

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 12TH DAY OF SEPTEMBER, 2023
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bill Wright..... Chairperson
Vicki Lyman..... Commissioner
Trevor Johnson..... Commissioner

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

ALSO PRESENT: Debra Arnold Interim County Treasurer
Bonnie Smith. County Auditor
Sierra Dickens. County Recorder
Jacob Nielson..... County HR Director
Richard Jacobson and Patrick Bennett..... County Sheriff’s Office
Klint Penney..... East Maintenance Supervisor
Kalen Taylor. USU Extension
Lora Fitch Interim County Assessor
John Higgins. Landfill Supervisor
Brooks Jackson. West Recreation Supervisor
Shane Church SFC Welding Inc.
Scott Barney ECG Utah Solar I
Stuart Clason and Patrick Mullen MEDA Board
Kary Kessler, Susan Kessler, Matt Kessler, and
Diana Kessler Wagons West RV Park
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 Wright to the public and Commission members.

OPENING STATEMENTS

Auditor Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF AUGUST 15, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held August 15, 2023 were presented for consideration and approval. Commissioner Johnson made a motion to approve the minutes of August 15, 2023 as presented.

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

FOLLOW UP ACTION ITEMS FROM AUGUST 15, 2023

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ADVANCED CLEAN ENERGY STORAGE I, LLC - OWNER, ACES I HOLDINGS, LLC

A business license application was presented for Advanced Clean Energy Storage I, LLC, Owner, Aces I Holdings, LLC, a business that stores converted hydrogen in the salt caverns. After review of the application and finding all signatures in order, Commissioner Johnson made a motion to approve a business license for Advanced Clean Energy Storage I, LLC, Owner, Aces I Holdings, LLC.

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

Auditor Smith said that if they plan to sell hydrogen then they will need to apply for a sales tax license.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR EM'S CLOSET - OWNER EMILY HARRIS

A business license application was presented for Em's Closet - Owner, Emily Harris, a formal dress rental truck. After review of the application and finding all signatures in order, Commissioner Lyman made a motion to approve a business license for Em's Closet - Owner, Emily Harris.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR FULL CRY CONSTRUCTION, LLC - OWNER LAURA SHIELDS

A business license application was presented for Full Cry Construction, LLC - Owner, Laura

Shields, an earth moving construction business. After review of the application and finding all signatures in order, Commissioner Johnson made a motion to approve a business license for Full Cry Construction, LLC - Owner, Laura Shields.

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

DISCUSSION AND POSSIBLE APPROVAL OF RENEWING THE UTAH ASSOCIATION OF COUNTIES (UAC) WEBSITE MAINTENANCE AGREEMENT

Attorney Finlinson said that this is a yearly renewal and Clerk Rowley briefly explained the contract.

Commissioner Johnson made a motion to approve renewing the UAC Website Maintenance Agreement.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN INDIGENT BURIAL FOR DIANA GARCIA

Auditor Smith presented the application for Diana Garcia requesting that the total amount of \$1,728.00 for cremation services be paid by the County.

Commissioner Johnson made a motion to approve an indigent burial for Diana Garcia at in the amount of \$1,728.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE ALLOWANCE OR CHANGE FOR DEB ARNOLD, LORA FITCH, MICHELLE GEORGE AND MADISON JAMES

Auditor Smith explained that the other elected officials have an allowance of \$120.00 and Interim Treasurer Arnold and Interim Assessor Fitch are currently at \$40.00. She explained that Mrs. George and Mrs. James would only need the \$40.00 cell phone allowance.

Commissioner Lyman made a motion to approve the cell phone allowances for Deb Arnold, Lora Fitch, Michelle George and Madison James as discussed.

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

DISCUSSION AND POSSIBLE APPROVAL OF A PURCHASING CARD INCREASE FOR LORA FITCH, HOLLIE MILLER, AND DEB ARNOLD

Auditor Smith explained that Lora Fitch, Hollie Miller, and Deb Arnold currently have

purchasing cards but that they do not cover the needs of their respective offices. She requested that Interim Treasurer Arnold's and Interim Assessor Fitch's allowances both be raised to \$5,000.00 and that Hollie Miller's be increased to \$1,500.00.

Commissioner Johnson made a motion to approve Interim Treasurer Arnold's and Interim Assessor Fitch's allowances both be raised to \$5,000.00 and that Hollie Miller's be increased to \$1,500.00.

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

MONTHLY FINANCIAL REVIEW

Auditor Smith and Interim Treasurer Arnold presented the monthly financial review for August 2023.

DISCUSSION AND POSSIBLE APPROVAL OF CHANGING THE DATE OF THE OCTOBER 17, 2023 COMMISSION MEETING

Auditor Smith requested that the October 17, 2023 Commission Meeting be moved to October 31, 2023, in order to give her office time to prepare the 2024 tentative budget.

Commissioner Lyman made a motion to move the October 17, 2023 Commission meeting to October 31, 2023.

