Ambulance
Kalen Taylor and Eva Timothy..... USU Extension
Sheri Dearden..... County Treasurer
Pat Manis..... County Assessor
Bonnie Smith and Lynette Madsen..... Auditor's Office
Adam Britt..... County GIS
Romeo Ciuperca..... PVT Materials
Ryan Lancaster..... Lewis Young Robertson and Burningham
Nick Carter..... State Bank of Southern Utah
Wayne Jackson..... Military Liason
Mike Holt and Kevin Orton..... Fillmore City
Brandon Stephenson..... Kanosh Town
Elizabeth Jordan..... 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 Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper 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 THE MINUTES OF APRIL 6, 2021

The proposed minutes of a regular County Commission meeting held April 6, 2021 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of April 6, 2021, as presented.

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

FOLLOW UP ACTION ITEMS FROM APRIL 6, 2021

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR BLIZZARD RIDGE CONSTRUCTION, LLC, OWNER - CHRIS TALBERT

A business license application was presented for Blizzard Ridge Construction, Owner - Chris Talbert, a construction business. After review of the application and finding all signatures in order, Commissioner Warnick made a motion to approve a business license for Blizzard Ridge Construction, Owner - Chris Talbert.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE 2021 CIB LIST- TYLER TIMMONS

Tyler Timmons presented the list of projects proposed by each municipality. After a brief discussion, it was decided to put the CIB list in the following order:

- 1 - Kanosh Water Project
- 2 - Delta Water Project
- 3 - Holden Water Project
- 4 - Delta Sewer System
- 5 - Oak City Electrical Upgrades
- 6 - Fillmore Fire Station
- 7 - Scipio Fire Station
- 8 - Leamington Road Improvements
- 9 - Oak City Road Improvements
- 10 - Scipio Park and Cemetery
- 11 - Leamington Maintenance Storage Building
- 12 - Kanosh Town Hall Remodel

Commissioner Wright made a motion to approve the discussed order of the CIB List. Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried.

PUBLIC HEARING FOR C-2 CONDITIONAL USE PERMIT APPLICATION # Z-2021-029 TO AMEND C-2 CONDITIONAL USE PERMIT (CUP) #Z-2020-023 FOR SURFACE MINING TO INCLUDE A 30.4 ACRE SITE FOR MINERAL PROCESSING. PVT MATERIALS, LLC., APPLICANT.

Romeo Ciuperca, PVT Materials, gave a brief history of the mining project and said that they would like to build a processing facility on site. He said that the mining has been successful and he has been asked by customers when the product will be available to sell in industrial quantities. Mr. Ciuperca described the processing facility as a mill that turns the material into powder and explained the proposed location of the facility and its structure. Mr. Ciuperca said that they have stayed in full compliance with Millard County's Ordinance and will continue to meet all regulatory requirements with various State and Federal Departments. He said that he is asking the Commission to approve this processing facility with any reasonable conditions that are deemed necessary.

Commissioner Warnick made a motion to enter into a public hearing for the purpose of receiving public comment on C-2 CUP Application # Z-2021-029 to amend C-2 CUP #Z-2020-023 for surface mining to include a 30.4 acre site for mineral processing. PVT Materials, LLC, applicant.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:27 a.m.

Present were: Richard Beckstrand, Sheriff Jacobson, Lindsay Mitchell, Kim Rowell, Kalen Taylor, Eva Timothy, Sheri Dearden, Pat Manis, Adam Britt, Romeo Ciuperca, Nick Carter, Wayne Jackson, Mike Holt, Kevin Orton, Brandon Stephenson, and Elizabeth Jordan.

Commissioner Draper referred to Mr. Ciuperca's presentation given before the public hearing began, and asked if there were any other public comments.

There were no other comments made.

Commissioner Warnick 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 10:28 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF C-2 CONDITIONAL USE PERMIT APPLICATION # Z-2021-029 TO AMEND C-2 CONDITIONAL USE PERMIT #Z-2020-023 FOR SURFACE MINING TO INCLUDE A 30.4 ACRE SITE FOR MINERAL PROCESSING. PVT MATERIALS, LLC., APPLICANT.

Adam Richins, County Planner said that the Planning and Zoning Commission unanimously gave a favorable recommendation. Planner Richins read the conditions of the permit. A brief discussion was had on the procedures for CUPs.

Mr. Ciuperca said that he has been in communication with the adjoining landowner. Planner Richins said that they have not heard from the adjoining property owner.

Commissioner Warnick asked if they will hire local employees. Mr. Ciuperca said that this processing plant is initially projected to employ seven to ten people and an additional five to ten people once the processing plant starts loading product onto the rail line. He said that he also envisions future growth that will allow for additional local employment opportunities.

