

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 18th DAY OF MAY 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

ALSO PRESENT: Rich Beckstrand..... IT Supervisor
Bonnie Smith..... County Auditor
Sheri Dearden..... County Treasurer
Sierra Dickens..... County Recorder
Adam Richins..... County Planner
Eva Timothy..... USU Extension
Woody Johnson..... Territorial Statehouse
Fred Christensen and Mark Falleroni..... Paiute Trail
Aleta Brown, Greg Brown, and Richard Stuhan..... TransCanyon
Michael Gates and Clara Stevens..... Bureau of Land Management
Daniel Anderson, Dana Carling, Shan Carling, Chris Carling,
Shane Church, Jim Coffman, and Daniel Brown..... 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:

NOTE: NOT ALL AGENDA ITEMS WERE FOLLOWED IN ORDER

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 Draper read a quote from Edmund Burke, “Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion. When the

leaders choose to make themselves bidders at an auction of popularity, their talents, in the construction of the state, will be of no service. They will become flatterers instead of legislators; the instruments, not the guides, of the people. Commissioner Wright said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES OF MAY 4, 2021

The proposed minutes of a regular County Commission meeting held May 4, 2021 were presented for consideration and approval. Commissioner Warnick made a motion to approve the minutes of May 4, 2021, as corrected.

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

FOLLOW UP ACTION ITEMS FROM MAY 4, 2021

Commissioner Draper referred to the Chalk Creek Canyon weir that was discussed in a previous commission meeting. He said that he plans to meet with the local Forest Service District to determine who actually owns it.

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR MAKAYLA SHANK-USU EXTENSION

Eva Timothy said that they have hired a new staff assistant and this position has been allotted a credit card in the past because they purchase many of the supplies for the Extension Office. Auditor Smith said that the last staff assistants limit was \$1,500.00.

Commissioner Wright made a motion to approve a credit card for Makayla Shank with a limit of \$1,500.00.

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

PRESENTATION REGARDING NEW 500 KV TRANSMISSION LINE IN MILLARD COUNTY - RICHARD STUHAN TRANSCANYON

Mr. Stuhan presented a handout that explained who Transcanyon is, their experience in the western United States, and their Cross-Tie 500kV Transmission line project.

He said that the Cross-Tie Transmission line project is a line from the Clover substation in Mona, Utah to the Robinson Summit substation in east-central Nevada.

Commissioner Draper asked if Rocky Mountain Power is involved. Mr. Stuhan said they are not.

Commissioner Draper asked about specific mountain passes along the projected route and said that the County has existing right-of-ways for energy corridors, but a zone change would be required if the line was being built in an area outside of those. Mr. Stuhan said that a lot of the

proposed construction is along existing lines, but it does deviate from existing Bureau of Land Management (BLM) corridors in some areas.

Michael Gates, BLM, said that the handout contains a preliminary route and there may be many alternatives that can be considered in the EIS process. He said that the County will be a cooperating agency and will be able to express its concerns and/or propose new routes.

Mr. Stuhan said that the new transmission line will give companies with energy projects new opportunities to interconnect and briefly explained that process.

Commissioner Draper inquired about FERC regulations. Mr. Stuhan said that FERC primarily focuses on gas infrastructure in the Western United States. He said that the lead agency for this transmission line project is the BLM and the Fillmore branch is the lead office. Mr. Stuhan explained what type of towers may be used in various parts of the project and why.

Mr. Stuhan explained the local benefits of the transmission line project including increased property and sales and use tax revenues. He then went over the projected time line and the next steps for the project including public comment periods and further studies and assessments.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON APPLICATION #Z-2020-051 TO AMEND THE TABLE OF USES AND ACCOMPANYING USE DEFINITIONS, LOCATED IN TITLE 10, CHAPTER 25, APPENDIX A, OF THE MILLARD COUNTY ZONING ORDINANCE FOR AGRICULTURAL PRODUCTS PROCESSING, CREATING A NEW USE DEFINITION FOR HONEY EXTRACTING FACILITY, AND ESTABLISHING REQUIREMENTS FOR HONEY EXTRACTION FACILITIES IN EACH ZONING DISTRICT—DANIEL C. BROWN, APPLICANT

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on Application #Z-2020-051 to amend the table of uses and accompanying use definitions, located in title 10, chapter 25, appendix a, of the Millard County zoning ordinance for agricultural products processing, creating a new use definition for honey extracting facility, and establishing requirements for honey extraction facilities in each zoning district—Daniel C. Brown, Applicant.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:33 a.m.

