

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 12th DAY OF APRIL 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 Clerk

ALSO PRESENT: Mike Holt and Dennis Alldredge. Fillmore City
Tom Memmott Scipio Town
Brenden Turner County Recreation Director
Sheri Dearden County Treasurer
Gina Dellapiana Six County AOG
Eva Timothy USU Extension
Robert Clark County Sheriff's Office
Matt Ward Chronicle Progress
Adam Richins County Planner
Bonnie Smith County Auditor
Douglas Jolley, Irene Carter, Laci Worsley, Darin Deardon, Kelley Dearden,
Lynetta Dearden, Courtney Lunt, Haleigh Reidhead, Maria Reidhead, Kim
Bendall, Susan Wilcox, Marci Jackson and Merri Jo Smith Citizens

Note: Not all agenda items were followed in order.

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

Commissioner Warnick excused Commissioner Wright and Attorney Finlinson from the first part of the meeting.

APPROVAL OF MARCH 22, 2022 COMMISSION MINUTES

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

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

FOLLOW UP ACTION ITEMS FROM MARCH 22, 2022

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF IGP WAIVERS

Commissioner Draper made a motion to approve the IGP waivers presented.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE ANNUAL STATE COURT CONTRACT

Clerk Rowley presented the fiscal year (FY) 2023 Annual State Court Contract. She informed the Commission that the contract amount decreased by \$1,875.01 from last year's contract.

Commissioner Draper made a motion to approve the FY2023 Annual State Court Contract.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR SILVERBROOK FARMS, INC., OWNER - AUSTIN JOHNSON

A business license application was presented for Silverbrook Farms, Inc., Owner - Austin Johnson, a cattle, produce and resale business. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Silverbrook Farms, Inc., Owner - Austin Johnson.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR SILVERBROOK CONSTRUCTION, OWNER - AUSTIN JOHNSON

A business license application was presented for Silverbrook Construction, LLC, Owner - Austin Johnson, a construction office business. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Silverbrook Construction, LLC, Owner - Austin Johnson.

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

DISCUSSION REGARDING A COMMUNITY ARTS CENTER IN THE ARMORY BUILDING

Michael Holt, Fillmore City Mayor, and Doug Jolley came before the Commission to request use of the Armory building as a community art center. Mr. Jolley said that he has offered a night time pottery class at the high school for years, but the interest has grown so much that he now has a waiting list of people who want to participate. He said that the high school is just too small for the participation interest. Therefore, they are wanting to use the Armory Building as a community arts center, which will be a nonprofit organization.

Mayor Holt said that the request is for use of the garage area within the Armory building.

East Recreation Director Brenden Turner said that he feels like this is a great use for this part of the building; however, he did not budget any additional funds for this in this year's budget.

Mayor Holt said that Fillmore City will help with costs in getting water set up within the area of the building for the pottery class and will continue to pay the power bill.

Courtney Lunt asked if there will be kilns available for use if their request is approved. Mr. Jolley said that they received 2 donated kilns, which would be available for use.

East Recreation Director Turner questioned if the RAP tax could help with funding on this. It was confirmed that this would qualify as use of that tax.

After further discussion, it was decided that Attorney Finlinson will work with Fillmore City Attorney Elise Waddingham to draw up a contract to specify the uses, conditions and terms.

This will be brought back to the May 3, 2022 Commission Agenda.

Attorney Finlinson joined the meeting during the above discussion.

CIB LIST PRIORITIZATION - SIX COUNTY TYLER TIMMONS

This agenda item was moved to the April 19, 2022 Commission Agenda.

DISCUSSION AND POSSIBLE APPROVAL OF REMOVING PARCEL D-1070-17, KELLY J DAUGHERTY FROM THE 2022 TAX SALE

Auditor Smith said that Ms. Daughtry has made a partial payment on her property taxes owed and plans to make the remaining payment before the end of May.

Commissioner Draper made a motion to remove Parcel #D-1070-17, Kelly J. Daughtrey from the 2022 Tax Sale.

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

REVIEW AND POSSIBLE OF APPROVAL OF AN INDIGENT BURIAL FOR DANIEL DRAPER

Auditor Smith presented an indigent burial application for Daniel Draper.

Commissioner Draper disclosed that he is not acquainted with Daniel Draper in any way, so there is no conflict of interest.

Commissioner Draper made a motion to approve an indigent burial for Daniel Draper in the amount of \$1,600.00.

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

OPENING OF THE BIDS FOR SHERIFF'S OFFICE VEHICLE CAMERAS

Commissioner Draper clarified that this was advertised as requests for proposals (RFPs) not as bids.

