

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF FEBRUARY 2022
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: Adam Richins. County Planner
Bonnie Smith. County Auditor
Sierra Dickens. County Recorder
Sheri Dearden. County Treasurer
Pat Manis and Margene Stevens. Assessor’s Office
Richard Jacobson, Lindsay Mitchell, Shane Brunson,
and Pat Bennett. Sheriff’s Office
Matt Ward. Chronicle Progress
Travis Kyhl, Tyler Timmons, and
Shay Morrison. Six Counties Association of Government
Tiffany James. Magnum
Matt Kolste and Russ May. Intermountain Power Plant
Mike and Joyce Barney, Dennis Alldredge, Todd Macfarlane, Mike Ferrell,
Warren Peterson, Mike Styler, Jeff Gallagher, and Mani Grewal. 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:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick asked if anyone had an opening statement to give. Mr. Rajan Zed, President of the Universal Society of Hinduism, said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES OF JANUARY 18, 2022

The proposed minutes of a regular County Commission meeting held January 18, 2022 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of January 18, 2022, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 18, 2022

Commissioner Draper referred to the Pine Valley Water Project and said that the comment period ends on February 22, 2022.

BUSINESS LICENSE APPROVAL FOR AMERICAN TOWER LLC DBA DELAWARE AMERICAN TOWERS, LLC - OWNER JARED MORLEY

A business license application was presented for American Tower LLC DBA Delaware American Towers, LLC Owner - Jared Morley, a tower leasing/licensing business. After review of the application and finding all signatures in order, Commissioner Wright made a motion to approve a business license for American Tower LLC DBA Delaware American Towers, LLC Owner - Jared Morley.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT INCREASE FOR MIKE MONROE, ROAD DEPARTMENT SHOP FOREMAN

Commissioner Wright made a motion to approve a credit card increase to \$3,000.00 for Mike Monroe, Road Department Shop Foreman.

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

AWARDING OF THE SECURITY CAMERA RFP

Captain Bennet said that Tritel System fits the needs of the Sheriff's Office and is within the proposed budget. Sheriff Jacobson said that this also addresses the interview room needs.

Commissioner Draper made a motion to award the security camera RFP to Tritel.

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

WITHDRAWAL OF DROUBAY MOTORS 2021 BID FOR PURCHASE OF NEW SHERIFF'S OFFICE TRUCKS. POSSIBLE AWARDING OF SAHARA MOTOR BID FOR 2021 AND

POSSIBILITY OF HONORING THE BID FOR ADDITIONAL TRUCK PURCHASES FOR 2022

Sheriff Jacobson said that shortly after Droubay Chevrolet was awarded the bid, Droubay was notified that Chevrolet stopped production of those trucks. He said that the other available trucks are significantly more expensive. Sheriff Jacobson said that two surplus trucks were already traded in to Droubay and Droubay is prepared to pay \$8,000.00 to make the County whole for those.

Sheriff Jacobson said that payments to Droubay were already made for the new trucks as well, and Droubay is in agreement that any payments made will be returned.

Auditor Smith said that Droubay has been paid the full amount and so the County expects a full refund of that payment.

Sheriff Jacobson said that Sahara Motors was the other bidder and their manufacturer is still producing those trucks. He said that they will honor the amounts on their original bid.

Sheriff Jacobson said that he would like to place an order for additional trucks using Sahara's original bid due to the manufacturing shortage. However, they are not prepared to surplus trucks this early in the year to offset those costs.

Commissioner Wright said that he doesn't view that as a problem but wants to know if Sahara will honor the bid price for future purchases. Sheriff Jacobson said that Sahara is prepared to honor the additional purchases of trucks at the original bid price. He said that he anticipates an additional 3-4 trucks will be purchased.

Auditor Smith said that transferring of funds from last year to this year can be done the next time the budget is opened.

Commissioner Wright made a motion to award Sahara Motors the bid for 2021 and to honor that bid for additional purchases in 2022.

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

DISCUSSION REGARDING ECONOMIC DEVELOPMENT IN MILLARD COUNTY- WARREN PETERSON AND MIKE STYLER

Mr. Warren Peterson and Mike Styler presented a letter to the Commission entitled "Testimony to Millard County Board of Commissioners".

Mr. Styler said that they both have served as Millard County Officials in the past and want to talk about the economic future of Millard County. He said that the transition from the old Intermountain Power Project Plant has been expected and it was hoped that the transition would go smoothly; however, with the passage of SB2002S01. Mr. Styler said that this shockwave appeared to have originated in the Millard County Commission Chambers. He said that he and Mr. Peterson are here to offer their experience as the County moves through the critical change and hope that if the Commission doesn't accept their offer, that they at least get the needed help and advice. Mr. Styler said that in the 1980s when IPP was being built, they had to learn how to function and interact with this new type of entity.