Present were: Daniel Anderson, Rich Beckstrand, Bonnie Smith, Sheri Dearden, Sierra Dickens, Adam Richins, Woody Johnson, Fred Christensen, Mark Falleroni, Dana Carling, Shan Carling, Chris Carling, Shane Church, Jim Coffman, and Daniel Brown.

Daniel Brown said that he is proposing that the zoning ordinance be amended to define honey extracting and processing as an agriculture activity. He said that if approved, this will allow them to build honey facilities in areas that are zoned AG and Residential.

Planner Richins explained that the proposed ordinance would add honey extraction to the agriculture product processing use and also outlines where a honey extraction facility may operate. He said that many existing honey extraction facilities pre-date the County ordinances and/or fall within municipality limits. He said that this ordinance will clear up an area of the code that isn't

explicit regarding honey extraction.

Planner Richins said that the ordinance proposes requiring a P-1 permit in every zoning district except Residential and Highway Commercial which would both require a condition use permit. He explained that in residential areas, it may be beneficial to require a conditional use permit to give the neighbors a chance to provide input.

There were no other comments made on this application.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON ZONING ORDINANCE MAP AMENDMENT APPLICATION #Z-2021-022 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 47.85 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1365 N HIGHWAY 6, DELTA FROM AGRICULTURAL INDUSTRIAL (AI), HIGHWAY COMMERCIAL (HC), & RESIDENTIAL (R1) TO HEAVY INDUSTRIAL (HI)—SFC WELDING, OWNER; SHANE CHURCH, APPLICANT

Mr. Shane Church said that they acquired this property with the intention of expanding their welding company. He explained his business operations and said that they are looking at going into aerospace manufacturing in the future. Mr. Church said that they also have plans to partner with the schools in a technical program for students. He said that the property will help them have the space and availability to develop their operations. He said that another possible way to offset costs is to build other buildings to house companies that complement their business.

Planner Richins said that the property in question has three separate zones that overlap and when this situation happens on a property, the most restrictive zoning is what is followed. He said the property is extremely limited on what is currently allowed. Planner Richins said that the applicant is asking that the property zone be changed to heavy industrial.

There were no other comments made on this application.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON ZONING ORDINANCE MAP AMENDMENT APPLICATION #Z-2021-023 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 7.31 ACRES OF PROPERTY LOCATED APPROXIMATELY 1.3 MILES SOUTHEAST OF FLOWELL AND 2 MILES WEST OF FILLMORE FROM AGRICULTURE (AG) TO AGRICULTURAL INDUSTRIAL (AI) TO ALLOW FOR THE PERMITTING AND SUBSEQUENT CONSTRUCTION OF A MEAT OR POULTRY PROCESSING FACILITY—DANIEL & JESSICA ANDERSON, OWNERS/APPLICANTS

Daniel Anderson said that this property is located on a corner of one of his fields that has a pivot and he would like to change the zoning to AG Industrial in order to build a meat processing facility. He explained that the business will do custom processing for individuals needing their animals processed, as well as, allow him to process and sell his own beef. Mr. Anderson said that they anticipate starting small and then slowly growing. He said that there will be holding pens in the back. He said that they project processing approximately 30-50 animals per week once the facility reaches full growth.

Planner Richins said that the property is in an existing agricultural area and Mr. Anderson is requesting that the zone be changed to Ag Industrial. He said that AG Industrial zones are ideally put in locations where homes won't be impacted and he doesn't think there are any homes within a mile of the location. Planner Richins said that spot zoning is generally not ideal because the County likes to have neighboring zones that complement each other. Planner Richins said that AG industrial areas tend to be put in areas where they won't be a nuisance. He said that once the zone change is made, all AG Industrial uses are all allowed. Planner Richins said that this property has good access and fronts a county road.. Planner Richins said that this has gone through the Planning and Zoning Commission and some public comment was received.