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

DISCUSSION REGARDING ECONOMIC DEVELOPMENT GRANT PROPOSAL - STUART CLASON & PATRICK MULLEN

Mr. Clason and Mr. Mullen gave a brief history to the Rural County Grant Program. They explained that they have already met with the MEDA Board and have suggestions as to where to allocate those grant funds within Millard County.

It was explained that as long as the funds are used for economic development and it is reported correctly, there are no disqualifiers for programs and initiatives and that the funds can be used according to the commissioners' approval and County needs.

Commissioner Lyman made a motion to accept the report.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CORNHOLE LEAGUE- BROOKS JACKSON

Supervisor Jackson explained the need for recreation opportunities for the influx of

construction workers. He explained the requirements that would be needed to organize a corn hole league. He explained that the budget would need to be opened to reallocate funds, but that any added costs would be recovered through the collection of fees.

Auditor Smith confirmed that the Recreation Office would manage most of the requirements, but the County collection fees would need to be increased in order to compensate for the extra work. She said that there is some money available in the recreation budget that could be used as a pass through, to start the cornhole league.

Commissioner Johnson made a motion to approve the corn hole league.

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

DISCUSSION OF POSSIBLE MEMORANDUM OF UNDERSTANDING (MOU) WITH DELTA CITY REGARDING BUILDING PERMITS IN ANNEXATION ZONE

Attorney Finlinson explained that the MOU would allow Mr. Jackson to start building. He said that it is not on the agenda for approval, but that Planner Richins wanted to give Mr. Jackson a chance to provide any details and updates to the Commission. He also said that Planner Richins will be working closely with the project to make sure it is in compliance with both Delta City's and the County's regulations. He said that the MOU will be presented during the September 19, 2023 Commission Meeting for possible approval

DISCUSSION AND POSSIBLE APPROVAL OF CHALK CREEK WALKING AND BIKING NATURE TRAIL

Clerk Rowley explained that she received a letter from Fillmore City asking for the County's support to add walking and biking nature trail up Chalk Creek.

Councilman Alldredge briefly explained the trail project, but he is not sure what Fillmore City is asking of the County.

The commissioners extended their support of the project and requested more details as the City continues to research this idea.

Sheriff Jacobson expressed security and public safety concerns that would need to be addressed.

DISCUSSION AND POSSIBLE APPROVAL OF LANDFILL FEES FOR THE WAGONS WEST RV PARK

Matthew Kesler introduced himself as part owner of the Wagons West RV Park.

Supervisor Higgins explained how the fees for usage of the County landfill are determined and that it is up to the contracted haulers to report how much trash is being picked up from each major location.

Mr. Kesler asked why the utility and landfill fees were raised for his RV park in May of

2023 while the larger Antelope Valley RV Park pays less than he does.

Supervisor Higgins again explained that the fees are determined by the amount of trash picked up and reported by the contracted haulers and that the landfill has no way of sorting trash by location once it has been picked up by the contracted haulers. Therefore, they rely solely on what is reported by the haulers.

Mr. Kesler asked why the loads are not being audited by the County.

Supervisor Higgins restated that the County has to rely on the contracted haulers to report any changes.

Diana Kesler asked where the protection is for fairness towards the different RV parks.

Commissioner Wright explained that the County is aware that there is an issue with the reporting system and that there needs to be consistency.

Supervisor Higgins explained that everyone pays \$12.00 per cubic yards and the total amount is based on updates from the haulers, which is the source of the problem.

Diana Kesler asked why the County has never questioned the reports by the contracted haulers and also stated that there is no consistency between the different classes of RV parks.

Mr. Kesler asked how much reimbursement the Commission would be giving them.

Commissioner Wright again acknowledged that the County has made mistakes and asked the Keslers for any suggested solutions to the problem. Commissioner Wright suggested monthly self-reporting rather than depending on contracted haulers and Commissioners Lyman and Johnson suggested a flat nightly fee to be charged to RV's using the parks to help compensate landfill fees.

Susan Kesler asked if they could self report, based on how full the dumpsters are when they are picked up. She requested that the other RV parks back pay their dues after being assessed correctly and that the Wagons West RV Park receive credit for over pay.

Commissioner Johnson said that the County has made mistakes and that they will work towards finding a solution that is fair and consistent for all RV parks, but that no solutions or restitutions would be decided today.

Attorney Finlinson explained that any change to the fee structure would need to be done through an ordinance, but that any operational investigations or reporting does not need to be discussed in a commission meeting.

The commissioners agreed that once a recommendation has been researched and formulated, they will meet again to discuss any changes and/or restitution that needs to be made. In the mean time, county landfill fees will be halted for RV parks until this is resolved.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-09-12, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, ADOPTING ALTERNATIVE BUSINESS HOURS FOR THE MILLARD COUNTY OFFICES LOCATED IN THE COURTHOUSE AT 50 SOUTH MAIN STREET IN FILLMORE, UTAH

Recorder Dickens explained the need for changing the hours for the offices located in the

Courthouse on Main Street to Monday through Thursday from 8:00 a.m. to 5:30 p.m. and 8:00 a.m. to Noon on Fridays.

