

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 6th DAY OF JUNE, 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: Jacob Nielson County HR Director
Debra Arnold. County Chief Deputy Treasurer
Adam Richins.. County Planner
Kalen Taylor USU Uxtension
Richard Jacobson and Lindsay Mitchell. County Sheriff
Kevin Morris. County Tourism Director
Pat Manis County Assessor
Shane Church..... SFC Welding
Brandon Turner. East Millard Recreational Director
Bonnie Smith. County Auditor
Leann Hurting, Amber Brown, Craig Buttars, and
Kelly Pehrson..... Utah Department of Agriculture and Food
Dennis Alldredge, Matt Kolste, Shana Buttars,
Harper Rich, and Rob Holland 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 Wright to the public and Commission members.

OPENING STATEMENTS

Commissioner Wright asked if anyone had an opening statement to give. Commissioner Buttars, from the Utah Department of Agriculture and Food, said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MAY 23, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 23, 2023 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Johnson made a motion to approve the minutes of May 23, 2023 as corrected.

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

FOLLOW UP ACTION ITEMS FROM MAY 23, 2023

Commissioner Wright said that the report on the Opioid Settlement funds has been completed.

DISCUSSION AND POSSIBLE APPROVAL OF BUSINESS LICENSE FOR DISTANT PEAK ENGINEERING, LLC

A business license application was presented for Distant Peak Engineering , Chet Simper - an engineering consulting business. After review of the application and finding all signatures in order, Commissioner Johnson made a motion to approve a business license for Distant Peak Engineering , Chet Simper.

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

RATIFICATION OF UGLY MUGS BUSINESS LICENSE

Commissioner Lyman made a motion to ratify the approval of the business license for Ugly Mugs.

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

RATIFICATION OF ECONOMIC DEVELOPMENT CONTRACT

Commissioner Johnson made a motion to approve the Economic Development Contract. Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried

INTERIM SUCCESSORS

Clerk Rowley presented successors for the following offices:

- Attorney
- Clerk
- Auditor
- Recorder

- IT
- East Recreation
- Golf
- Justice Court

Commissioner Lyman made a motion to approve the interim successors as presented. Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF THE ANNUAL SECURITY CONTRACT FOR BAILIFF SERVICES

Clerk Rowley presented the contract for renewal.

Commissioner Johnson made a motion to approve the Annual Security Contract for security and bailiff services.

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

UPDATE FROM THE UTAH DEPARTMENT OF AGRICULTURE AND FOOD - COMMISSIONER CRAIG BUTTARS AND KELLY PEHRSON

Following introductions, Commissioner Buttars and Deputy Commissioner Pehrson from the Utah Department of Agriculture and Food presented a presentation introducing the Department, its responsibilities and strategic goals, as well as some of the programs the Department has to offer.

Commissioner Lyman asked if the Department is working with Six County Association of Governments. Mr. Pehrson confirmed that they are.

Commissioner Lyman asked if grant money could be put towards installing meters on wells. Mr. Pehrson explained that that is a water resources or state engineer issue, but that in order for any organization to apply for the programs from the Department, the water has to be metered.

Commissioner Wright restated the importance of Millard County for agriculture, but that both energy and agriculture pursuits should be equally important to the County.

PUBLIC HEARING FOR THE PURPOSE OF HEARING PUBLIC COMMENT ON A ZONING ORDINANCE MAP AMENDMENT APPLICATION # Z-2023-020, REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 53.25 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2500 E MAIN STREET, DELTA FROM HIGHWAY COMMERCIAL (HC) & AGRICULTURE 20 (AG-20) TO LIGHT INDUSTRIAL (LI). DAVID JOHNSON, OWNER; SHANE CHURCH, APPLICANT

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on a zoning ordinance map amendment, Application # Z-2023-020.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:54 a.m..

Present were: HR Director Nielson, Chief Deputy Treasurer Arnold, Matt Kolste, Sheriff Jacobson, Kalen Taylor, Shane Church, Lindsay Mitchell, Tourism Director Morris, and East Millard Recreation Director Turner.