Mr. Peterson said that he is sad to be here today and noted the cutting edge technology and world wide attention that this project has brought and will continue to bring to Millard County. He

said that this is a solid job builder and a magnet for other industries. Mr. Peterson commented on a metaphor where IPP was referred to as a pregnant woman who will have this baby. He asked why we would want to starve the mother instead of helping her. He said that IPP has been generous, has been a marvel of technology, and has a reputation of being the most reliable in the industry.

Mr. Styler said that he is hopeful that the “child” can take its place well into the future and gave many instances where IPP has benefitted Millard County. He said that the first litigation they went into with IPP over the leau of tax fee was friendly and they learned how the system worked. He said that they didn’t go to the legislature.

Mr. Peterson explained the reserve fund and said that everyone knew that IPP had a limited lifespan and that is why that fund was put in place. He said that now it is time to look for the future. He said that after the transition, it will still provide jobs and be a marvel that powers homes and businesses. He said that it will also power the budget if it can be put on the ground running. Mr. Peterson suggested that the County do everything that they can to help deliver IPP’s child.

Mr. Styler went over the history of tax litigation and said that the Commission didn’t stop at tax appeals, but attacked IPP in legislation to perhaps force a better settlement than what the courts may get. He said that it is clear that the Millard County Commission were the only people who received more than a few hours notice besides the lobbyist and legislative staff. Mr. Styler said that this matters, because the bond issuers are very cautious and said it is time to stop and think of where this legislation will take us.

Mr. Peterson said that Millard County can’t let this opportunity pass and said that others like SITLA depend on the outcome of the Commission’s actions. He said it would be reassuring to know what the County’s goals are for the economic future and if they want this project to go forward. He asked them to find the people with knowledge on this and work out the issues with IPP.

Mr. Peterson said that they have also heard worrisome rumors regarding water rights owned by IPA. He said that none of the rumors are true such as; they are shipping water to California or aren’t using the rights. He said that there are even suggestions that the DMAD water shares should be taken away and reallocated. Mr. Peterson said that to whomever is spreading these lies; you are shaking the foundation of these communities and they demand that they cease and desist.

Mr. Peterson read a list of questions found in their letter and implored people to set aside their egos, admit they are on the wrong path, and get on the right one. He said that this is not time to fight and that Millard County needs leaders not fighters. He asked that they work together to figure out tax problems through negotiations or proper legal processes, fix the damage done to the bond writing process, and open communication channels.

After Mr. Styler and Mr. Peterson’s presentation, each Commissioner strongly refuted the claims that had been made.

Commission Warnick said that she doesn’t want to stop IPP’s project from going forward. She said that the Millard County Commission is in full support of it and they don’t want to see it go away.

Attorney Finlinson cautioned the Commissioners to measure their responses due to the non disclosure agreements.

Commissioner Warnick clarified that the Millard County Commission were not the sponsors of SB2002 and that the legislative action did not originate from issues in Millard County.

Commissioner Draper said that he appreciates them coming but would have liked to have met

earlier to talk through some of the issues they brought up. Commissioner Draper refuted the assertion that the Commission did not know what they were doing. He said that they have put a lot of time and thought into these issues. He said that Mr. Warren and Mr. Styler have brought forth rumors to this public meeting that can now be spread even further. Commissioner Draper said that this is not the way to get together and take care of their concerns. He said that Mr. Warren and Mr. Styler have appeared to reiterate what IPP has been asserting. Commissioner Draper said that he was told they were both solicited to represent IPP, and both had declined to accept money. He said it is evidenced by their comments that they are here representing IPP.

Mr. Peterson said that they are not representing IPP and they are speaking to the facts as they see them. He said that they are not suggesting that the commissioners are incompetent, only that this issue can't be handled by the Commission alone.

Mr. Styler said that they have given IPP just as stiff advice as they have given the Commission today.

Commissioner Wright said that those whom Mr. Warren and Mr. Styler are supporting started the rumors about the water. He said that he is extremely dissatisfied with the way IPP is referred to as a partner, because he hasn't heard anything but discontent and discord originating from the people at IPP. He said that they have held meetings and their intent has been to cause discontent in the community. Commissioner Wright said that they want to cause division because they won't get what they want if the County is unified.

Commissioner Wright refuted the statement that the legislature isn't a proper channel to work through things and showed a list of all the amendments IPP has made in their favor at the State Legislature in the last thirty years. He said that two of these were passed during special sessions. He referred to their criticism of the Commission supporting the legislative action and asked Mr. Peterson and Mr. Styler where they were when these amendments were passed. Commissioner Wright asked, "Are we not citizens?" He said that this is the first year that the Commission has supported the legislature in an action like this and said that the Commissioners were not notified of the past amendments brought to the legislature by IPP.