Auditor Smith opened the following RFPs:

- Digital Ally: \$313,640; \$365,480.00; \$393,128.00 and 410,408.00
- Motorola Solutions: \$273,800 and \$300,000.00
- Axon: \$238,006.80
- Gov Direct: \$127,116.70

Commissioner Draper made a motion to accept the RFPs as presented and to have the Sheriff's Office review the specifications of the RFPs before making a decision.

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

OTHER BUSINESS

Auditor Smith presented a list of items that she is asking be placed on the surplus list.

Commissioner Draper made a motion to add the items requested to the surplus list.

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

Attorney Finlinson said that Merlin Jackson worked on the Weed Department building a while back for the County. Upon completion, Mr. Jackson certified to the County that he had paid all contractors involved in the job; therefore, the County released the bond. Later, the County found that Mr. Jackson did not pay his contractors when DCH Construction, Inc., owner Dan Harris' wife came before the Commission. At that meeting, the Commission said that they would discuss what

needed to be done on this and would get back to Ms. Harris.

Attorney Finlinson said that he has spoken with Mr. Harris since that meeting and Mr. and Ms. Harris have now filed a claim constructively. He presented a breakdown of the costs incurred by DCH Construction, Inc. for which they have not been paid.

Commissioner Draper said that this settlement would qualify to be paid out of the Capital Fund, since it is a debt that the County is responsible to pay.

Attorney Finlinson said that the County would need to file a claim against Mr. Jackson for this debt.

Commissioner Draper made a motion to appropriate \$26,800.00 for payment to DCH Construction, Inc. for an old debt from work on the weed department building.

Commissioner Draper withdrew his motion after it was clarified that this approval will require opening of the budget.

This item will be brought back to the April 19, 2022 Commission Agenda for possible approval.

DISCUSSION AND POSSIBLE APPROVAL OF A 4-H COLOR RUN COMMITTEE FUNDRAISER - EVA TIMOTHY - USU EXTENSION

Ms. Timothy said that the 4-H Teen Council Leadership is wanting to hold a fundraiser to cover the cost of attending a Teen Council Leadership trip.

Ms. Timothy said that they would like to host a Color Run Fundraiser to help the youth be able to pay for the trip. She said that there is sufficient funds remaining from a previous fundraiser that will be used for this fundraiser. She said that they have planned the Color Run Fundraiser to be held somewhere in the McCornick area, Saturday, June 4, 2022.

Ms. Timothy said that an agency has already been arranged to handle security during the fundraiser.

Auditor Smith questioned how the financial support will be run. Ms. Timothy said that the funds will be run through USU and any money earned will go back into the USU accounts.

The Commission expressed support for the fundraiser.

DISCUSSION AND POSSIBLE APPROVAL OF A LEGISLATIVE COLA INCREASE FOR EVA TIMOTHY - USU EXTENSION

Ms. Timothy requested to move her part-time 4-H employee Courtney Stephenson to full-time, 40 hours a week. She said that Ms. Stephenson's position is currently a benefitted position, so there would not be a cost increase for benefits. She said that in the past there has been 2 - part-time, 20 hour a week 4-H positions and 10 of those hours are paid through USU; however, the second vacant position has been advertised without any interested applicants. She said that Ms. Stephenson has been doing the work of both positions currently.

Ms. Timothy clarified that if they move Ms. Stephenson to full-time they will no longer need the additional part-time position.

Ms. Timothy said that the University informed her that it had money budgeted for her to receive a COLA. She explained how this would work without having to open her budget and that it would be a cost saving to the County if they were to approve both her requests.

It was decided to table this agenda discussion until the next Commission Meeting since Commissioner Wright is absent and has administrative authority over this department.

DISCUSSION AND POSSIBLE APPROVAL OF A SITLA SUPPORT LETTER FOR FEDERAL LAND EXCHANGE - RON TORGENSEN SITLA DEPUTY ASSISTANT DIRECTOR

Commissioner Wright joined the meeting at the beginning of this discussion.

Ron Torgersen presented proposed plots of land to be added to the School and Institutional Trust Lands Administration (SITLA). He explained that the goal is to inform the County of the desired land within County boundaries and to hopefully gain the support of the Commission through a possible letter of support.

Mr. Torgersen said that there is approximately 130,000 acres of land near the Bears Ears National Monument that they wanted to exchange; however, there is a lot of tension surrounding the Bears Ears National Monument. He said that they are looking at approximately 320 acres within Millard County that would better fit their needs. He said that with the support of the County, he hopes to streamline the approval process through the Federal Government.

Commissioner Draper questioned whether more land could be added to the exchange. Mr. Torgersen replied that they would take into consideration any other land that the Commission would like to have added.

Commissioner Wright made a motion to send a support letter in behalf of SITLA for Federal Land Exchange.

