

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 16<sup>th</sup> DAY OF NOVEMBER 2021  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper.....Chairperson  
Bill Wright..... Commissioner  
Evelyn Warnick..... Commissioner

Pat Finlinson..... County Attorney  
Jamie Hair..... Deputy Clerk

EXCUSED: Marki Rowley..... County Clerk

ALSO PRESENT: Tim Beesley..... CentraCom  
Sheri Dearden..... County Treasurer  
Bonnie Smith..... County Auditor  
Kim Rowell..... Ambulance Director  
Richard Jacobson..... County Sheriff  
Adam Richins..... County Planner  
Dennis Alldredge..... 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 Draper quoted Benjamin Franklin who described the newly formed United States Government as “A republic if you can keep it”. Commissioner Draper said that the United States is a republic where representatives are elected by people to govern and make decisions. He said that it is not a democracy where every person has equal say on every issue. Attorney Finlinson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES OF NOVEMBER 9, 2021

The proposed minutes of a regular County Commission meeting held November 9, 2021 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of November 9, 2021, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM NOVEMBER 9, 2021

There were none.

#### DISCUSSION REGARDING POSSIBLE USE OF SPACE ON THE COUNTY'S RADIO TOWER IN LEAMINGTON - TIM BEESLEY, CENTRACOM

Tim Beesley, Centracom, said that they have worked with the County in the past to use specific towers in Delta and Fillmore. He said that they are interested in leasing space on the Leamington Tower. He said that there is currently a fixed wireless payor using the tower but he doesn't know who that payor is or the amount they may be paying for that use. Mr. Beesley said that the line will go from the tower toward Lynndyl.

Attorney Finlinson said that the County owns this property and it should be easy to determine a lease amount once we know what the other user is paying.

Commissioner Draper said that this can be looked into and asked if there was a date that CentraCom hoped to be connected. Mr. Beesley said a month would work for them.

Commissioner Warnick said that she will work with CentraCom and be their point of contact on this.

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

Commissioner Warnick said that a truck used by the Planning and Zoning Department was transferred to Tourism in order to pull the side-by-side. She said that this needs to be disclosed and approved by the Commission.

Auditor Smith said that in the past, Six Counties Association of Government (SCAOG) has purchased meal delivery vehicles for seniors and then transferred the titles into the County's name for insurance purposes. She said that SCAOG would now like those titles transferred back into their name and put into surplus through them. Auditor Smith said that she looked into this because two of the vans were purchased recently by the County using CARES Act funding. She said that Deputy Attorney Harris determined that it shouldn't be an issue because the County paid SCAOG instead of purchasing the vans directly.

Commissioner Warnick made a motion to approve reassigning a truck from Planning and Zoning to Tourism and transferring the titles of the four vans to Six Counties Association of Government.

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

#### OPENING OF AMBULANCE BIDS

Auditor Smith opened the following bids:

- Rocky Mountain Emergency Vehicles: \$210,928.00
- Professional Sales and Service: \$170,747.00 - In Stock or \$179,992.00 to order.

Director Rowell said that the County is in need of two ambulances and both bidders have one vehicle available now and wouldn't have to order them in if the County would like to go that route. She said that they would both need small modifications added to meet Millard County's specifications.

Commissioner Warnick made a motion to accept the bids and award the bid to both Rocky Mountain and Professional Sales and Services for their in stock demo vehicles.

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

#### MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in October 2021.

#### DISCUSSION AND POSSIBLE APPROVAL OF ROAD BARN EXPENDITURES

Attorney Finlinson said that the Commission previously approved some broad expenses related to things like exterior bay doors and concrete; but finishing work has yet to be approved. He said this was discussed at the last meeting, and brought back to approve an amount for the finish work.

Commissioner Draper said that some of the finishing items include things like paneling and flooring. He said that the cost of finishing the building will not go over the amount that has been budgeted for the building.

Attorney Finlinson said that this approval is in order to comply with the updated procurement code.

Auditor Smith said that there is \$13,000.00 in this line item and \$160,000.00 in the Capital Fund for this building.

Commissioner Draper said that he would like to authorize the purchase of finishing items with the remaining budget of \$173,000.00.

Commissioner Wright made a motion to authorize purchasing of finish items up to the amount of the remaining budget.

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

## PUBLIC INPUT

Dennis Alldredge said that he would like the County's perspective on SB2002; specifically regarding IPA. He said that it appears that it may impact our communities.

