

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 4<sup>th</sup> DAY OF JANUARY 2022  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper.....Chairperson  
Bill Wright..... Commissioner  
  
Pat Finlinson..... County Attorney  
Marki Rowley..... County Clerk  
Jamie Hair..... Deputy Clerk  
  
EXCUSED: Evelyn Warnick..... Commissioner  
  
ALSO PRESENT: Sierra Dickens..... County Recorder  
Bonnie Smith..... County Auditor  
Sheri Dearden..... County Treasurer  
Pat Manis..... County Assessor  
Adam Richins..... County Planner  
Pat Bennett and Lindsay Mitchell..... Sheriff’s Office  
Kim Rowell..... Ambulance Director  
Brandon Stephenson..... Sunrise Engineering  
Dennis Alldrege and John Hanson..... 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:

NOTE: Not all agenda items were followed in order.

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 DECEMBER 21, 2021

The proposed minutes of a regular County Commission meeting held December 21, 2021 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of December 21, 2021, as corrected.

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

#### APPROVAL OF THE SPECIAL MINUTES OF DECEMBER 28, 2021

The proposed minutes of a special County Commission meeting held December 28, 2021 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of December 28, 2021, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM DECEMBER 21, 2021

There were none.

#### RATIFY THE ACCEPTANCE OF A SETTLEMENT ON THE OPIOID LITIGATION

Attorney Finlinson said that the State has worked out a tentative settlement on the opioid litigation and the Commission previously voted to opt in to the settlement. He said that the settlement isn't a certainty yet, but by taking this action the County is stating that it wants to be part of that settlement, if and when it is reached.

Attorney Finlinson said that county commissioners and attorneys have been invited to a meeting tomorrow regarding this, and he recommends that they don't attend to avoid any legal or ethical issues.

Commissioner Wright made a motion to ratify the acceptance of a settlement on the opioid litigation.

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

#### APPOINTMENT OF A NEW COMMISSION CHAIRPERSON AND CHAIRPERSON PRO TEMPORE

Commissioner Wright made a motion to move this agenda item to the next meeting.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-01-04, A RESOLUTION OF THE MILLARD COUNTY COMMISSION DIVIDING THE EXECUTIVE FUNCTIONS OF THE COUNTY COMMISSION TO INDIVIDUAL COMMISSIONERS

Commissioner Wright made a motion to move this agenda item to the next meeting.

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

## DISCLOSURE STATEMENTS

Disclosure statements were presented for the following employees:

- Jamie Hair - Snow X, Inc.
- Cyndee Probert - Fillmore City
- John Higgins - John's Service
- Marki Rowley - Fillmore Market
- Klint Penney - Penney's Outdoor Power Equipment
- Deb Arnold - T & D Maintenance Inc.

## DISCUSSION AND POSSIBLE APPROVAL OF THE 2021 REDISTRICTING VOTER MAPS AND VOTER PARTICIPATION AREA MAPS

Clerk Rowley presented the 2021 redistricting voter maps and voter participation area maps. She said that they will go into effect soon after the Commission approves them and the State inputs them into the voter system. She said that the School Board maps have been sent to the School District and it is anticipated that they will be formally approved at their next board meeting.

Clerk Rowley explained the changes to the maps; most notably the State Senate District which now places Millard County into two separate districts. Commissioner Draper explained where the boundaries of the two districts fall in Millard County and said that this was not something that the County suggested. The district numbers changed for State Senate and State House from 68 to 24 and from 24 to 27 and 28.

Attorney Finlinson briefly explained the background of voter participation areas and said that there hasn't been any changes from the previous map because there hasn't been a tremendous amount of growth in any area.

Commissioner Wright made a motion to approve the 2021 redistricting voter maps and voter participation area maps.

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

## REVIEW AND POSSIBLE APPROVAL OF A PLAT SUBDIVISION, KAY HANSEN-APPLICANT

Planner Richins presented a map of the proposed plat subdivision. He said that the lots meet the acreage requirements and fall along existing Class B roads. Planner Richins said that this received a favorable recommendation from the Planning and Zoning Commission. He said it is in

agriculture zone and the intent is to keep the largest lot in agriculture production.

Commissioner Wright made a motion to approve the plat subdivision, Kay Hansen - Applicant.

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

#### DISCUSSION OF VALUE AND POSSIBLE APPROVAL OF GIFTING IN PART TO A NON-PROFIT ENTITY A SURPLUS COUNTY AMBULANCE

Attorney Finlinson said that the main issue is determining the value of the ambulance without actually going through the surplus process. He said that the cleanest way to go about this is to have the County and IPSC negotiate a cost for the ambulance and any value determined to be above that amount will be gifted to IPSC. He said that IPSC is a non-profit and can receive a gift from a government entity based on state statute. Attorney Finlinson said that this option meets the surplus property ordinance requirements and works through the gifting process allowed by state statute.

Chief Deputy Sheriff Bennett said that this is a legal and justifiable way to move forward and it promotes community involvement which is always encouraged.