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

DISCUSSION AND POSSIBLE APPROVAL OF A SPECIAL APPOINTMENT EXTENSION FOR TOURISM DIRECTOR

Commissioner Warnick explained that there are currently several grants available which will help fund tourism projects throughout the County in various stages of completion. She said that the grant funds will be operated through the Tourism TRT and TRCC funds. She then listed the amounts of the grant and the fund match and/or in-kind amounts:

- Total combined grants: \$537,655.00
- State match: \$416,033.00
- Cash Match: \$58,937.00
- In-kind match: \$62,685.00

Commissioner Warnick said that the current Tourism Director Kevin Morris is set to retire and the part-time tourism employee, who was recently hired to replace him, has not been involved in these projects. She said that she is requesting that a special appointment extension be granted to

allow Director Morris to continue supervising these projects to ensure that they are handled competently through to completion.

Commissioner Draper said the following, “ Having talked with our Tourism Director about grants that are being worked on, which Commissioner Warnick has reviewed in this meeting, it became apparent that there would not be someone who was current on those grants to bring them to completion. If that employee were to retire, there is no way that he could be brought back in time to administer the grants and have things done in a proper manner. So, this recommendation that a special appointment be made to carry these different grants through, I think is an absolutely proper thing for the County to do. There are hundreds of thousands of dollars that would be used to benefit tourism and other activities within the County. Section VII, Employment Status, paragraph C on Special Appointments restricts this to not more than three consecutive months on a special appointment, but it does allow for a month to month extension thereafter. So, the period of time that this would cover, that it would need to be supervised and managed, would likely go up until next November. There is provision in the policy for that to be reviewed and taken into account. I think that this is a proper recommendation for consideration and implementation.”

Commissioner Warnick said that Great Basin Heritage Park has funds available to help with any cash match needed for certain grants.

Auditor Smith said that the budget only funded this position through April 2022 and in order to extend the special assignment through October 2022, would require additional funds in the amount of \$71,000.00; if it was decided to extend it through the end of the year, an additional \$13,000.00 would be needed.

Commissioner Warnick said that it is in the best interest of the County to continue with the progress already started.

It was suggested to address this during the budget hearing scheduled next week.

Commissioner Draper made a motion to consider approval of a special appointment extension for the Tourism Director during the budget hearing scheduled April 19, 2022.

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

RESOLUTION 22-04-12, 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 PART-TIME POSITION OF TOURISM ASSISTANT

Commissioner Draper made a motion to strike Resolution 22-04-12, 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 part-time position of Tourism Assistant.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS CONTINUED

Lieutenant Clark explained that there is an applicant who has applied for one of the open positions of Deputy Sheriff. He said that the issue with this applicant is that he is currently under contract with the Department of Corrections (DOC). He said that in order to provide a tentative offer of employment, which would allow the Sheriff's Office to start the needed preliminary background checks, the offer needs to include stipulation that if he were to be hired, Millard County would pay off his current contract with the DOC. He explained that there are available funds in the Sheriff's Office wage and salary budget; therefore, this offer would not require opening of the budget.

Auditor Smith confirmed that there are funds available due to multiple vacant positions currently in the Sheriff's Office. However, she expressed concern with paying off a potential employee's debt could be a risk to the department if that employee were to leave the County early. She questioned if it was possible to consider a contract with the employee stipulating a stay for a specified period of time.

Lieutenant Clark stated that he has not heard from the Sheriff if such a contract will be involved.

Commissioner Wright agreed that a contract with a length of service would be beneficial. Lieutenant Clark explained that there is a probation period for all newly hired deputies.

Attorney Finlinson explained that the County cannot require a contract detailing a specific amount of time the employee would be required to work for the County. However, he said that it is possible to add a condition of hire that the employee would be responsible to repay any buyout money received if the employee were to leave before a specific period of time.

Lieutenant Clark agreed and will take it back to the Sheriff for discussion.

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 were none.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

There were none.

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

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

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

After the closed executive session the regular meeting reconvened at 11:48 a.m.

DISCUSSION AND POSSIBLE APPROVAL OF SETTLEMENT OFFER FOR IPA LITIGATION

Commissioner Wright made a motion to approve a settlement offer that was discussed in closed session for IPA litigation.

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

The meeting recessed at 11:54 a.m..

The meeting reconvened at 1:00 p.m..

Commissioner Warnick excused Commissioner Wright and Attorney Finlinson from the remainder of the meeting.

INTERVIEWS FOR DELTA/SUTHERLAND/OASIS CEMETERY BOARD APPLICANTS

The Commission interviewed Marci Jackson and Merri Jo Smith for possible appointment to the Delta/Sutherland/Oasis Cemetery Board. Both candidates were asked the same 10 questions.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 1:38 p.m..

Attest: _____

Approved: _____