Commissioner Draper said that this goes back to when IPP was originally built. He said that the original plans included gentlemen's agreements, as well as, purchasing Utah coal and creating 3500 job across Central Utah. Commissioner Draper said that the plant's decision to purchase coal from Colorado got the attention of certain legislative members who realized that the original gentlemen's agreements were no longer being honored. He said that they then began looking into the new gas units and found that the plant was planning to purchase natural gas from Wyoming and not Utah's Uintah Basin which could supply it.

Commissioner Draper said that Utah Code Title 11 Chapter 13 been altered many times since 1965 and those alterations were in regards to how businesses like IPA were allowed to operate. He said that SB2002 had four items that needed to be addressed before IPP/IPA procured bonds.

Commissioner Draper said that SB 2002 was not crafted for IPA alone; It will impact many other subdivisions of the State. He said that those entities like UAMPS and UMPA who work with four east side communities in Millard County have been exempted by definition.

Commissioner Draper said that SB2002 included four main items which are:

- 1- Removing eminent domain.
- 2- Disallowing the creation of segments that would have the same authority and power as the parent entity.
- 3- Removes the audit exemption. The Legislative Auditor General can as authorized by the State constitution conduct audits of any funds, functions and accounts. He said that entities may not like this because audits send up red flags to potential financial investors.
- 4- Removes provisions from other State laws that excludes interlocal entities from State oversight.

Commissioner Draper said that the County is currently reviewing the updated conditional use permit (CUP). He said that the CUP was not ready to be passed this last month and the County has continued working through that with IPA. He said that the current law states that nothing will impede them from going forward while this CUP is being worked out.

Commissioner Draper said that they are moving forward and this has not stopped the project. He said that several different groups that were looking into entering into agreements with this project have paused in order to see how this may impact them.

Commissioner Draper said that the issue addressed bringing in State sovereignty over State resources and the Legislature decided that it was in the best interest of the State to take action. He said that the language used by the paper was unfortunate and the purpose of SB2002 was not to punish IPA.

Mr. Alldredge asked if there are other underlying problems with IPA because it has been a wonderful panacea from his perspective as an employee of the School District for many years.

Commissioner Draper said that there are underlying things that can't be shared due to non-disclosure agreements. He said that he did not make the statement regarding a gorilla that was contributed to him in the paper. Commissioner Wright said that comment was made by one of the Senate Committee members.

Mr. Alldredge said that he is concerned that IPA may move and the local entities will lose their interest if it walked away.

Commissioner Wright said that Millard County has been gracious and doesn't see where IPA could move their operations to. He said that they have projected that employment will be 40% or less of what they are now.

Commissioner Wright said that in the past 30 years, there have been 21 bills and approximately 71 statutory changes made to the code at the request of IPA. He said that he has not seen that any of those changes were advantageous to the County. He said that many of these changes aren't disclosed to the County until the tax appeals process is underway.

Commissioner Wright said that SB2002 puts the County in a position to proceed with its statutory authority. He said if the County were to ask the public for some of those same privileges such as excluding the audit requirements, the public would absolutely not approve of it. He said that IPA had privileges that even the County and the State didn't have.

Commissioner Warnick said that the County supports IPA moving forward with their project and look forward to working with them. She said that this bill is trying to do what is right for Millard County and the State of Utah.

## OTHER BUSINESS

Attorney Finlinson said that the County bought some water rights from Tony Fuller. He said that a change application was filed to move those rights to the gravel pit from Mr. Fuller's property and that change application has now lapsed. He said that Mr. Fuller is willing to work with the County to file another application. Attorney Finlinson said that the funds to pay for Mr. Fuller's services would come from his Professional Services line item.

## DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Warnick said that Charlie Edwards has agreed to serve on the Tourism Board.

Commissioner Warnick made a motion to appoint Charlie Edwards to the Tourism Board. Commissioner Wright 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

There was none.

AUDITOR REPORT

Auditor Smith presented the following reports:

Check Register:  
11/12/2021 - \$127,584.06

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

Commissioner Wright 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 11:00 a.m.

Auditor Smith presented an assessor adjustment on parcel #8533. She said this was an obvious error where the cabin was on the county line and assessed in Sevier County and that an adjustment was made to the tax billing.

Commissioner Wright made a motion to approve the adjustment for Parcel #8533.

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

Auditor Smith presented an indigent abatement application for Account #D0-4573-1 - Gina Carcamo and Account #X2817 - Jason Park.

Commissioner Wright made a motion to abate 50% of property taxes on account #D04573-1 Gina Carcamo and 45% of property taxes on account #X2817 - Jason Park.

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

Commissioner Wright made a motion to close the BOE.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:10 a.m.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

204 & 205

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

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

After the closed executive session the regular meeting reconvened at 11:30 a.m.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 11:31 a.m.

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

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