Mr. Shan Carling said that they have property on the west side of this project and have concerns regarding the chemicals that they use on their nearby crops and if that would impact the operation. He said that there is drift and explained the chemicals that they use. Mr. Carling said that they are concerned about their liability if the chemicals happen to contaminate the processing facility. He said that he would feel better if it was moved farther into the Anderson's property or moved to an existing AG Industrial site.

Mrs. Dana Carling said that to reduce their potential liability, they may need to move their crops back in order to follow the recommendations on those chemicals which would result in a loss of 15 acres of production.

Mr. Chris Carling said that they were hit with an unrelated nuisance lawsuit a few years ago and at the time, they didn't have enough assets to cover the costs. He said the case went all the way to the appeals court in Denver before they won it. Mr. Carling said that it was a terrible situation to go through. He said that they are concerned about someone else bringing a lawsuit and they don't want to have that concern.

Planner Richins said that Agriculture Industrial zones require a list of uses. He said that this stage of the process is simply a zone change and possible conditions can be imposed during the conditional use permit stage.

Mr. Anderson said that meat packing is an agriculture activity and as far as liability is concerned, there are farms and fields throughout all of our communities that use chemicals. He said that a meat packing plant is no different than his home that has those chemicals sprayed in the surrounding fields. He said that he also farms close to this facility and is not concerned by this topic.

Mr. Chris Carling said that may be true, but it won't stop individuals from potentially suing them.

Dana Carling said that she called the chemical company and they said that users are required to comply with the chemical use instructions on the label. She said that is the law. Mrs. Carling said that if other people ignore the instructions, they do so at their own peril.

Planner Richins said that a house is currently allowed in any zone in Millard County and this issue would be the same if someone decided to build a house there.

There were no other comments made on this application.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON ZONING ORDINANCE MAPAMENDMENT APPLICATION #Z-2021-026 REQUESTING TO CHANGE

THE ZONING OF APPROXIMATELY 80.00 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1200 WEST 4500 S DELTA FROM AGRICULTURE (AG) TO AGRICULTURAL INDUSTRIAL (AI) TO ALLOW FOR THE PERMITTING AND SUBSEQUENT CONSTRUCTION OF A MEAT OR POULTRY PROCESSING FACILITY—MICHAEL STYLER, APPLICANT

Commissioner Draper said that Rod Christensen initially wanted to build a private livestock killing facility on property adjacent to Michael Styler and there were some issues brought up at the Planning Commission level. He said that since then, Mr. Styler has entered into some negotiations with Mr. Christensen to look at another piece of land to build the facility on. Commissioner Draper said that he has a letter from Mr. Styler that indicates they are requesting the zone to be changed to AG 20; not Agriculture Industrial (AI) as stated on the agenda. Planner Richins confirmed that they are requesting the zone change to AG 20.

Attorney Finlinson said that the Commission can proceed even though it was wrong on the agenda as long as it has been made clear on the record.

Planner Richins said that they received several comments before the negotiations between Mr. Christensen and Mr. Styler, but haven't heard from anyone afterward.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2021-006 FOR AN ELECTRICAL TRANSMISSION RIGHT-OF-WAY ON PROPERTY LOCATED APPROXIMATELY 13 MILES WEST OF COVE FORT AND WITHIN SECTIONS 16 & 21, T25S, R9W—CLINTON BROWN, APPLICANT

Planner Richins said that this is subsequent to an earlier application for a solar farm and this application is regarding connecting the solar property to the electrical line. He said that this crosses two properties and he has received comment from one of those property owners.

Jim Kaufman said that he is one of the property owners that this right-of-way would impact and he hasn't been contacted. He said that he has some concerns because last century Williams Communications got a free right-of-way under the County Road which was nondescript at that time and was never put on the County plat maps. He said that the County Road Foreman at the time indicated that they originally wanted to take the doglegs out of the road which would put the right-of-way that the County gave free on private land. Mr. Kaufman said that he understands that the transmission line will be underground and asked if there is enough room in a burrow pit for a utility corridor on a 33 foot county road right-of-way. Mr. Kaufman showed the commission a map of the property and asked if the Browns will have to contact them on the shoulder or if they will just get a free bee from the County.