Commissioner Wright made a motion to approve C-2 CUP Application # Z-2021-029 with the discussed conditions to amend C-2 CUP #Z-2020-023 for surface mining to include a 30.4 acre site for mineral processing. PVT Materials, LLC., applicant.

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

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2021 YEAR. SPECIFICALLY, FUNDING FOR A NEW AMBULANCE AND ROAD BARN ROOFING MATERIALS COST INCREASE BUT ALL BUDGETS MAY BE CONSIDERED AS NECESSARY

Commissioner Warnick made a motion to enter into a public hearing for the purpose of opening budgets for the 2021 year. Specifically, funding for a new ambulance and road barn roofing materials cost increase, but all budgets may be considered as necessary.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:40 a.m.

Present were: Richard Beckstrand, Sheriff Jacobson, Lindsay Mitchell, Kim Rowell, Kalen Taylor, Eva Timothy, Sheri Dearden, Bonnie Smith, Lynette Madsen, Pat Manis, Adam Britt, Romeo Ciuperca, Nick Carter, Wayne Jackson, Mike Holt, Kevin Orton, Brandon Stephenson, and Elizabeth Jordan.

Sheriff Jacobson said that an ambulance purchase was approved last year, but the funding fell through. He said that the need for the ambulance still stands and he has met with the Auditor to reassess the budget and available grant funds to put toward this purchase. Sheriff Jacobson briefly went over the received grant money and said that they have approximately \$80,000.00 in their equipment budget. He said that they don't want to deplete the equipment budget too much and explained what that fund is used for.

Auditor Smith said that there was a revenue error on the property tax report that needs to be fixed. She said that the Weed Department budget needs to be amended to reflect pass through funding receipts and the Wellness budget needs to be amended to reflect carryover funding in the amount of \$200.00.

Commissioner Draper said that the Road Barn trusses are being delivered this week and there has been a substantial increase in material prices. He said that the contractor, Advance Steele Systems, notified the County of the increased prices and the County needs to respond in order to lock in the price adjustment that they sent. Commissioner Draper said that the increase is approximately \$47,000.00 and the Road Department has sufficient funds to absorb this increase within their building budget and funds do not need to be moved. Attorney Finlinson said that this doesn't need to be in the resolution if the budget doesn't need to change.

Commissioner Draper said that the Road Department has four unanticipated employee promotions and this requires moving funds from one line item to another line item within the same budget. Attorney Finlinson said that the budget move can be included in the resolution, but the specific promotions can be discussed in Other Business.

There were no other comments made.

Commissioner Warnick 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 10:53 a.m.

The regular meeting reconvened.

RESOLUTION 21-04-20, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, OPENING THE 2021 MILLARD COUNTY BUDGET SPECIFICALLY, FUNDING FOR A NEW AMBULANCE AND ROAD BARN ROOFING MATERIALS COST INCREASE; ALL BUDGETS MAY BE CONSIDERED.

Attorney Finlinson read the operative points of the resolution which authorizes the Millard County Auditor to do the following:

- A. Increase the appropriation for the Ambulance Budget from unappropriated fund balance in an amount not to exceed \$110,000.00. Approximately \$20,000.00 of those funds will be coming directly from Tourism. Treasurer Dearden said that this will leave three months of operating costs in the balance.
- B. Amend revenue to reflect correction of error in calculation of property tax receipts.
- C. Amend Weed Board budget to reflect pass through funding receipts.
- D. Amend Wellness budget to reflect carry over funding.
- E. Amend Road budget to reflect unanticipated promotions.

Commissioner Draper read the resolution into the record.

Commissioner Warnick made a motion to approve Resolution 21-04-20, a resolution of the Board of County Commissioners of Millard County, Utah, Opening the 2021 Millard County Budget.

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.

DISCUSSION AND POSSIBLE APPROVAL OF RELEASE FOR AUCTION OF SURPLUS PROPERTY

Auditor Smith presented the surplus property list and said that it has been circulated throughout the County. She said that three items were removed and given to interested departments. She said that these items will be posted on the nationwide website www.publicsurplus.com.

Commissioner Wright made a motion to approve the release of surplus property for auction.

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

DISCUSSION AND POSSIBLE CONSIDERATION FOR SHERIFF'S OFFICE EMPLOYEE VACATION LEAVE ACCRUAL RATE

Sheriff Jacobson said that he has an employee who has transferred from the USU Extension Department where USU paid for benefits. He said that they are asking that her leave accrual be consistent with how many years she has consistently worked with the County. Lindsay Mitchell said that instead of getting four hours per pay period, they are asking that the employee receive six hours to reflect her years of continued employment with the County.

