

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 6th DAY OF DECEMBER, 2022
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson..... County Attorney
Marki Rowley..... County Clerk
Kayla Freeman..... Deputy County Clerk

ALSO PRESENT: Bonnie Smith and Vicki Bennett..... County Auditor’s Office
Shonda Robison..... County Recorder’s Office
Sheri Dearden..... County Treasurer’s Office
Adam Richins..... County Planner
Kim Rowell..... EMS Director
P at Bennett and Lindsay Mitchell..... County Sheriff’s Office
Robert Stevens..... County Weed Department
Teri Howell..... County Road Department
John Higgins..... County Landfill Department
Vicki Lyman and Trevor Johnson..... Commissioners Elect
Abe Johnson..... Old Capital Arts & Living History Festival
Carl Camp and Woody Johnson..... Territorial State House State Park
Kalen Taylor..... USU Extension
Cyndee Probert..... Justice Court
Travis Kyhl..... Six County Association of Governments (SCAOG)
Gary Parea..... Great Basin Water Network
Dennis Alldredge, Matt Kolste, Wayne Jackson, Jeff Reddor,
Steven Cooper and Doug Jolley,..... 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. Commissioner Wright said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF NOVEMBER 22, 2022 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 22, 2022 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Wright made a motion to approve the minutes of November 22, 2022, as corrected.

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

FOLLOW UP ACTION ITEMS FROM NOVEMBER 22, 2022

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF 2023 COMMISSION MEETING DATES

Clerk Rowley presented the proposed dates for 2023.

JANUARY	3	17
FEBRUARY	7	21
MARCH	7	21
APRIL	11	18
MAY	2	23
JUNE	6	20
JULY	11	18
AUGUST	1	15
SEPTEMBER	5	19
OCTOBER	3	17
NOVEMBER	14	21
DECEMBER	5	19

Commissioner Wright made a motion to approve the 2023 Commission meeting dates.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE 2023 PREDATOR CONTROL CONTRACT WITH THE DEPARTMENT OF AGRICULTURE AND FOOD

Attorney Finlinson said that there were to changes from the previous contract.

Commissioner Draper made a motion to approve the 2023 Predator Control contract.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CELLPHONE ALLOWANCE FOR JARED BLAD, GREGGORY SKEEM, CHELTON SPENDLOVE, NATE HATHAWAY, AND STEPHEN PETERSON IN THE SHERIFF'S OFFICE

Commissioner Draper made a motion to approve the cell phone allowance as requested for Jared Blad, Gregory Skeem, Chelton Spendlove, Nate Hathaway, and Stephen Peterson.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD REQUEST FOR JASON ASHBY, CHELTON SPENDLOVE, AND MIKE TURNER IN THE SHERIFF'S OFFICE
ABE JOHNSON REPORT OF OLD CAPITAL AND LIVING HISTORY FESTIVAL

Commissioner Draper made a motion to approve the credit card requests in the amount of \$1,000.00 each, as requested for Jason Ashby, Chelton Spendlove, and Mike Turner.

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

ABE JOHNSON REPORT OF OLD CAPITAL AND LIVING HISTORY FESTIVAL

Abe Johnson presented the 2023 Arts Festival report and thanked all those who supported and provided service to this Festival. He also expressed his gratitude for the support and investment that the Commission has provided financially and with the new Event Coordinator position. He expressed his desire for this festival to be a County unifying event.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-12-06, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING TRUSTEES TO THE BOARDS OF MILLARD COUNTY DRAINAGE DISTRICT 1 THROUGH DRAINAGE DISTRICT 4

Commissioner Wright said Bill Shumway, Neil Clayton, Tony Anderson, and Scott Anderson all agreed to serve another term on the Drainage Districts 1 through 4.

Commissioner Wright made a motion to approve Resolution 22-12-06, a resolution of the Board of County Commissioners of Millard County, Utah, renewing Bill Shumway, Neil Clayton, Tony Anderson, and Scott Anderson as trustees to the boards of Millard County Drainage District 1 through Drainage District 4.