Planner Richins said that County roads are dedicated officially but not necessarily formally and ownership may or may not go to the middle of the roads depending on the piece in question. He said that the application's intent is to follow the right-of-way down the middle of the road. Planner Richins said that Mr. Kaufman stated that he owns to the middle of the road and if the undedicated road were to change or relocate without the utilities being moved as well, then there may be utilities running across the property without any owner consent.

Attorney Finlinson said that several roads are being sorted through and he would be happy to

add this road to that discussion. He said that there is a lot of gray details but this certainly merits further investigation.

Commissioner Wright said that this should be looked into.

There were no other comments made.

Commissioner Wright 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 11:27 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 21-05-18, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING THE TABLE OF USES AND ACCOMPANYING USE DEFINITIONS, LOCATED IN TITLE 10, CHAPTER 25, APPENDIX A, OF THE MILLARD COUNTY ZONING ORDINANCE FOR AGRICULTURAL PRODUCTS PROCESSING, CREATING A NEW USE DEFINITION FOR HONEY EXTRACTING FACILITY, AND ESTABLISHING REQUIREMENTS FOR HONEY EXTRACTION FACILITIES

Commissioner Wright made a motion to adopt Ordinance 21-05-18, an ordinance of the Board of County Commissioners of Millard County, Utah, amending the table of uses and accompanying use definitions, located in Title 10, Chapter 25, Appendix A, of the Millard County Zoning Ordinance for agricultural products processing, creating a new use definition for honey extracting facility, and establishing requirements for honey extraction facilities with the amended table requiring a CUP in the R1 zone.

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

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 21-05-18A, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF 47.85 ACRES OF PROPERTY LOCATED APPROXIMATELY 1365 N HIGHWAY 6, DELTA FROM AGRICULTURAL INDUSTRIAL (AI), HIGHWAY COMMERCIAL (HC), & RESIDENTIAL (R1) TO HEAVY INDUSTRIAL (HI)

Commissioner Warnick asked Mr. Church if he will be expanding his business towards the existing homes in the area. Mr. Church said that they intend to create buffers between their business operations and existing homes and those concerns will be addressed on a case-by-case basis.

Commissioner Draper said that he has toured the current facility and is in favor of this.

Commissioner Wright made a motion to adopt Ordinance 21-05-18A, an ordinance of the Board of County Commissioners of Millard County, Utah, Changing the Zoning of 47.85 Acres of property located approximately 1365 N Highway 6, Delta from Agricultural Industrial (AI), Highway Commercial (HC), & Residential (R1) to Heavy Industrial (HI).

Commissioner Warnick 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 ADOPTION OF ORDINANCE 21-05-18B, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF 7.31 ACRES OF PROPERTY LOCATED APPROXIMATELY 1.3 MILES SOUTHEAST OF FLOWELL FROM AGRICULTURE (AG) TO AGRICULTURAL INDUSTRIAL (AI)

Commissioner Wright asked about the processing plant trumping the Carling's ability to spray chemicals and said that he would like to find a resolution that respects the property rights of both parties.

Attorney Finlinson said that as Chris Carling stated anyone can sue for anything but the concerns that the Carlings have also apply to other zoning. He said that the CUP process can impose conditions but doesn't know exactly what specific conditions may resolve the concern. Attorney Finlinson said that the State has made steps to protect existing agricultural uses from encroachment so he thinks there may be some protections for the Carlings in the State law.

Commissioner Wright said that nuisance ordinances need to be looked at to protect property rights of existing agriculture. He said that in his opinion, some of the concerns can be mitigated in the conditions if and when that comes before the Commission in the future.

Planner Richins said that when a house is built in an agricultural area, a document is signed that states the primary use of the land is agriculture. He said that some condition of that nature could be included in the conditional use process.

Dana Carling asked if it was legal to make those conditions if they contradict the UDAF regulations that regulate the use of the chemical.