Attorney Finlinson briefly explained the application.

Commissioner Johnson disclosed that this used to be his father's property.

Mr. Church introduced himself and his plan to develop the property into a business property.

There were no other comments.

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 10:58 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 23-06-06, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF APPROXIMATELY 53.25 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2500 E MAIN STREET, DELTA FROM HIGHWAY COMMERCIAL (HC) & AGRICULTURE 20 (AG-20) TO LIGHT INDUSTRIAL (LI)

Commissioner Lyman made a motion to adopt Ordinance 23-06-06, an ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of approximately 53.25 acres of property located at approximately 2500 E Main Street, Delta from HC and AG-20 to LI.

Commissioner Wright stepped from the chair and 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.

DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENTS

Mrs. Mitchell presented the ambulance abatements for Patricia Banda, Timothy Nolt, and Teresa Trillo.

Commissioner Lyman made a motion to approve the ambulance abatements for Patricia Banda at 80 percent abatement, Timothy Nolt at 25 percent abatement, and Teresa Trillo at 50 percent abatement.

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

carried.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON OPENING AND AMENDING THE 2023 BUDGET FOR A STATE FLOOD MITIGATION GRANT AND OTHER MISCELLANEOUS CHANGES. ALL 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 and amending the 2023 budget for a State flood mitigation grant and other miscellaneous changes.

Commissioner Lyman **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing began at 11:10 a.m..

Present were: Auditor Smith, HR Director Nielson, Chief Deputy Treasurer Arnold, Matt Kolste, Sheriff Jacobson, Kalen Taylor, Shane Church, Lindsay Mitchell, Tourism Director Morris, and East Millard Recreation Director Turner.

Auditor Smith presented the following items for discussion:

- Central Utah Mental Health, funds requested in the total amount of \$300.00
- Predator Control
- UCIP, funds requested in the total amount of \$5,600.00
- Millard County Fair, funds requested in the total amount of \$8,400.00
- Justice Court Split duty position change in the Delta Office, funds requested in the total amount of \$1,700.00
- Impact fees for double overtime for deputies in the Sheriff's Office, funds requested in total amount of \$500,000.00
- RDA database maintenance, funds requested in the total amount of \$500.00
- Corners Grant, funds requested in the total amount of \$25,000.00
- West Recreation part-time assistant manager, funds requested in the total amount of \$5,500.00
- West Recreation part-time employees
- Two signed promotion settlements, funds requested in the total amount of \$15,000.00
- State Flood Mitigation, funds requested in the total amount of \$7,000.00

There were no other comments 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 11:17 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF ROAD DEPARTMENT SETTLEMENT FOR SIGNED INCREASE

Commissioner Wright briefly explained that amount requested is within the budget.

HR Director Nielson explained the history behind these promotions. He recommended that the County back-pay the promoted employees' for thier work and then work through the internal process for promotions moving forward.

Commissioner Johnson made a motion to approve the Road Department settlement for the signed increase.

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

DISCUSSION AND POSSIBLE APPROVAL OF A FULL-TIME POSITION ASSIGNMENT OF A JUSTICE COURT CLERK II IN THE DELTA OFFICE

Attorney Finlinson explained that this is not a change in the step and grade scale, but rather allocating funds for a new position.

HR Director Nielson briefly explained how this position would be budgeted.

Commissioner Johnson commended HR Director Nielson's in making sure that procedures are followed properly.

Commissioner Johnson made a motion to approve the full-time assignment of a Justice Court Clerk II in the Delta Office.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-6-06, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALES) BY CHANGING GRADE ASSIGNMENTS FOR POSITIONS WITHIN THE WEST MILLARD RECREATION DEPARTMENT

Attorney Finlinson briefly explained that making changes to the step and grade scale for lifeguard positions may not be the best option to take.

HR Director Nielson suggested offering premium pay incentives for time spent teaching swim lessons for both East and West Millard Recreation Departments instead of making changes to the step and grade for the lifeguard positions.

