

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 9th DAY OF NOVEMBER 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: Matt Ward..... Chronicle Progress
Sierra Dickens..... County Recorder
Bonnie Smith..... County Auditor
Sheri Dearden..... County Treasurer
Adam Richins..... County Planner
Lt. Ben McDonald..... Sheriff's Office
Dennis Alldredge..... Fillmore City
Richard and Susan Reed, Tracy Whatcott, Mark Stevenson, Matt and Kory
Zeeman, Michelle and Greg Dalton..... 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. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES OF OCTOBER 19, 2021

The proposed minutes of a regular County Commission meeting held October 19, 2021 were

presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of October 19, 2021, as corrected.

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

FOLLOW UP ACTION ITEMS FROM OCTOBER 19, 2021

Commissioner Draper referred to page 3 of the October 19, 2021 meeting minutes and said that the amount he quoted is 3% of what is budgeted for salaries; not 3% of the entire tentative budget.

RATIFY THE APPROVAL OF PAYMENT UP TO \$2,000.00 TO THE PUBLIC LAND COUNSEL FOR EFFORTS REGARDING GRAZING PERMITS ON FEDERAL LANDS

Commissioner Warnick made a motion to ratify the payment up to \$2,000.00 to the Public Land Counsel for efforts regarding grazing permits on Federal Lands.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR SORENSON SHEEP CO. , OWNER - WHITT & ERIN SORENSON

A business license application was presented for Sorenson Sheep Co. , Owner - Whitt & Erin Sorenson an online sales business for wool products. After review of the application and finding all signatures in order, Commissioner Warnick made a motion to approve a business license for Sorenson Sheep Co. , Owner - Whitt & Erin Sorenson

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

DISCUSSION FOLLOW UP REGARDING GRAVELING THE ROAD ON 100 EAST HEADING UP TOWARD VIRGINIA HILLS ESTATE IN FILLMORE, UTAH - TRACY WHATCOTT

Mr. Whatcott said that he approached the Commission with this issue last year, and requested gravel for the road. He said that he is still waiting for gravel and is hoping to get an update.

Attorney Finlinson said that it isn't a problem to gravel the road, but there is an issue because the road has been widened beyond its easement and historic use. He said that the landowners of this particular portion of the road proposed to reroute the road around the edge of their property. Attorney Finlinson said that this may solve most if not all of the issues. He said that the road was widened without the landowners permission, but they are willing to work with the County to reroute the road. He said that this shouldn't impact any other property owners access, but a public hearing is necessary to give all nearby landowners a chance to discuss this.

Commissioner Draper said that if the road is shifted, it may impact other property owners so

a decision won't be made today and asked Mr. Whatcott if this could be brought back at a future meeting. Mr. Whatcott said that it would be OK to move this item to a future agenda and questioned whether it is proper use to use tax payer funds to improve roads on private property. Mr. Whatcott asked if gravel could be put on the road up to the point where it has been widened.

Commissioner Draper said that he will speak with the County Road Supervisor about graveling the road. It was decided to put this on the December 7, 2021 agenda.

CONSIDERATION AND POSSIBLE APPROVAL OF TRUST DEED RECONVEYANCE - OAK MEADOW SUBDIVISION PHASE 3

Attorney Finlinson said that the County took a trust deed to three parcels instead of a bond from Mr. Anderson when he began this phase 3 portion. He said that Mr. Anderson and his bank now want to shift those parcels in the trust deed. Attorney Finlinson said that those parcels will have the same value for security. He said that the Commission just needs to approve reconveying the old trust deed and accepting a new trust deed for additional parcels closer to the road.

Commissioner Wright made a motion to approve the trust deed reconveyance - Oak Meadow Subdivision Phase 3.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-11-09, A RESOLUTION DECLARING SUPPORT FOR AT&T'S GRANT APPLICATION TO THE GOVERNOR'S OFFICE OF ECONOMIC OPPORTUNITY

Commissioner Draper said that the State of Utah has funds to improve broadband services issued in the form of grants. He said that AT&T applied for a grant before the deadline on October 31, 2021 and the Commission issued a letter of support which indicated that it would approve this by resolution at the next Commission meeting. Commissioner Draper said that this will bring enhanced broadband services to approximately 28 square miles in the area of Meadow and Kanosh. He said that this appears to be beneficial to citizens in that area. Commissioner Draper read the resolution into the record.