Ambulance Director Rowell said that they have negotiated a sales price between \$30,000.00-\$45,000.00 depending upon included equipment like gurneys and oxygen systems. Attorney Finlinson said that any value amount determined to be over this amount will be a considered gift to IPSC. Attorney Finlinson said that this will enable IPSC to satisfy the conditional use permit that was signed last weekend.

Commissioner Wright made a motion to approve the surplus sale and a gift of excess value of an ambulance to IPSC.

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

#### DISCUSSION REGARDING PAVING THE GANDY ROAD FROM HWY 6/50 NORTH TO THE JUAB COUNTY LINE - JOHN HANSEN

Mr. Hansen said that the County keeps the Gandy Road graded as best they can, but it gets a lot of traffic and it becomes a hazard if it isn't graded every 4-5 weeks. He said that he is trying to find an avenue to get it paved. He said that he spoke with President Adams at the Utah State Senate to inquire if they could give any special funding to pave the road. Mr. Hansen was told that Commission support would need to be given before any other steps could begin so he is asking that the Commission draft and sign a letter of support for paving the Gandy Road.

Mr. Hansen said that he received a quote to pave the road that came back at approximately \$335,000.00 per mile. Commissioner Draper said that he received information stating that the cost could be considerably more.

Commissioner Draper said that this is a 33 mile road within the County and goes farther north into Juab County. He said that the Gandy Road isn't classified as a main collector and compared it to the Cedar Mountain Road between Fillmore and Highway 50. Commissioner Draper explained that the status of Gandy Road has to change in order to qualify for grants and a letter of

support from the County Commission may be able to put some clout behind this. He said that this road is heavily traveled by local children going to school, local ranchers, and many tourists.

Attorney Finlinson said that an argument can be made that it is a main collector road due to the amount of increased traffic on it.

Mr. Hansen said that a classification change may help, but it may still not meet the qualifications for a grant. He said that paving the Gandy Road is the right thing to do.

Commissioner Wright said that he supports a letter of encouragement to the State and perhaps to an office on the Federal level to put this on their radar.

Commissioners Draper and Wright agreed to prepare a letter.

Mr. Hansen said that he plans to take the letter back to President Adams.

#### RESOLUTION 22-01-04A, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY CREATING A NEW FULL-TIME POSITION IN THE ASSESSOR'S OFFICE OF CERTIFIED RESIDENTIAL APPRAISER

Assessor Manis said that this was approved in the budget process, but it may not take place this year. He said that this position will train other employees in the future and also needs to be competitive with what other counties are paying residential appraisers so he is requesting a grade 14.

Commissioner Draper asked if a qualified person could be hired above step A. Deputy Clerk Hair confirmed that current policy allows that in specific instances, but policy on this may change if a new compensation system is adopted.

Commissioner Draper read the resolution into the record.

Commissioner Wright made a motion to approve Resolution 21-01-04A, 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 full-time position in the Assessor's Office of Certified Residential Appraiser.

Commissioner Draper stepped from the chair and SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Wright voted YES. Commissioner Draper voted YES. Commissioner Warnick was absent. The motion passed by majority vote.

#### PUBLIC INPUT

There was none.

#### OTHER BUSINESS

Commissioner Draper said that a religious leader has requested to give an invocation at a Commission meeting and has done so within other municipalities within the State.

Clerk Rowley said that the question was whether to allow him to do it electronically. She said that she invited him to come in person, but he had declined due to the distance they would have to travel.

Deputy Clerk Hair asked if it was prudent to set some parameters like time limits and

physical or electronic attendance. Attorney Finlinson said that parameters can be set and the ordinance can be amended. He said that arranging for a person to do this remotely won't require a full electronic meeting and cited recent instances where people have called in or a zoom meeting has been set up for them to speak during the Commission meeting. He said that any changes have to be consistent.

Commissioner Wright said that the chairperson at a Commission meeting has the authority to start or stop any portion of that meeting to move it along. Attorney Finlinson agreed and said that a time limit could be established just by stating it.

Commissioner Draper said that he would like an established time listed in the ordinance and to have a discussion on whether they need to be given in person or electronically.

It was decided to put this on the next agenda.

#### DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper said that State Statute requires that a person on the Tourism Board be involved in activities related to tourism like hotels, restaurants, and gas stations. He said that there simply aren't that many in Millard County and this is making it hard to fill positions on the board.

#### 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 one of her court clerks has given their notice and will be leaving on March 24, 2022. She said that Deputy Clerk Hair will be taking over those court responsibilities while retaining her HR job functions. She said that she will be advertizing for Deputy Clerk Hair's position around the end of January.

#### AUDITOR REPORT

##### Payroll Liabilities:

12/31/21 - \$215,623.41

##### Accounts Payable:

12/29/2021 - \$27,150.00 - Draft

12/30/2021 - \$17,405.95 -Draft

12/30/2021 - \$291,447.63

#### 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 11:07 a.m.

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

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