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

PRESENTATION BY SIX COUNTY ASSOCIATION OF GOVERNMENTS (SCAOG)
REGARDING THE AGRI-PARK PROJECT

Travis Kyhl, from SCAOG, reported that all six counties involved have signed the MOU. He said that the WSP Engineering Firm was hired and will be working with Sunrise Engineering on the feasibility study; which they hope to have completed by the end of 2023. Mr. Kyhl said that they are now focusing on funding and that a letter was sent to the counties involved, requesting \$200,00.00 each, as well as a letter to the State requesting \$18,000,000.00. He asked if the County would offer financial support.

PUBLIC HEARING FOR THE PURPOSE OF A ZONING ORDINANCE MAP
AMENDMENT APPLICATION #Z-2022-036 REQUESTING TO CHANGE THE ZONING OF
APPROXIMATELY 80.00 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 6000
S HIGHWAY 50 DELTA FROM AGRICULTURE 20 (AG 20) TO RANGE & FOREST (RF).
STEVEN COOPER, APPLICANT

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on changing the zoning of approximately 80 acres of property located at approximately 6000 S Highway 50 in Delta.

Commissioner Draper **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing began at 10:47 a.m..

Present were: Auditor Smith, Chief Deputy Auditor Bennett, Chief Deputy Recorder Robison, Treasurer Dearden, Planner Richins, Director Rowell, Captain Bennett, Lindsay Mitchell, Robert Stevens, Teri Howell, Supervisor Higgins, Vicki Lyman, Trevor Johnson, Kalen Taylor, Judge Probert, Travis Kyhl, Gary Parea, Dennis Alldredge, Matt Kolste, Steven Cooper, and Wayne Jackson.

Steven Cooper provided background information on his project, which will be removing sand from the County near Delta. He stated that he has SITLA's approval and now needs a zoning change in order to get the correct county permits.

Planner Richins explained why the zoning needed to be changed. He also explained that since SITLA owns the land and the County leases it, SITLA's support is a great help to the project.

Commissioner Wright made a motion to close the public hearing.

Commissioner Draper **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:51 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 22-12-06, AN ORDINANCE
OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF
APPROXIMATELY 80.00 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 6000

S HIGHWAY 50 DELTA FROM AGRICULTURE 20 (AG 20) TO RANGE & FOREST (RF)

Steven Cooper explained the process of how he found the sand area, as well as the purpose for which he will be using the sand in his products.

Commissioner Draper questioned if the highway intersection at mile marker one hundred would be included. Mr. Cooper stated that he would only be mining on the west side of the road.

Commissioner Wright made a motion to adopt Ordinance 22-12-06, an ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of approximately eighty acres of property located at approximately 6000 S Highway 50 in Delta.

Commissioner Draper 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.

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2022 YEAR AND INCREASING ELECTED OFFICIALS' SALARY, TRANSFERRING ALREADY BUDGETED SPECIAL PROJECT FUNDS TO GENERAL FUND FOR EMPLOYEE AND ELECTED OFFICIALS FOR AN INFLATION ADJUSTMENT BONUS, AND ALL OTHER FUNDS/BUDGETS MAY BE CONSIDERED AS NECESSARY

Commissioner Draper made a motion to enter into a public hearing for the purpose of receiving public comment on opening the budget for the 2022 year.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:56a.m..

Present were: Auditor Smith, Chief Deputy Auditor Bennett, Chief Deputy Recorder Robison, Treasurer Dearden, Planner Richins, Director Rowell, Captain Bennett, Lindsay Mitchell, Robert Stevens, Teri Howell, Supervisor Higgins, Vicki Lyman, Trevor Johnson, Kalen Taylor, Judge Probert, Travis Kyhl, Gary Parea, Dennis Alldredge, Matt Kolste, and Wayne Jackson.