Attorney Finlinson said that from the County's perspective, they would just ask that they acknowledge and respect that use.

Commissioner Warnick asked what if they change their mind to use the property differently. Mr. Anderson said that the CUP process would protect the County from large changes to that property, but his intention isn't to change it. He said that it is a small piece of property and can't be used for larger operations.

Commissioner Draper said that the need for animal processing is huge. He said that the purpose of this ordinance is to change the zone and it is proper to discuss the possible uses when zone changes are considered.

Commissioner Draper said that it is his opinion that these chemicals occur in most agricultural lands and possible drift can't be controlled. He said that conditions can be looked at in order to mitigate as best as the Commission can.

Commissioner Wright made a motion to adopt Ordinance 21-05-18B, an ordinance of the Board of County Commissioners of Millard County, Utah, changing the Zoning of 7.31 Acres of Property Located Approximately 1.3 Miles Southeast of Flowell from Agriculture (AG) to Agricultural Industrial (AI).

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

YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 21-05-18C, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF 80.00 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1200 WEST 4500 S DELTA FROM AGRICULTURE (AG) TO AGRICULTURAL INDUSTRIAL (AI)

Commissioner Draper explained that the request is to change to AG 20; not AI. He asked why the entire 80 acres needs to be changed. He said that if its changed to AG 20, they can possibly subdivide that with another zone change in the future.

Planner Richins said that there can always be applications for new zone changes.

Commissioner Wright made a motion to adopt Ordinance 21-05-18C, an ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of 80.00 acres of property located at approximately 1200 W 4500 S Delta from agriculture (AG) to (AG 20).

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

DISCUSSION AND POSSIBLE APPROVAL OF A C-2 CONDITIONAL USE PERMIT APPLICATION # Z-2021-006 FOR AN ELECTRICAL TRANSMISSION RIGHT-OF-WAY ON PROPERTY LOCATED APPROXIMATELY 13 MILES WEST OF COVE FORT AND WITHIN SECTIONS 16 & 21, T25S, R9W—CLINTON BROWN, APPLICANT

Commissioner Wright made a motion to postpone consideration for this item to the next commission meeting.

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

PRESENTATION ON THE PAIUTE TRAIL - MARK FALLERONI & FRED CHRISTENSEN

Mr. Fallerioni presented a handout and said that they are prepared to donate helmets again like they do every year. Mr. Christensen thanked the Commission for their support of the Paiute Trail. He said that in 2020 the 1,275.8 miles of designated Paiute and Great Western Trail System saw 159,548 riders on 107,956 machines, enjoying the Central Utah trail systems. Mr. Christensen said that these riders spent almost \$33,000,000.00 in the small businesses located in the five rural counties along the interconnected trail system. He explained their 2020 accomplishments which included trail maps, informational kiosks, and picnic tables at some popular areas.

DISCUSSION AND POSSIBLE APPROVAL OF CREATING A HISTORICAL PRESERVATION COUNCIL - WOODY JOHNSON

Mr. Johnson said that he is here to request becoming a certified local government (CLG) by creating a historical preservation council. He said that CLGs are committed to historical preservation

in their areas and are able to apply for grants every other year. He explained that the grants are limited to \$10,000.00 and require a 50/50 match of local funds or donated services. Mr. Johnson briefly described the structure and how the council would be ran. He said that the State Historic Office will not approve a CLG without CLG commission members and ordinances being established in a historical preservation council.

Commissioner Warnick said that this was brought before the Tourism Board and it was decided to bring this item to Commission. She said that the County has several projects like Fort Deseret that would benefit from this.

Commissioner Draper said that if this requires an Ordinance, action can't be taken on this today.

MONTHLY FINANCIAL REVIEW

This agenda item was tabled to the June 1, 2021 agenda.

DISCUSSION AND POSSIBLE APPROVAL OF INSTALLING THE BACKUP SERVER AT THE COUNTY RECORDS BUILDING

Recorder Dickens said that she is requesting that a backup server be installed at the County Records Building. She said the records building is complete and the server will be located in a climate controlled area.

