

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 21th DAY OF FEBRUARY, 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: Bonnie Smith County Auditor
Sheri Dearden County Treasurer
Sierra Dickens. County Recorder
Denton Peterson..... Deputy County Attorney
Richard Jacobson, Pat Bennett, and
Lindsay Mitchell. Millard County Sheriff’s Office
Casey Fowles and Charlie Gamble County Golf Course
Sherri Callister, Nate Selin, Matt Kolste, and Dennis Alldredge Citizens
Matt Ward. Millard County Chronicle Progress
Wayne Jackson..... Military Liason
Tiffany James and Susan Fernandez. Aces 1 Project

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

Commissioner Wright excused Attorney Finlinson from the beginning of the meeting. Casey Fowles said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF FEBRUARY 7, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 7, 2023 were

presented for consideration and approval. Commissioner Johnson made a motion to approve the minutes of February 7, 2023.

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

Attorney Finlinson joined the meeting.

FOLLOW UP ACTION ITEMS FROM FEBRUARY 7, 2023

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF A SOLE-SOURCE PROCUREMENT FROM FLOW TECH P.C.S. LLC FOR THE CONSTRUCTION AND UPGRADE OF THE WATER PUMP CONTROL PANEL AT THE GOLF COURSE.

Mr. Fowles and Charlie Gamble explained that this purchase in the amount of \$31,457.65 with a twenty five percent down payment is from a single source because it is a custom job and the golf course has history with this company.

Commissioner Johnson made a motion to approve the sole-source procurement from Flow Tech P.C.S, LLC for the construction and upgrade of the water pump control panel at the golf course.

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

DISCUSSION AND POSSIBLE APPROVAL OF A FIDELITY BOND OR THEFT OR CRIME INSURANCE ON ALL COUNTY OFFICIALS AS A GROUP, RATHER THAN INDIVIDUALLY, BY PRESCRIBING THE AMOUNT OF SAID GROUP FIDELITY BOND OR THEFT OR CRIME INSURANCE FOR ALL COUNTY OFFICIALS, INCLUDING THE MILLARD COUNTY TREASURER, AND APPROVING THE PREMIUM FOR SAID BOND OF INSURANCE FOR ALL OFFICIALS

Attorney Finlinson presented the premium amount for the amount of \$2,910.00 with a \$10,000,000.00 limit.

Commissioner Lyman made a motion to approve the fidelity bond or theft or crime insurance on all County officials as a group, rather than individually, by prescribing the amount of said group fidelity bond or theft or crime insurance for all County officials, including the Millard County Treasurer, and approving the premium for said bond of insurance for all officials in the amount of \$2,910.00 with a \$10,000,000.00 limit.

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

DISCUSSION AND POSSIBLE APPROVAL OF IGP WAIVERS

Commissioner Johnson presented five IGP waivers for a total of \$290.00.

Auditor Smith confirmed that there is \$3,000.00 in the IGP budget for 2023.

Commissioner Johnson made a motion to approve the five IGP waivers for a total of \$290.00. Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF THE 2023 INDIGENT BURIAL RATE

Auditor Smith presented the current indigent burial rate at \$1,600.00 per burial.

Commissioner Lyman made a motion to approve the 2023 Indigent Burial Rate with an increase of eight percent at \$1,728.00 per burial.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN INDIGENT BURIAL APPLICATION FOR COURTNEY IRVINE

Auditor Smith presented the application and explained that the funeral home could not find any close relatives for this person.

Commissioner Lyman made a motion to approve the indigent burial for Courtney Irvine.

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

DISCUSSION AND POSSIBLE APPROVAL TO MOVE BUDGETED FUNDS FROM DEPARTMENT TO DEPARTMENT WITHIN THE SAME FUND. SPECIAL PROJECTS TO LATCF PROJECTS TO FUND NEW PROJECT/CONTRIBUTION FOR THE AGRICULTURE PARK

Commissioner Wright presented the total amount of \$100,000.00 to be moved from 2022 Special Projects to LATCF Funds to possibly contribute to the Agri-Park project.

Commissioner Johnson made a motion to approve the movement of \$100,000.00 from 2022 Special Projects to LATCF Funds to possibly contribute to the Agri-Park project.

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

DISCUSSION AND POSSIBLE APPROVAL OF FUNDS FOR THE AGRI-PARK

Commissioner Johnson made a motion to approve funding \$100,000.00 for the Agri-Park.

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

DISCUSSION AND POSSIBLE APPROVAL OF LIVE STREAMING THE COMMISSION MEETINGS

Recorder Dickens presented her request for the possible approval of live streaming the Commission meetings. She explained that Youtube Live would be a better option than Zoom for live streaming, which would not require IT to man the meetings.

Commissioner Johnson asked what technology would be required.

Recorder Dickens suggested a permanent setup that could be left in the room and explained that Richard Beckstrand, the IT Manager for the County, would only be required for initial set up. She also said that other counties that currently live stream would be willing to explain how they live stream their meetings. She also presented a proposed cost of around \$700.00 for two cameras.

The commissioners agreed that this is an idea that is worth exploring.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-02-21, A RESOLUTION OF THE MILLARD COUNTY COMMISSION APPROVING THE ISSUANCE OF MANUFACTURING FACILITY REVENUE BONDS TO ASSIST ARES STRATEGIC MINING INC. WITH THE FINANCING OF A PORTION OF THE COST OF CONSTRUCTION OF MANUFACTURING FACILITIES IN MILLARD COUNTY, UTAH.

Attorney Finlinson presented the resolution and explained the steps that were approved during 2022 in regards to this resolution. He explained that this resolution recognizes that there was a previous resolution with a public hearing and now allows Ares to move forward with their project with bonds from the County.