Auditor Smith presented the following for consideration;

- Move \$308,000.00 from Fund 22 to all other funds as necessary to cover additional pay, including the \$5,000.00 inflation bonus
- Move \$31,000.00 to cover the medical premium holiday which was already approved in May, 2022.
- Move \$22,000 to cover personnel changes from the Clerk's Office to the Fourth District Court.
- Move \$79,000.00 from the LATCF funds to cover the NAC. Public Land Center request of one percent
- Move \$200,000 to cover the County's Six County Feasability Study contribution

No other comments were made.

Commissioner Wright made a motion to close the public hearing.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:05 a.m..

DISCUSSION AND POSSIBLE RESOLUTION 22-12-06A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS MILLARD COUNTY, TO OPEN AND AMEND THE 2022 BUDGET AS DISCUSSED FOR EMPLOYEE INFLATION ADJUSTMENT BONUSES

Commissioner Draper asked when the inflation bonus would be paid to the employees. Auditor Smith clarified that it would go into effect before Christmas, as part of the 2022 budget.

Commissioner Draper asked for confirmation that the bonus would exclude employees who are post certified or in the Road Department or Landfill Department. Auditor Smith confirmed that was correct.

Commissioner Draper agreed with the request to move funds to cover the medical premium holiday refund and the District Court personnel change.

Commissioner Draper provided background information concerning the plan for a NACO Public Land Center in Washington DC to educate senators and staff on the uses and management of public lands in the west.

Treasurer Dearden reported that the UAC Board is also interested in building a similar building nearer to Utah and that there will be a representative from UAC involved in the Washington DC build. She explained that this is a one-time commitment of money.

Commissioner Draper said that he was not in favor of committing \$200,000.00 as per SCAOG's request. He suggested that this request go through the MEDA Board first, to which the rest of the commissioners agreed.

Commissioner Draper made a motion to approve Resolution 22-12-06A, a resolution of the Board of County Commissioners of Millard County, Utah, opening and amending the 2022 budget as discussed, granting the Auditor's Office authority to move funds.

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

DISCUSSION AND POSSIBLE RESOLUTION 22-12-06B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, TO OPEN AND AMEND THE 2022 BUDGET AS DISCUSSED FOR ELECTED OFFICIALS AND THEIR RESPECTIVE CHIEF DEPUTIES FOR INFLATION ADJUSTMENT BONUSES.

Commissioner Wright expressed his concern about the deficits that this may cause to the budgets. Commissioner Warnick explained that these funds are from the 2022 budget, but need a separate resolution as these are salaried employees.

Captain Bennett stated for the record that the Sheriff's Office would not like to be included in the inflation adjustment bonus.

Commissioner Draper made a motion to approve Resolution 22-12-06B, a resolution of the Board of County Commissioners of Millard County, Utah, to open and amend the 2022 budget as discussed for elected officials and their respective chief deputies for inflation adjustment bonuses totaling at \$75,000.00.

Commissioner Warnick stepped from the chair and SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Wright voted NO. Commissioner Draper voted YES. Commissioner Warnick voted YES. The motion passed by a majority vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-12-06C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, ADDRESSING STEP IN GRADE CHANGES TO POSITIONS TITLE AND GRADE ASSIGNMENTS WITHIN THE SHERIFF'S OFFICE

Captain Bennett said that adjustments need to be made concerning positions which are not sworn positions or post certified within the Sheriff's Office, including the EMS Director, the record clerk position, and the possibility of a Public Safety Office Manager position.

It was decided that these issues would be addressed in the 2023 budget.

MONTHLY FINANCIAL REVIEW

This item was struck from the agenda.

DISCUSSION AND POSSIBLE APPROVAL REGARDING THE PINE VALLEY WATER PROJECT - GARY PEREA

Gary Perea, with the Great Basin Water Network, explained that Beaver County is working to stop the Pine Valley Water Project, which is a pipeline project that will adversely impact Millard County's water sources and environment. He is looking for County support to fight this project as well, providing any support possible. He said that he has also talked to other counties regarding this.