East Millard Recreation Director Turner explained that all lifeguards are paid the same, regardless of their certifications, which has caused lifeguards to not get certified to teach.

Auditor Smith explained that there is no estimated budget, so it was decided to make a

decision on this resolution during the next Commission meeting.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-06-06A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALES) BY ADDING THE PART TIME POSITION OF SWIMMING POOL MANAGER WITHIN THE WEST MILLARD RECREATION DEPARTMENT

HR Director Nielson explained that Ginger Moody has been working with responsibilities outside her current job description for four years. He suggested the creation of a new part-time assistant manager position in the step and grade scale that more accurately reflects her responsibilities.

Auditor Smith explained that this would require \$5,500.00 extra funds and would be set at grade 14.

HR Director Nielson recommends granting her the extra pay.

Commissioner Johnson made a motion to approve Resolution 23-06-06A, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (adopting the Millard County Step and Grade Scales) by adding the part-time position of swimming pool manager within the West Millard Recreation Department.

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 23-06-06B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH APPROVING DOUBLE OVERTIME PAYMENTS FOR MILLARD COUNTY SHERIFF'S DEPUTIES PURSUANT TO IPP IMPACT ALLEVIATION AGREEMENT

Sheriff Jacobson said that no amount can accurately be presented and that any number is a best guess.

Auditor Smith explained that it would be budgeted separately on a line item in General Funds.

Commissioner Johnson made a motion to approve Resolution 23-06-06B, a resolution of the Board of County Commissioners of Millard County, Utah, approving double overtime payments for Millard County Sheriff's Deputies pursuant to the IPP Impact Alleviation Agreement.

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 23-06-06C, A RESOLUTION

OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH FOR THE PURPOSE OF OPENING THE BUDGET FOR STATE FLOOD MITIGATION GRANT AND OTHER MISCELLANEOUS CHANGES. ALL FUNDS/BUDGETS MAY BE CONSIDERED AS NECESSARY AS DISCUSSED

Auditor Smith explained that typically this is the resolution that accompanies the public hearing concerning budget changes and that anything not already discussed may now be discussed.

Auditor Smith explained that they are requesting funds in the total amount of \$14,000.00 for the 2023 Predator Control Contract.

Commissioner Johnson made a motion to approve Resolution 23-06-06C, a resolution of the Board of County Commissioners of Millard County, Utah, for the purpose of opening the budget for State flood mitigation grant and other miscellaneous changes. All funds/budgets may be considered as necessary 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 23-06-06D, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, TRANSFERRING BUDGETED FUNDS FROM DEPARTMENT TO DEPARTMENT WITHIN THE SAME FUND. GENERAL FUND ALCOHOL & DRUG TO MENTAL HEALTH FOR THE ADDITIONAL COST FOR CENTRAL UTAH MENTAL HEALTH

Auditor Smith explained that this is just a transfer to cover the shortage in the amount of \$1,000.00.

Commissioner Johnson made a motion to approve Resolution 23-06-06D, a resolution of the Board of County Commissioners of Millard County, Utah, transferring budgeted funds from department to department within the same fund. General fund alcohol & drug to mental health for the additional cost for Central Utah Mental Health.

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 THE 2023 FINAL TAX SALE

Auditor Smith presented the 2023 final tax sale report. She explained that it was done solely online and that it went well.

Commissioner Johnson made a motion to approve the 2023 final tax sale.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE 2023 BOARD OF EQUALIZATION HEARING DATES

Auditor Smith explained that this is no longer required.

Commissioner Lyman made a motion to strike this item from the agenda.

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

DISCUSSION AND POSSIBLE APPROVAL OF AGREEMENT WITH ANTELOPE VALLEY RV PARK TO MANAGE MILLARD COUNTY FAIRGROUND RV SPACES DURING IPP RENEWED CONSTRUCTION

Tourism Director Morris presented the RV Agreement along with the fee scale for Commission approval. He explained the history behind this discussion to allow tourists to stay at the fairground RV spaces as an overflow area to direct tourists to. He brought up some concerns that he has with the fee schedule and IPP workers filling up the spaces instead of the misplaced tourists. He also suggested having a camp host to help manage the site.