Commissioner Wright said that they would not be good legislatures of the County if their priority wasn't to take care of the people in Millard County. He said that anything that the Commission has done on this issue has been in order to rectify what has been done by IPP in the legislature the last thirty years.

Mr. Styler said that he was probably a sponsor of two of those bills and they were handled with public hearings where the positive and negatives were laid out. He said, however, that he was surprised that two amendments were passed in a special session.

Commissioner Wright said that SB2002 went through the committee hearing and there were four to five meetings where IPP representatives were present and trying to solve the problem. He said that IPP had plenty of time to address it before it went to the floor.

Mr. Peterson said that they are trying to be mediators. He said that maybe instead of shooting across the bow; that they have hit the bow.

Mr. Styler said that they want to be helpful and to lend a critical ear to each side.

Commissioner Draper clarified that the SB2002 legislation has absolutely nothing to do with the taxes being discussed between Millard County and IPP. He said that these are two separate issues and there has been no quid pro quo between the two. He said that the legislature had other things brought to their attention which resulted in them looking at the past amendments which were

sponsored by IPP and that changed most of the original sections to IPP's advantage.

Commissioner Draper said that the desire of SB2002 was to have oversight and accountability for those who had been setup as political subdivision of the State and who had been enabled to create uncounted political subdivisions of the State without any oversight from the legislature or any other State entity. He said that they have been addressing that issue with the legislation; not the County's tax litigation.

Mr. Peterson requested that all parties come together to reach a positive outcome.

Commissioner Wright said that he appreciates the issues brought up today even though the Commission has a different perspective on them because they are legitimate issues that the County is facing.

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX FOR THE SCIPIO HOTEL - GREWAL MANMOHAM

Manmoham Grewal said that he appeared before the Commission in December and talked about the crime that was committed against him and how that related to the delinquent taxes. He said that he has since taken possession of the hotel, but is requesting to lower the tax amount so it can be paid off sooner, which will allow him to borrow for improvements at the hotel. .

Treasurer Dearden went over a section of code that describes how they can accept an amount less than what is due.

Commissioner Draper said that the hotel is an asset that has great potential. Mr. Grewal expressed his gratitude to the Commission for working with him on this and said that payment will be made in one month if a settlement is agreed upon.

Commissioner Draper made a motion to approve reducing the fee to \$33,000.00 and remove it from the tax sale.

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

DISCUSSION REGARDING SIX COUNTIES ASSOCIATION OF GOVERNMENTS' ANNUAL PLANNING - SHAY MORRISON, TYLER TIMMONS, AND TRAVIS KYHL

Mr. Kyhl said that they will be meeting and working with the communities in the next six weeks.

Mr. Timmons went over the 2022 CIB process and said that it will be similar to last year.

Commissioner Wright asked what the legislature is trying to change about CIB. Mr. Kyhl explained the changes and said that Six Counties is comfortable with most of the changes except one regarding representatives of the highest producing counties. He said that they are hopeful that issue will be worked out as well before it is passed.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-02-01, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 13-01-22 (ADOPTING MILLARD COUNTY'S STEP & GRADE POLICY), BY CREATING A PART-TIME TOURISM DIRECTOR POSITION

Commissioner Warnick gave a brief history of this position and said that discussions regarding this position were discussed extensively during the budget meetings and it was decided to make this a part-time position. She said that Auditor Smith and HR Specialist went over some factors to determine an appropriate pay that aligns with other positions in the County's step and grade schedule. A brief discussion was had on where to place this on the step and grade schedule and it was decided to place it at grade 18.

Commissioner Draper made a motion to approve Resolution 22-02-01, 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 part-time position of Tourism Director and assigning it to grade 18 on the Part-time Step and Grade Schedule.

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

MONTHLY FINANCIAL REVIEW

Treasurer Dearden said that the detailed review was held yesterday. She said that dispersements for Oak City and Holden towns are being held now, but were not at the time of the dispersements.

Auditor Smith said that the budget report gives a good overview of where the County stood at year end.

DISCUSSION AND POSSIBLE APPROVAL OF SURPLUS PROPERTY

Auditor Smith said that they found some surplus options on the forklift that was discussed last meeting and the most similar one is approximately \$3,000.00. Commissioner Wright said that he will check with the other department to see if they would like it.

EMERGENCY MANAGEMENT DISCUSSION

Jeff Gallegar, Liaison Officer with the Utah Office of Public Safety, said that he works in a direct support role to the Millard County Emergency Manager, Shane Brunson.

Sheriff Jacobson said that Mr. Gallegar works very closely with them and commended him for his problem-solving efforts and expertise.

