

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 19TH DAY OF DECEMBER 19, 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 and Kristine Camp County Treasurer’s Office
Bonnie Smith and Vicki Bennett..... County Auditor
Sierra Dickens. County Recorder
Lora Fitch..... Interim County Assessor
Jacob Nielson..... County HR Director
Richard Jacobson and Patrick Bennett..... County Sheriff’s Office
Adam Richins County Planner
Rick Bublitz and Bill Lister..... West Maintenance Supervisor
Matt Ward. Millard County Chronicle Progress
Klint Penney..... East Maintenance Supervisor
John Higgins. County Landfill
Kalen Taylor. USU Extention
Courtney Stephenson..... 4H Director
Dan Davies..... MEDA
John Niles and Dent Kirkland. Delta City
Troy Heruld. School and Institutional Trust Lands Administration (SITLA)
Dennis Alldredge, Micklane Farmer, Pat Manis, Erin Sorenson, and
Matt Kolste..... 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 Lyman said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF DECEMBER 5, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 5, 2023 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Johnson made a motion to approve the minutes of December 5, 2023, as corrected.

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

APPROVAL OF DECEMBER 5, 2023 COMMISSION BUDGET HEARING MINUTES

The proposed minutes of a County Commission Budget meeting held December 5, 2023 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Johnson made a motion to approve the minutes of December 5, 2023, as corrected.

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

FOLLOW UP ACTION ITEMS FROM DECEMBER 5, 2023

Commissioner Lyman asked about the status of the letter of support that Planner Richins was tasked to compose during the last meeting.

Commissioner Wright responded that he believes that it has been completed.

Planner Richins confirmed that it has been drafted and needs to be signed by the Commission.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR BLUE PINE LAWN AND PEST - OWNER, RICK WILLOUGHBY

A business license application was presented for Blue Pine Lawn and Pest, Owner - Rick Willoughby, a lawn and pest control business. After review of the application and finding all signatures in order, Commissioner Johnson made a motion to approve a business license for Blue Pine Lawn and Pest, Owner - Rick Willoughby.

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

October and November, 2023.

DISCUSSION AND POSSIBLE APPROVAL OF THE 2024 COMMISSION MEETING DATES

Clerk Rowley presented the proposed 2024 Commission meeting dates for discussion and approval.

JANUARY	2	16
FEBRUARY	6	20
MARCH	12	19
APRIL	2	16
MAY	14	21
JUNE	4	18
JULY	2	23
AUGUST	6	20
SEPTEMBER	3	17
OCTOBER	1	15
NOVEMBER	12	19
DECEMBER	3	17

Commissioner Johnson made a motion to approve the 2024 Commission meeting dates as discussed.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE STATE PREDATOR CONTROL CONTRACT

Auditor Smith confirmed that it contained a match grant.

Commissioner Lyman made a motion to approve the State Predator Control Contract.

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

USU EXTENSION 2023 REPORT

Kalen Taylor presented the 2023 USU Extension report regarding the activities and projects that have been accomplished by the 4H program and USU Extension Office. He explained that their year starts in September and the numbers will increase as the year continues.

The commissioners commended Mr. Taylor for all the work that has been accomplished and for their work with the youth.

Commissioner Wright asked what their goals were and how they are going to gain more participation and initiative.

Courtney Stephenson, Director of the 4H Program, said that there are programs within the 4H that require the youth to have an animal and she is already very impressed with the initiative that the youth show in the program in offering their extra animals to those who do not have any.

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2023 YEAR TO AMEND RECREATION AND GENERAL FUNDS PRIMARILY DUE TO THE INCREASED COST OF UTILITIES. 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 budgets for the 2023 year to amend Recreation and General Funds, primarily due to the increased cost of utilities. All funds/budgets may be considered as necessary.

Commissioner Lyman **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing began at 10:35 a.m..

Present were: Interim Treasurer Arnold, Kristine Camp, Auditor Smith, Recorder Dickens, Interim Assessor Fitch, HR Director Nielson, Sheriff Jacobson, Captain Bennett, Planner Richins, Rick Bublitz, Bill Lister, Matt Ward, Supervisor Penney, Supervisor Higgins, Kalen Taylor, Courtney Stephenson, Dan Davies, John Niles, Dent Kirkland, Troy Heruld, Dennis Alldredge, Micklane Farmer, Pat Manis, Erin Sorenson, and Matt Kolste.

Auditor Smith explained the 21.4% increase for the cost of utilities in the Recreation Department. The further explained that they do not have surplus funds and the budget will need to be opened and funds transferred to cover the increase in utilities.

Supervisor Penney explained that the Department does try to conserve energy where they can by performing the maintenance and updates.

Commissioner Johnson made a motion to close the public hearing.