Supervisor Penney expressed his support for this change and how this would be beneficial for his employees.

Recorder Dickens explained that this is more in line with the hours of operation at Delta City and Fillmore City operate.

Commissioner Johnson made a motion to approve Resolution 23-09-12, a resolution of the Board of County Commissioners of Millard County, Utah, adopting alternative business hours for the Millard County Offices located at 50 South Main Street in Fillmore, Utah, as discussed.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-09-12A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING THE MILLARD COUNTY PERSONAL USE OF PUBLIC PROPERTY POLICY

Commissioner Wright commended Attorney Finlinson for his work on this policy and then read the personal use policy for the record.

Attorney Finlinson said that this would be sent out with the employee ethical statement. Auditor Smith said that there are IRS regulations that can not be superseded by this policy.

Commissioner Lyman made a motion to approve Resolution 23-09-12A, a resolution of the Board of County Commissioners of Millard County, Utah, amending the Millard County Personal Use of Public Property Policy.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Supervisor Penney explained that there is a cleaning contract up for review for the Search and Rescue building. He explained that he is not going to renew the contract and will have be able to handle it's maintenance with his current employees.

Clerk Rowley reported that is has been suggested by the Cyber Security and Infrastructure

Security Agency (CISA) that all government agencies move to a .gov domain for all websites and email addresses for security reasons. She said that the deadline to do that for the year 2024 for free is September 29, 2023. She suggested that the Commission work with IT Supervisor Beckstrand to decide if this is something they want to move forward with.

Attorney Finlinson explained that he finally received the last of the road dedications in Cove Fort and presented them all for signatures.

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.

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

Attorney Finlinson explained that increased security measures have to be implemented for his office as the result of an audit.

Clerk Rowley reminded the commissioners that the post election audit will be this Thursday, September 14, 2023 at 3:00 p.m. at her office and that the election canvas will be at noon Tuesday September 19, 2023, also at her office.

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

Commissioner Johnson made a motion to enter into a BOE.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 12:38 a.m..

It was decided that a meeting for all in person appeals will be held October 2, 2023 at 9:00 a.m. and any overflow would be handled October 3, 2023, after the Commission meeting.

Chief Deputy Bennett presented the list of errors to be approved and Interim Assessor Fitch explained the items on the list as conversion errors and assessor adjustments.

Chief Deputy Bennett reported that her office has received a request for review from Kevin and Melanie Lang. The Auditor's Office sent notice of intent to dismiss this request as evidence was not provided and the deadline had passed.

Commissioner Johnson made a motion to approve the corrections as presented and to

dismiss the request for review.

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

The Commission took a short recess.

Upon reconvening, Commissioner Wright excused Commissioner Johnson from the rest of the meeting due to other obligations

Chief Deputy Bennett presented the list of hardship abatement and circuit breaker applications for approval and explained the application requirements and standardized recommendations. She then explained each application in detail.

Commissioner Lyman made a motion to abate 50 percent of Jeana Carcamo's property taxes.

Commissioner Wright stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

Commissioner Lyman made a motion to abate 40 percent of Cody and Brynnlee Kimble's property taxes.

Commissioner Wright stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

Commissioner Lyman made a motion to abate 45 percent of Sheri and Sean Hackworth's property taxes.

Commissioner Wright stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

Commissioner Lyman made a motion to abate 45 percent of Terri Hoover's property taxes. Commissioner Wright stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

It was decided not to approve the application for Cory and Maryann Anderson until more tax information is presented

Commissioner Lyman made motion to close the BOE.

Commissioner Wright stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried. The BOE closed at 1:27 p.m..

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Clerk Rowley presented interlocal agreements between the County and Kanosh Town, Hinckley Town, and Holden Town for the Clerk's Office to conduct the 2023 Primary Election services .

Commissioner Lyman made motion to approve the interlocal agreements between the County and Kanosh Town, Hinckley Town, and Holden Town as presented.

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

MEETING OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY (RDA) OF MILLARD COUNTY FOR PURPOSE OF DETERMINING UTAH SOLAR 1 CDA PROJECT PROCESS AND PROCEDURES

Commissioner Lyman made a motion to open a meeting of the Board of Directors of the RDA.

Commissioner Wright stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting began at 1:30 p.m.

Attorney Finlinson presented an amended reimbursement agreement between the County and ECG Utah Solar I.

Scott Barney affirmed that this will allow county employees to be reimbursed for the work hours they have provided and will continue to provide on this project.

Commissioner Lyman made motion to approve the reimbursement agreement between the County and ECG Utah Solar I.

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

Commissioner Lyman made a motion to return to the regular commission meeting.

Commissioner Wright stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting closed at approximately 1:33 p.m..

Commissioner Lyman made motion to approve the reimbursement agreement between the County and EDF on behalf of the County.

Commissioner Wright stepped from the chair and 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 Wright adjourned the meeting at 1:35 p.m..

Attest: _____

Approved: _____