Commissioner Lyman made a motion to approve Resolution 23-02-21, a resolution of the Board of County Commissioners of Millard County, Utah, approving the issuance of manufacturing facility revenue bonds to assist Ares Strategic Mining Inc.

Commissioner Johnson 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.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON OPENING THE 2023 BUDGET TO INCLUDE BENEFITS FOR A FULL-TIME HUMAN RESOURCES (HR) POSITION. ALL OTHER FUNDS/BUDGETS MAY BE CONSIDERED, AS NECESSARY

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comment on opening the 2023 budget to include benefits for a full-time human resources (HR) position.

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

carried. The public hearing began at 10:36 a.m..

Present were: Casey Fowles, Charlie Gamble, Sherrie Callister, Matt Kolste, Treasurer Dearden, Sheriff Jacobson, Nate Selin, Recorder Dickens, Matt Ward, Lindsay Mitchell, Captain Bennett, Wayne Jackson, Deputy Attorney Peterson, Auditor Smith, and Dennis Alldredge.

Commissioner Wright explained that while a salary was approved for this position, benefits were not approved.

Auditor Smith presented the salary and benefits tables and reminded the Commission that the limit of \$65,000.00 salary has already been set.

There were no other comments made on this topic.

Auditor Smith presented an other item concerning two promotions within the Sheriff's Office with the intent to pay. She explained that this is just a matter of disclosure and does not require a resolution.

Sheriff Jacobson affirmed that they are not asking for additional funding.

No other comments were made.

Commissioner Lyman made a motion to close the public hearing.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:41 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-02-21A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, OPENING AND AMENDING THE 2023 BUDGET AS DISCUSSED

Commissioner Lyman presented option two at \$51,000.00 for the HR Director position's benefits.

Commissioner Johnson made a motion to approve Resolution 23-02-21A, a resolution of the Board of County Commissioners of Millard County, Utah, opening and amending the 2023 budget as discussed.

Commissioner Lyman 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.

MONTHLY FINANCIAL REVIEW

Treasurer Dearden and Auditor Smith presented the monthly review for January 2023.

Commissioner Lyman made a motion to approve the Monthly Financial Review for January

2023.

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

DISCUSSION AND POSSIBLE REVIEW OF A CELL PHONE ALLOWANCE FOR AMY BRINKERHOFF AND SHANNON LOVELL

Auditor Smith presented her request for a cell phone allowance of \$40.00 a month for Amy Brinkerhoff.

Commissioner Wright said that Shannon Lovell has moved to the Road Department and said that she would be using her cell phone for County business.

Commissioner Johnson made a motion to approve the cell phone allowance in the amount of \$40.00 for Amy Brinkerhoff.

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

The Commission decided to not approve the cell phone allowance for Shannon Lovell at this time.

PRESENTATION REGARDING THE WEST DESERT WATER GRAB - MARK WHITNEY, GREAT BASIN WATER NETWORK

This item was rescheduled to March 7, 2023.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Wayne Jackson, the County Military Liaison, invited the Commission to the National Commander of the American Legion's visit which will take place on the March 17, 2023. He explained what the visit will entail.

Commissioner Johnson said that the Landfill is requesting to surplus a truck along with other equipment and to get a replacement truck.

Commissioner Lyman made a motion to approve the reassignment of a different surplus truck to the County Landfill.

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

Auditor Smith said that there is no longer CARES Funding and she would like to update the Commission duty assignment to ARPA funds in its place.

Commissioner Wright stepped from the chair and made a motion to approve the assignment of Commissioner Lyman to the ARPA Funds.

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

Auditor Smith said that the landfill bins project was budgeted in the amount \$225,000.00. The initial bid was in the amount of \$207,980 bid for one hundred and thirty bins; however, she reported that her office has recently received another invoice for an additional ten bins. Commissioner Johnson will look into the situation and report back.

Auditor Smith said that the ambulance stair chairs project was approved back in 2021. She said that her office just now received an invoice in the amount of \$14,932.91. She explained that due to actual costs being greater than anticipated, \$529,700.00 has been spent so far with less than \$100,000.00 remaining in the project budget. It was decided that Auditor Smith will discuss this situation with Commissioner Lyman.

Commissioner Johnson made a motion to repeal the vote held during the February 7, 2023 Commission meeting to extend an offer for the HR Director position.

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

Commissioner Lyman made a motion to reopen the proposed minutes of a regular County Commission meeting held February 7, 2023 for correction and approval.

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

The proposed minutes of a regular County Commission meeting held February 7, 2023 were presented again for consideration and approval. Following corrections, Commissioner Johnson made a motion to approve the minutes of February 7, 2023 as corrected.

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

ACES1 PROJECT UPDATE - TIFFANY JAMES & SUSAN FERNANDEZ

Tiffany James and Susan Fernandez presented an update on the ACES 1 Project near Delta, Utah.

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

Recorder Dickens presented a free, new program for the public called Fraud Guard. See Attachment A.

Commissioner Wright explained a current problem concerning the issue of recent quick claim deeds filed against properties.

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.

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

Commissioner Lyman made a motion to go into a closed executive session for the purpose of discussing present or eminent litigation.

Commissioner Johnson SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Commissioner Wright, Commissioner Johnson, Commissioner Lyman, Planner Richins, Auditor Smith, Treasurer Dearden, Attorney Finlinson, Assessor Manis, and Attorney Peterson.

After the closed executive session the regular meeting reconvened at 12:30 p.m.

Commissioner Johnson made a motion to deny the tax litigation presented in the closed session.

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

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright adjourned the meeting at 12:35 p.m..

Attest: _____

Approved: _____