Commissioner Draper also provided some background on this project and the adverse consequences this would have on the County.

Auditor Smith confirmed that \$20,000.00 was budgeted in special projects that could be used.

CONSIDERATION AND POSSIBLE APPROVAL OF A RESPONSE TO FILLMORE CITY CONCERNING THE LANDFILL

Commissioner Wright reported that he received a letter from the Fillmore City concerning the Landfill. In the original agreement, it was decided that expenses would be shared, but the amounts were never established. He said that the County needs to obtain the percentages of where the trash comes from and then charge accordingly. Fillmore City previously offered \$60,000.00 a year to help cover cost. He suggested that the Commission accept that offer and monitor in the meantime to see if Fillmore City's contribution is accurate. It was decided that he would send a letter to Fillmore City with the Commission's suggestion to test the arrangement until October 2023.

Attorney Finlinson said that he would draft the letter.

Commissioner Wright made a motion send a letter to Fillmore City.

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

DISCUSSION AND POSSIBLE APPROVAL OF CONTRIBUTING A PORTION OF THE COUNTY'S LATCF ALLOCATION TO NATIONAL ASSOCIATION OF COUNTIES (NAC) IN SUPPORT OF CREATING A NATIONAL CENTER FOR PUBLIC LANDS COUNTIES (THE CENTER)

Commissioner Wright made a motion to approve the contribution of 1% of the County's LATCF allocation to NAC as previously discussed.

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

DISCUSSION AND POSSIBLE APPROVAL OF LEASING FOR SELLING SURPLUS PROPERTY TO THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

Commissioner Warnick presented the figures concerning the property, as per the discussion held during the November 22, 2022 Commission meeting. The recommended value is \$26,637.00.

Commissioner Wright made a motion to approve selling the property to the Church of Jesus Christ of Latter Day Saints.

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

DISCUSSION AND POSSIBLE AWARDED OF BID FOR THE LANDFILL'S GARBAGE CONTAINERS

Commissioner Wright made a motion to approve the awarding of the bid for the landfill's garbage containers to Thorn Industries in the amount of \$207,980.00.

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

DISCUSSION AND POSSIBLE AWARDDING OF BID FOR THE SHERIFF'S OFFICE VEHICLES

This item was struck from the agenda.

PUBLIC INPUT

Wayne Jackson, a County Military Liaison, stated that he now has an office in Fillmore for Veterans' benefits.

Gary Parea, who also serves as a volunteer EMT with the Baker Ambulance Service in Nevada explained that there is an issue with how to provide coverage between Millard County and White Pine County, Nevada, where there is no ambulance on the Utah side of the Nevada border. He said that they are having a hard time fulfilling that request from their side and that the current situation is not sustainable.

Captain Bennett also said that this is an issue for our County when trying to find volunteers to be EMS responders.

No suggestions were made, but the Commission thanked Mr. Parea for bringing this to their attention.

OTHER BUSINESS

Commissioner Warnick reported that she talked to Shane Brunson concerning emergency preparedness. She said that he has some recommendations but that this will need to be discussed at a future date.

Planner Richins provided an update on the Southern Utah water reuse ARPA grant that he was encouraged by the Commission to pursue. He said that he was invited to present to the State Water Board in December. The Commission thanked him for all his efforts.

Auditor Smith asked for clarification concerning the rules regarding Christmas parties for County departments and organizations. Commissioner Warnick explained that if there is money in the budget it can be spent on food, but not gifts.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Clerk Rowley will be sending an updated list of County boards and their members for the commissioners to review.

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF

DELINQUENT PROPERTY TAX

There was none.

DISCUSSION BY EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

There was none.

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

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Commissioner Warnick presented a renewal contract with Stan Lockhart Consulting for approval.

Commissioner Wright made a motion to approve the contract.

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

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 12:48 p.m..

Attest: _____

Approved: _____