Commissioner Lyman **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:42 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-12-19, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING THE 2023 BUDGET AS DISCUSSED

Commissioner Johnson made a motion to approve Resolution 23-12-19, a resolution of the Board of County Commissioners of Millard County, Utah, amending the 2023 Budget 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 23-12-19A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH TRANSFERRING UNENCUMBERED OR UNEXPENDED APPROPRIATION BALANCES TO THE 2023 BUDGET FROM ONE DEPARTMENT IN A FUND TO ANOTHER DEPARTMENT WITHIN THE SAME FUND

Attorney Finlinson explained that the headings of the agenda may not fully represent exactly what is discussed. He also explained that there are three levels of funds and the requirements of a public hearing and a resolution depend on the type of transfer.

Auditor Smith presented the list of items for Recreation that require transfer from another departments within the same fund.

Commissioner Johnson made a motion to approve Resolution 23-12-19A, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing transfers of unencumbered or unexpended appropriation balances between budget departments within budget funds.

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 23-12-19B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, ADOPTING THE FINAL BUDGET FOR MILLARD COUNTY FOR THE FISCAL YEAR 2024

Auditor Smith presented the final budget, with a few modifications to update accurate fund figures for approval.

Commissioner Johnson asked about the increase in funds for the bee inspection contract. Auditor Smith responded that the budget was increased to cover the 2022 and 2023 invoices.

Commissioner Johnson made a motion to approve Resolution 23-12-19B, a resolution of the Board of County Commissioners of Millard County, Utah, adopting the final budget for the fiscal year 2024.

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.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-12-19C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING THE CURRENT STEP AND GRADE SCHEDULES BY ADDING STEP “N” FOR 36 YEARS OF SERVICES

Commissioner Johnson made a motion to approve Resolution 23-12-19C, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 by adding an additional step to the full-time and part-time step and grade schedules.

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.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-12-19D, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING THE CURRENT STEP AND GRADE SCHEDULE FOR THE FOLLOWING POSITIONS HR/OPERATIONAL ASSISTANCE GRADE S25, MAINTENANCE SUPERVISOR GRADE F18, AND ASSISTANT MAINTENANCE SUPERVISOR F14, JUSTICE COURT CLERK PT8, AND TOURISM DIRECTOR GRADE A20 P-18

Commissioner Johnson made a motion to approve Resolution 23-12-19D, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 by changing the position titles and grade designations for positions within the Human Resources, Maintenance, and Tourism Departments and the Millard County Justice Court.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-12-19E, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH CREATING ADDITIONAL GRADES FOR THE ROAD EQUIPMENT OPERATORS AND ABOVE STEP AND GRADE, CREATING ADDITIONAL GRADES 21-24, AND ESTABLISHING A MASTER MECHANIC AT A GRADE F24

Commissioner Johnson made a motion to approve Resolution 23-12-19E, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 by creating additional grade designations, within the Road Department Full-Time Step and Grade Schedule, and by creating a new Full-Time Position of “Master Mechanic”.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-12-19F, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH APPROVING THE MILLARD COUNTY FACILITIES RENTAL AND USE FEES

Commissioner Johnson made a motion to approve Resolution 23-12-19F, a resolution of the Board of County Commissioners of Millard County, Utah, adopting a revised fee schedule for the rental and use of Millard County Facilities, for events not sponsored by Millard County.

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 FRAUD RISK ASSESSMENT CERTIFICATION

Auditor Smith presented the self completed fraud risk assessment for approval.

Commissioner Johnson made a motion to approve the 2023 Fraud Risk Assessment Certification.

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

DISCUSSION AND POSSIBLE APPROVAL OF A SOLE SOURCE PROCUREMENT FROM AXON FOR THE TASER 10

Captain Bennett explained why Axon is the sole source to purchase the Taser 10, which provides increased benefits to the Sheriff's Department. The total quote is \$220,525.76 for a five year contract. He explained that the Taser 7 does not come with as many benefits.

Attorney Finlinson said that there needs to be some acknowledgment by the Commission about future fund obligation, as this is a multi-year contract.

Commissioner Wright asked if the Taser 7 can be purchased elsewhere.

Captain Bennett explained that there are other places to purchase, but the Taser 10 is superior and more reliable.

Commissioner Wright explained that he isn't comfortable entering into a multi-year contract without more information.

Captain Bennett responded that he had already emailed that information to all the Commissioners.

Auditor Smith said that she would like to see a contract first.

DISCUSSION AND POSSIBLE APPROVAL REGARDING THE FILLMORE CITY LANDFILL AND THE AGREEMENT BETWEEN THE COUNTY AND FILLMORE CITY

Commissioner Johnson briefly explained the situation between the County Landfill and Fillmore City. He explained the one-year agreement that was reached. He explained that billing will be determined by weight and that he prefers the year to year contract as it allows for updates and accommodations as things change.

Commissioner Johnson said that thought needs to be given on how best to accept payment.

Commissioner Johnson made a motion to approve the Fillmore City Landfill Agreement between the County and Fillmore City.