Commissioner Warnick made a motion to approve Resolution 21-11-09, a resolution of the Board of County Commissioners of Millard County, Utah, declaring support for AT&T's grant application to the Governor's Office of Economic Opportunity.

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.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE DISPOSITION OF REAL PROPERTY LOCATED WITHIN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 17 SOUTH, RANGE 7 WEST,

SALT LAKE BASE AND MERIDIAN

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on the disposition of real property located within the southeast quarter of the northeast quarter of Section 32, Township 17 South, Range 7 West, Salt Lake Base and Meridian.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:30 a.m.

Present were: Michelle Dalton, Greg Dalton, Dennis Alldredge, Treasurer Dearden, Auditor Smith, Recorder Dickens, Matt Ward, and Planner Richins.

Attorney Finlinson gave a brief history of this parcel and said that he believes an error was made in 1946 when this parcel was stricken back to the County. He said that he suspects the intention then was just to deed the road to the County, but the north/south was off so the property line goes up into the Dalton's property.

Attorney Finlinson said that he recommends the County issue a quit claim deed for that underlying property to Ms. Dalton. He said that the quit claim deed will describe her entire parcel and will quit claim all of the County's interest to her. Attorney Finlinson said that this won't obligate the County and is the cleanest way to solve the problem.

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 10:33 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF THE DISPOSITION OF REAL PROPERTY LOCATED WITHIN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 17 SOUTH, RANGE 7 WEST, SALT LAKE BASE AND MERIDIAN

Commissioner Wright made a motion to authorize a quit claim deed on behalf of the County in favor of Ms. Dalton divesting the County of all of its interest in real property located within the southeast quarter of the northeast quarter of Section 32, Township 17 South, Range 7 West, Salt Lake Base and Meridian.

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

DISCUSSION AND POSSIBLE APPROVAL OF FUNDING A LOBBYING ACTIVITY AT THE UPCOMING LEGISLATIVE SESSION

Commissioner Wright said that statutory changes have gone to the Legislature which may

inhibit the County in the future; specifically regarding IPP and its future developments. He said that Senator Owens is taking this on under a lot of criticism and it is in the County's best interest to appropriate funds from special projects toward public relations on this issue. He said that this is a meaningful change for the County and some effort needs to be dedicated to it.

Commissioner Draper asked Auditor Smith how much money is in special projects that could be put toward this. Auditor Smith said that there is approximately \$270,000.00 in the Misc. Projects and Emergencies fund. She said that it could be paid right out of this fund or moved to a special line item specifically for this purpose.

Commissioner Draper said that he would like to fund this effort out of special projects this year and create a special line item for it next year.

Commissioner Wright made a motion to approve funding a lobbying activity at the upcoming legislative session out of the budget's discussed.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-11-09A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TRANSFERRING UNENCUMBERED OR UNEXPECTED APPROPRIATION BALANCES FROM ONE DEPARTMENT IN A FUND TO ANOTHER DEPARTMENT WITHIN THE SAME FUND

Lt. McDonald said that they would like to move \$30,000.00 from Conservation Corp to the Sheriff's Office Special Programs. He said that this will leave approximately \$9,000.00 in the Conservation Corp budget which should be sufficient for the rest of the year.

Auditor Smith said that this is a passthrough, but needs to be increased because it has gone up in demand.

Auditor Smith said that it is hard to budget for things like sanity hearings because the County never knows exactly how many individuals will need that service. Attorney Finlinson said that the County has no control over the demand but is obligated by statute to cover the evaluation and indigent counsel. He said that he can decrease his Special Prosecution line item to put toward Risk Management and Sanity Hearings. It was proposed to move \$9,000.00 from Special Prosecution to Risk Management and move \$1,000.00 from Special Prosecution to Sanity Hearings.

Auditor Smith brought up the \$200,000.00 in grant money that was received and put in Special Projects. She asked if the Commission wanted to appropriate those funds.

Commissioner Draper said that this grant resulted from SB 95 for economic development. He said that there are restrictions and the Economic Development Board is currently reviewing those to determine the best way to utilize the funds. He said that the funds can be appropriated when the budget is opened next month.

Auditor Smith said that she received an indigent burial application and that line item doesn't have the funds to cover the application. It was decided that this could be addressed in December when the budget is opened.

Commissioner Warnick made a motion to approve Resolution 21-11-09A, a resolution of

the Board of County Commissioners of Millard County, Utah, transferring unencumbered or unexpected appropriation balances from one department in a fund to another department within the same fund.