Supervisor Beckstrand said that this is a good place for a backup server as long as it is cooled. He said it will need an internet connection installed in the building as well. Recorder Dickens said that the heating and A/C units are there and will be installed within the week.

Commissioner Warnick said that this needs to be moved so the County will be in compliance with the state mandate.

Commissioner Warnick made a motion to approve installing the backup server at the County Record's Building.

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

DISCUSSION AND POSSIBLE APPROVAL OF UPDATING THE BENEFITS PROTECTION CONTRACT WITH UTAH RETIREMENT SYSTEMS TO REFLECT THE NEW LONG TERM DISABILITY CARRIER, THE STANDARD

Auditor Smith said that the County has received a new benefits contract because the County changed to the Standard Long Term Disability plan at the beginning of 2021. She said that Utah Retirement Systems has since determined that the plan meets all statutory requirements. She said that long term disability is optional, but has historically been in place for County Tier II employees.

Commissioner Warnick made a motion to approve the updated Benefits Protection Contract with Utah Retirement Systems to reflect the new long term disability carrier, The Standard.

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

carried.

JUSTICE COURT JUDGE CANDIDATE INTERVIEWS

Jim Peters, Justice Court Administrator with the Utah State Courts, said that he is aware that this process to replace Judge Haveron has been frustrating and he is trying to make things better. He said that they are accepting ideas on how to revise this process and will be updating their nominating procedures manual. Mr. Peters said that the County has received an opinion from Brent Johnson that stated that the Commission is at liberty to proceed with the candidates or to start the process over. He said that regardless of which route the Commission decides to take, he will support them and do whatever he can to get the next judge appointed.

Mr. Peters confirmed that the current candidates would need to reapply if the Commission decided not to move forward with the process and start over.

Commissioner Wright said that he has had some objections and he said that the Administrative Office of the Courts had misrepresented where this position had been advertised. He said that it is in the best interest of the County to make the public as aware of things as possible. Commissioner Wright said that it is his opinion, that the process needs to start over in order to gain the trust of the public.

Mr. Peters said that public trust and confidence is critical and said that one of the ideas they plan to implement in the future is to ask the appointing body where to advertise these judicial openings.

Commissioner Draper said that contacting the legislature in the local area before the process begins is a great idea.

Mr. Peters said that if the process is to move forward, there is a time line that needs to be followed. He said that May 29, 2021 is the deadline to appoint a judge under the current time line. He said that if the Commission opts to start over, a new time line will be created.

Commissioner Wright said that he wasn't in favor of continuing with candidate interviews, Commissioners Draper and Warnick were in favor.

The Commission interviewed the following individuals:

- Cyndee Probert
- Donald Thomson

It was decided to schedule a Special Commission meeting on Wednesday May 26, 2021 at 9:00 a.m. to discuss and possibly appoint a Justice Court Judge.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Auditor Smith said that in a prior Commission meeting, it was decided to advertise the possible release of SRS funds to the Fire District. She said that it was advertised and the comment period ended last Friday. Auditor Smith said that no comments were submitted and they are prepared to release approximately \$66,439.41 to the Fire District upon Commission approval.

Commissioner Warnick made a motion to approve the release of approximately \$66,439.41 of SRS funds to the Fire District.

Commissioner Wright SECONDED the motion. The voting was unanimous

Auditor Smith said that the County received a surprise refund from PEHP in the amount of \$132,932.00. She said that this is the biggest refund that the County has received yet and went over what was received in previous years. She said that in 2019, the Commission decided to refund some of these funds back to the employees and the Commission needs to decide what to do with this most recent refund.

It was decided to put this on the next Commission agenda.

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.

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

Commissioner Warnick said that she would like to schedule a Department Head meeting and a Mayors meeting. After a brief discussion, it was decided to schedule these meetings for June 10, 2021 with the Department Head meeting at noon and the Mayors meeting at 6:00 p.m.

AUDITOR REPORT

Accounts Payable:

5/7/21 - 131,180.47

5/14/21 - 260,804.57

Payroll Liabilities

5/7/21 - \$179,374.42

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

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 2:12 p.m.

Attest: _____

Approved: _____