Auditor Smith said that this employee had been a reimbursed County employee at USU Extension. Sheriff Jacobson said that this is not a situation where an employee left and then came back. He said that this is a continued employment situation.

Commissioner Draper asked if any policy changes needed to be made. Attorney Finlinson said that the policy didn't need to change.

Commissioner Warnick made a motion to approve the Sheriff's Office employee vacation leave accrual rate.

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

DISCUSSION REGARDING A CRA ON THE NORTH END OF FILLMORE - MIKE HOLT

Mike Holt, Fillmore City Mayor, said that he is here to petition for support for a CRA on the north end of Fillmore. Ryan Lancaster, Lewis Young Robertson and Burningham Inc., said that he has been assisting with this project and gave a brief presentation which included an overview of the project, the purpose of the CRA, and Tax Increment Financing. He said that they would like the County to partner with Fillmore City to contribute to this development.

Commissioner Draper said that this extends Fillmore City's sewer and asked why the County would want to fund a sewer system within a municipality. Mayor Holt said that the city

is competing with three different sites: Fillmore, Las Vegas, and New Mexico; and a CRA is an enticement to get businesses here. Mayor Holt said that the County will not be funding a sewer but supporting the project through future tax breaks. He said that Fillmore City is participating at the same rate which is 75% for 20 years.

A brief discussion was had on notification dates, what CRAs are traditionally created for, and why this hadn't been brought to the Commission before today. Mr. Lancaster said that if the County agrees to support the CRA, then an interlocal agreement will be drawn up. He said that there is still time to work through and discuss the terms of the interlocal agreement which can include any caps. He said that the cap would be approximately \$1,200,000.00 which is the cost of the public infrastructure.

Commissioner Draper asked if they had been in contact with the County's Economic Development Directors to see what possible benefits can be offered because this falls within an opportunity zone. Mayor Holt said that they had not contacted them.

Commissioner Draper said that since they don't have all the information, they don't know what rate they may want to participate at.

Commissioner Wright referred to the CRA at the south end of Fillmore that was developed but hasn't been completed yet. He asked why the south end isn't being completed before another one at the north end of Fillmore was started. Mr. Lancaster said that the market and different developers dictate the growth and the developer is interested in the area to the north.

Nick Carter, State Bank of Southern Utah, said that they want to begin phase 1 of the project as soon as possible but the anticipated time line for completion of the entire project is two to three years.

Commissioner Warnick said that she looks forward to new developments, but she wants more information specifically from the Economic Development Directors who are also over opportunity zones. Commissioner Draper agreed that reaching out to Economic Development is the next step.

FOLLOW UP ON FOREST SERVICE CHALK CREEK WEIR

Commissioner Draper said that he has spoken with the Forest Service Rangers regarding one of the two leases that the County was asked to renew. He said that they have plans to physically go to the location next month because it may not actually belong to the County.

DISCUSSION AND POSSIBLE APPROVAL OF COMBINING THE 4H COORDINATOR AND LIVESTOCK COORDINATOR POSITIONS AND CONTRACTING WAGES FOR THIS NEW POSITION THROUGH UTAH STATE UNIVERSITY

Eva Timothy, USU Extension, said that she proposed this position change at the last meeting and is here to follow-up and answer questions. She said that there is a high turnover rate and a full-time position with benefits will help reduce that turnover rate.

Commissioner Warnick said that it is in the budget for this year, but going forward it would be a continued increase due to the benefit package. She asked where these funds would come from. Ms. Timothy said that she spoke with Dave Francis at the State 4H Office who

indicated that there was funding available to help pay for benefits but she doesn't know the amount funds that are available.

Auditor Smith said it would be helpful to have this position on the Step and Grade scale even though it will be a reimbursed position because then the employees could follow the wage time line instead of being stuck at the same rate.

It was decided to bring this back to the next commission meeting as a resolution and put this position on the step and grade so it can follow the schedule.

DISCUSSION AND POSSIBLE APPROVAL OF GRAVELING THE 100 E PINE CREEK CEDARS ROAD

Attorney Finlinson said that this was reviewed on the Transportation Map and it is designated as a Class B road so the Commission doesn't need to approve putting gravel on it. He said that the right-of-way conditions still stand and the County can't widen the road without consent from the landowners.