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 CONTRACT WITH PAYPOINT HR FOR WAGE COMPENSATION STUDY

Commissioner Wright made a motion to approve the contract with Paypoint HR for a wage compensation study.

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

REVIEW AND POSSIBLE APPROVAL OF SEIZED PROPERTY DESIGNATED FOR DESTRUCTION OR CONVERSION TO AGENCY USE

Attorney Finlinson presented a list of firearms and said that none were received through civil forfeiture. He said that the law requires the governing body to approve converting the seized property to agency use. He said that in the past, the Sheriff's Office has traded them to a licensed firearms dealer for ammunition and occasionally other firearms.

Auditor Smith said that the books still show ammunition credit from the last time this was approved and this didn't appear to work as smoothly as hoped. Lt. McDonald said that transaction should be cleared up by the end of the year and they will be trading firearms instead of ammunition.

Commissioner Wright made a motion to approve the conversion of seized property to agency use.

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

DISCUSSION AND POSSIBLE APPROVAL FOR PRELIMINARY NEGOTIATION OF RE-ASSIGNMENT AND/OR DISPOSAL OF SURPLUS PROPERTY

Lt. McDonald said that the Sheriff's Office has 10 vehicles that they want to get values on for possible trade-in and/or sale to other County departments. He said that the valuations would come from dealerships. Lt. McDonald said that the vehicles will first be offered to other county departments; then either traded in, if the vehicle's value is high enough, or put in surplus if its value is too low.

Commissioner Warnick made a motion to approve the negotiation of re-assignment and/or disposal of surplus property.

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

DISCUSSION AND POSSIBLE APPROVAL OF ROAD BARN EXPENDITURES

Attorney Finlinson said that the Auditor's Office received invoices for the Road Barn Construction and there is a question whether these expenses were included in the prior approval amount; if these expenses need to be approved separately, or if this went over the amount that was approved for concrete work.

Commissioner Draper said that \$80,000.00 was approved to cover concrete work which included forms and a fuel tank that needed to be put in place while the concrete was wet. He said that the amount of concrete needed was a variable and the cost went over by \$1815.00. He said that the volume of concrete increased because the concrete depth is 10" thick in places instead of 8". Commissioner Draper said that the building required special forms that will either be put into surplus or modified to use in future projects. Commissioner Draper said that it has gone over by \$1,815.00 but the final invoice hasn't been received so he suggests that the Commission approve it up to \$2,500.00.

Auditor Smith said that this is considered a capital project but it is paid out of road funds.

Auditor Smith said that she has also received an invoice for knobs on interior doors. She said that this doesn't fit into any of the approved expenses. Attorney Finlinson suggested that the estimated amount for finish work be determined and then approved at a future meeting. It was decided to put this on the next agenda.

Commissioner Wright made a motion to approve the discussed road barn expenditures up to \$2,500.00.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

There was none.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Warnick said that Bob Allred has retired from the Housing Authority and Robert Reidhead has replaced him. She said that Jerry Shurtz will replace Robert Reidhead as the Board President. She said that there is still one vacancy that needs to be filled.

Commissioner Warnick said that Molly Stevens has agreed to serve on the Tourism Board. She said that this will still leave a couple of openings on the Tourism Board.

Clerk Rowley said that Chet Anderson and Joe Clark have agreed to serve on the Desert Oasis Special Service District (DOSSD) Board.

Commissioner Wright made a motion to appoint Robert Reidhead as the Housing Authority Manager, Jerry Shurtz as the Housing Authority Board President, Molly Stevens to the Tourism Board, and Chet Anderson and Joe Clark to the Deseret Oasis Special Service District (DOSSD) Board.

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

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

Clerk Rowley said that the November 2021 Election went well and the municipality's canvasses are scheduled for this week and next.

Commissioner Draper said that the Special Legislative Session begins today and the commissioners will be attending at 1:45 p.m. to hear arguments and possibly comment on SB2002.

AUDITOR REPORT

Auditor Smith said that she emailed the following list to the Commission:

A/P Check Registers:

10/22/21 - \$159,000.49

10/29/21 - \$81,176.06

10/29/21 - \$23,577.22 (Zions Bank Draft)

11/05/21 - \$108,143.62

Payroll Check Registers:

10/22/21 - \$434,541.00

11/05/21 - \$179,900.91

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 11:12 a.m.

Attest: _____

Approved: _____