Mr. Gallegar commended the Sheriff for his leadership and support. He said that they have been updating the Millard County Emergency Operation Plan and have found that it is out of date. He said that they are asking "what if" questions in order to update this plan and working through what can be done about it like mitigation projects.

Mr. Gallegar said that they have discovered that no official declarations have been made since a 2011 flooding. He said that the County has a lot of new elected officials and they would like to provide training to the county so that officials are prepared in the event of a disaster. He briefly went over what some of these trainings might entail and said that they want to include the leaders of the local municipalities in the trainings as well.

Sheriff Jacobson said that they have recently held some table top exercises and have found them really beneficial. He said that there is a great value for a small amount of invested time. The commissioners were in favor of having training during the quarterly Mayor meetings and some department head elected official meetings.

CONSIDERATION AND POSSIBLE APPROVAL OF CARE CENTER BOND PAYMENT

Attorney Finlinson said that this is just approval of the first payment on the bond which is due today.

Auditor Smith said that approximately \$39,000.00 is left unassigned within the Capital fund and she would like to use that toward this \$12,500.00 payment.

Commissioner Draper made a motion to approve the Care Center bond payment.

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

CONSIDERATION AND POSSIBLE APPROVAL OF LAND EXCHANGE WITH SDSC ENTERPRISES, LLC – SUNSET VIEW GOLF COURSE

Attorney Finlinson said that this was approved by the Commission 5-8 years ago and Deputy Attorney Harris has prepared the deeds. He said that the Commission needs to approve Commissioner Warnick to sign the deeds.

Joyce Barney presented a large map and described the parcels being amended.

Commissioner Wright made a motion to approve signing the deed for a land exchange with SDSC Enterprises, LLC - Sunset View Golf Course.

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

MAGNUM PROJECT UPDATE BY TIFFANY JAMES

Ms. James said that she is here to give an update on their project as per the conditional use permit. She said that they will be starting Phase 1 in June 2022 and have purchased loads of materials, casing and liners. She said that large scale projects take a lot to stage and it is exciting to be at this point.

Ms. James said that this project is being constructed in two phases and gave a timeline of the phases. She said that they plan to stage for the electrolyzer plant for 2023. She said that they have received a lot of support and are grateful for that.

Commissioner Warnick asked about the jobs that this will create. Ms. James said that about 20-30 people will be employed beginning in June for construction and it will increase to up to 300 people during the on site lining/seaming and utility installation. She said that employment will then decrease until construction begins for the electrolyzer. She said that a core group of 8-10 people will manage the facility and up to 30 more will be added as the project is brought online. She said that these jobs will have competitive wages.

Commissioner Draper asked if there were concerns about housing the influx of construction workers. Ms. James said that everyone seems confident that they will be able to manage housing by utilizing IPA, RV parks and other existing housing.

Commissioner Wright said that the County wants to put itself in a place so it can manage its property in the future. He said that Magnum was very open to the County's concerns and the relationship has been very good.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Clerk Rowley presented a disclosure statement for Margene Stevens who has an interest in Margene's appraisals.

Auditor Smith said that she wanted to disclose that two of the ARPA project's bids have increased because they were originally given last fall. She said that there is ARPA funding available to cover the increases.

Auditor Smith said that her office received a \$10,000.00 bill for the 2021 Computech Services email migration and she would like to utilize the \$39,000.00 in capital that she mentioned previously in the meeting to pay this.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Warnick would like to appoint Alisha Payne and Kevin Harris to the Tourism Board.

Commissioner Wright made a motion to appoint Alisha Payne and Kevin Harris to the Tourism Board.

Commissioner Draper SECONDED that 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

Commissioner Draper said that he, Commissioner Warnick, and Planner Richins were invited to attend a meeting with the Presidents of the water board where IPPs water shares that were mentioned previously in the meeting were discussed. He said that at the end of the meeting, it was understood that the County Commission made and will make no effort to take people's water from them.

Commissioner Draper said that yesterday he and two of the water presidents met with Senator Owens where a similar conversation took place and misconceptions were cleared up. He said that the State cannot take IPA's water shares away from them and the County has made no effort to deprive anyone of their water or its use.

Commissioner Draper said that another rumor has been that the County is trying to take water away so that the potash project can proceed. He said that the principals of the company have stated that they found a way to open that project up. Commissioner Draper said that there has been no discussion between them and the County to provide water.

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.

The meeting recessed at 12:23 p.m.

The meeting reconvened at 1:00 p.m.

PLANNING AND ZONING INTERVIEWS

Commissioner Warnick said that they are just holding interviews today and a decision will be made at the next Commission meeting. The Commission asked each candidate the same questions and the answers were limited to two minutes. The following individuals were interviewed for the Planning and Zoning Commission:

- Joyce Barney
- Todd Macfarlane
- Mike Ferrell

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 1:32 p.m.

Attest: _____

Approved: _____