Commissioner Wright explained that the contract can be budgeted within the Tourism Budget.

Director Morris explained that the hookups are \$10.00 per night and it is on a first come first serve basis during County events.

Attorney Finlinson suggested that the contract be brought back for approval during the next Commission meeting to reflect the changes discussed.

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT AMENDMENT WITH THE UTAH DEPARTMENT OF AGRICULTURE AND FOOD FOR PREDATOR DAMAGE CONTROL FY2023

Commissioner Johnson made a motion to approve the contract amendment with the Utah Department of Agriculture and Food for Predator Damage Control FY2023.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR JERID BENNETT

Auditor Smith presented the request for a credit card for Jerid Bennett with a monthly limit in the amount of \$1,500.00. She explained that Jerid Bennett is the new lieutenant supervisor of the jail.

Commissioner Johnson made a motion to approve the credit card for Jerid Bennett in the

amount of \$1,500.00.

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

OPENING AND POSSIBLE AWARDING OF SEALED BIDS FOR APPROXIMATELY 1000 TONS OF ROAD OIL AND FREIGHT - BRANDON WINGET, COUNTY ROAD SUPERVISOR

Auditor Smith opened the following bids.

- Peak Asphalt, LLC in the amount of \$633.00 per ton without a built in delivery fee
- Nu Rock Asphalt Coatings in the amount of \$625.72 per ton with a built in delivery fee

Commissioner Johnson made a motion to accept the bids, as presented, and review the specifications of the bids, before making a decision.

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

Later, Supervisor Winget recommended the County award the bid to Nu Rock Asphalt Coatings.

Commissioner Lyman made a motion to award the bid to Nu Rock Asphalt Coatings at \$625.72 per ton.

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

DISCUSSION AND POSSIBLE APPROVAL OF LEASE AGREEMENT FOR M.E. BIRD CENTER FACILITIES

Attorney Finlinson explained that the M.E. Bird Center is already organized as a domestic non profit center.

Commissioner Lyman made a motion to approve the lease agreement for the M.E. Bird Center Facilities.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Attorney Finlinson said that water meters need to be installed at the Road Department's well and at Sherwood Shores so that water usage can be reported to the State. He said that maintenance

could install the meters. It was decided that West Maintenance and the Road Supervisor will be contacted by Commissioner Wright to install the meters.

Attorney Finlinson said that the County insurance policy doesn't cover all the risks associated with the Rodeo. An additional policy would cost \$1,500.00, per night. He said that there are two options, either the current policy needs to be renegotiated or the additional insurance requirement be waived for the Rodeo. He said that there is some coverage with UCIP and that the risks involved are anticipated risks with waivers that are signed by participants. He recommended that coverage be waived and that this be discussed in next year's budget.

Commissioner Johnson made a motion to approve waiving additional insurance coverage for the County Rodeo.

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

Auditor Smith explained that the PEHP insurance refund for this year, so far, is smaller than last year's.

Commissioner Lyman asked what account the commissioners' dinner should come from. Auditor Smith said that it normally comes out of Fair budget, but will verify that.

Commissioner Lyman said that in the past, Lemmington and Scipio have used the County bleachers for free. She explained that the trailer that is used to haul them needs new tires. West Maintenance would like to know if they can charge the towns to replace the tires, but continue to allow the towns to use the bleachers for free. The commissioners agreed.

Commissioner Lyman reminded the other two commissioners of the commissioner dinner on June, 15th 2023.

Commissioner Lyman reported on the letter she is working on to send to the State in opposition to the potential new ruling that would allow conservative groups to lease public lands. She said that she is looking for input from the other two commissioners. They agreed to send their thoughts and ideas to her.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There were 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

There was 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

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 Wright adjourned the meeting at 12:43 p.m..

Attest: _____

Approved: _____