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in March 2021. Auditor Smith said that the centrally assessed budget needs to be looked at and it is anticipated that more funds will be needed for litigation.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Auditor Smith explained that they are waiting for more clarification from the Treasury on the American Rescue Act. She said that she attended a meeting where a lot of questions were asked, but no answers were given. Auditor Smith said that it is clear that the first half of funding will be here by May 11, 2021 and there will be specific items that they can't spend the funds on. She briefly went over the four general areas where the funds can be used and said that the funds need to be used by December 31, 2024. Auditor Smith said that the second half of the funds will be received in April or May of 2022.

Commissioner Draper said that there are four needed promotions within the Road Department and gave the reasons why three Operator I employees are being promoted to Operator II. The reasons included that the three individuals have taken on additional responsibilities and training and are part of the Road Department's 1st responders in the event of a wildfire or flooding. He said that the fourth promotion is moving an employee from a Truck Driver I position to a Truck Driver II position and this promotion typically happens after an employee demonstrates competency with the equipment and other job duties. Commissioner

Draper said that the funds are within the budget and just need to move from one line item to another.

Commissioner Draper said that Advanced Steele has given deadline to reply to keep the roofing materials at the cost that was quoted. He said that he is in favor of this and will send the reply if the increase is approved. Commissioner Draper said that the increase can be absorbed in the existing budget for the Road Barn.

Commissioner Wright said that it seems that if the building would have stayed with plan A, there wouldn't have been a problem and asked how the County went away from Plan A to Plan B. Attorney Finlinson said that he will give him a copy of the legal opinion that he wrote and it is also reflected in the past commission minutes.

Commissioner Warnick said that the County learned from this process and put some measures in place to make sure that this doesn't happen again.

Attorney Finlinson said that the procurement code was updated as a result of what has been learned from this project.

Commissioner Warnick made a motion to approve the cost increase of the Road Barn roofing materials.

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

Sheriff Jacobson said that the American Rescue Act is another good place to look at getting another ambulance as they anticipate needing another one in addition to the one that was discussed earlier in the meeting. He said that premium pay is being paid to first responders in other county's and he wants to point out these first responders went through a lot at the beginning of this pandemic. He said that they were aware that there wasn't a lot of information on COVID-19 and its dangers at the time, but the first responders went out anyway.

Commissioner Draper said that legislature passed a law that said that the County can ask for funding help from the municipalities for ambulances and he will keep the commission apprised of what he finds out.

Commissioner Draper said that there is a 300 acre sized prescribed burn scheduled for today above Fillmore and there is no need for the public to call in.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper said that he would like to nominate Lucas Stevens to the Economic Development Board.

Commissioner Warnick made a motion to appoint Lucas Stevens to the Economic Development Board.

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

Commissioner Draper said that they are having a tour with the Economic Development Board tomorrow and listed the attendees of that tour.

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

Commissioner Warnick said that the County received another IGP waiver.

Commissioner Warnick said that the USDA will be delivering more boxes of food on Thursday morning at 8:00 a.m.. She said that this will most likely be the last one for Millard County.

Attorney Finlinson referred to the vacant Justice Court Judge position and said that he requested an opinion from the Administrative Office of the Courts regarding the posting of notice for this position. He said that he expects an answer in the next few days and would like the interviews and possible appointment tentatively put on the next agenda.

Commissioner Wright said that he found no evidence that the job posting was advertized in Millard or Juab County's newspapers. He said that he has asked for proof of publication and they haven't responded. Commissioner Wright said that they lied to him about posting it in the newspaper and thinks that the process needs to be started over following the State statute.

Attorney Finlinson said that the Commission only has the authority to appoint or not appoint a judge. He said that the Commission cannot dictate or decide the Administrative Office of the Court's process.

Commissioner Wright said that he is not willing to make an appointment until they make it right. He said that he wants them to do their job and follow statute and they misrepresented the way they posted this.

Attorney Finlinson said that if they come back and say they did their job, the County can choose not to appoint.

Attorney Finlinson said that the judicial counsel has started permitting trials and there is one scheduled in two weeks. He said that there are more trials anticipated after that and his office will be very busy preparing for them.

Clerk Rowley said that the redistricting process will be starting soon and she will get with Adam Britt to create drafts. She said that due to the Census not being released until September, there will be a time crunch to get this done.

Commissioner Draper said that there was a 3% decrease in population and that there is a good chance there won't be significant changes.

AUDITOR REPORT

Auditor Smith said that the tax sale will be held May 20, 2021 at 10:00 a.m..

Auditor Smith presented the following reports:

Payroll:

04-09-2021 - \$183,162.69

Accounts Payable:

04-09-2021 - \$68,217.26

04-16-2021 - \$385,991.71

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 12:47 p.m.

Attest: _____

Approved: _____