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

NOTICE OF RETIREMENT OF A K9 AND DISCUSSION AND POSSIBLE APPROVAL OF ADOPTION FOR THE K9

Sheriff Jacobson explained that the K9 Banzai began to exhibit a few concerning behaviors a few months ago. It was decided, after a vet recommendation, that Banzai should be retired and adopted by his handler, Deputy Warren.

Commissioner Johnson made a motion to approve the retirement and adoption of the K9 Banzai.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Attorney Finlinson reported that Bryan Stephenson, the County Bee Inspector, contacted him regarding new legislation that requires counties to pass an ordinance that will regulate the bee keepers. Attorney Finlinson will work with Mr. Stephenson to make sure that the County is compliant.

Attorney Finlinson said that the County has closed on the ARES manufacturing bonds and the purchase agreement was signed last Thursday. He said that the project is projected to be complete by the end of 2024.

Commissioner Wright presented some bills for remodeling and improvement work on road shed in Delta. He reminded everyone that any renovation changes have to be approved by the Commission before any work may be done.

Commissioner Johnson made a motion to approve the payment of the bills for the renovations on the road shed in Delta.

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

Planner Richins introduced Micklane Farmer, with whom he is working with on the County Transportation Master Plan. Mr. Farmer gave a brief presentation of the work they have done and what they plan to accomplish in order to prepare the master plan for the County. He said that he is also working with Planner Richins on updates to the code, which is out of date.

Planner Richins explained that the leg work for the updates to the code is currently being done and may need more help and/or consultations, but the budget for 2024 was planned accordingly.

Commissioner Lyman asked if bike and walking paths are included in this plan. Planner Richins confirmed that these will be included.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Clerk Rowley explained that Drainage and District Boards have four positions expiring and the end of 2023, but that there are processes that need to be followed. She will work with Commissioner Johnson to make sure the processes are done properly.

Clerk Rowley explained that there was a misunderstanding at the last meeting, which approved a board member to the Deseret Oasis District. They actually would like to add another seat.

Attorney Finlinson said that he will look into the by laws to see what needs to be done to accommodate the request.

It was mentioned that MEDA board positions have been advertised.

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

Commissioner Johnson expressed his appreciation to live here in the County and for the support he has received during his first year of service as a commissioner.

Commissioner Wright and Commissioner Lyman also expressed their appreciation.

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

Commissioner Lyman made a motion to enter into a BOE.

Commissioner Johnson **SECONDED** the motion. The voting was unanimous and the motion carried. The BOE began at 11:50 a.m.

Chief Deputy Auditor Bennett explained that Parcels 6561, 6562-1, 6538, 6543-1, 6536, 6536-6, and 6536-5, owned by Jeff Dobson, should have been designated as part of Green Belt Interim Assessor further explained the situation concerning this issue.

Commissioner Lyman made a motion to approve designating Parcels 6561, 6562-1, 6538, 6543-1, 6536, 6536-6, and 6536-5, owned by Jeff Dobson, as part of Green Belt.

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

Chief Deputy Auditor Bennett explained that parcel O-3732-4-2, owned by Lambert Dutson, which was approved at the previous BOE meeting, included an assessor error. She said that the Auditor's Office received more information and that because of the timing, it is classified as escaped property and needs to be addressed as more than a factual error. Any decision by the BOE to assess escaped property falls under the same notice requirements for the taxpayer's appeal rights; therefore, the taxpayer would still have 45 days to appeal. She explained that the other option the Board has is to carry it into 2024, where it will be classified as new growth.

Commissioner Johnson made a motion to approve carry this discussion over to next year and to capture it with new growth.

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

Commissioner Johnson made motion to close the BOE.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:57 a.m.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Commissioner Lyman suggested that addressing County policies be given priority in the new year.

MEETING OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF MILLARD COUNTY FOR PURPOSE OF DETERMINING UTAH SOLAR 1 CDA PROJECT PROCESS AND PROCEDURE

There was none.

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

Commissioner Johnson made a motion to go into a closed executive session for the purpose of discussing pending and/or threatened litigation and to discuss the character, professional competence or physical or mental health of an individual.

Commissioner Lyman SECONDED the motion. All three commissioners voted

unanimously and the motion carried. Present in the closed session were Sheriff Jacobson, Captain Bennett, and HR Director Nielson.

After the closed executive session the regular meeting reconvened at 12:28 p.m.

INTERVIEWS FOR THE PLANNING AND ZONING COMMISSION BOARD

Planner Richins explained that there are three openings and five applicants. Erin Sorenson and Pat Manis both interviewed in person and Peter Greathouse and Demar Iverson interviewed by phone. Kasey Alcott did not interview today; therefore, no decision was made.

WORK MEETING WITH SCHOOL & INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA)

Planner Richins introduced Troy Heruld from SITLA. Mr. Heruld gave a presentation on the projects SITLA is working on and answered any questions posed to him.

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright adjourned the meeting at 2:15p.m..

Attest: _____

Approved: _____