

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 12th DAY OF OCTOBER 2021
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper.....Chairperson
Bill Wright..... Commissioner
Evelyn Warnick..... Commissioner

Pat Finlinson..... County Attorney
Marki Rowley..... County Clerk
Jamie Hair..... Deputy Clerk

ALSO PRESENT: Brandon Winget..... County Road Supervisor
John Higgins..... Landfill Supervisor
Kevin Morris..... Tourism Director
Sierra Dickens..... County Recorder
Richard Jacobson and Lindsay Mitchell..... Sheriff’s Office
Dennis Alldrege, and Mike Winget..... Fillmore City
Bonnie Smith..... County Auditor
Cyndee Probert..... Justice Court Judge
Sheri Dearden..... County Treasurer
Adam Richins..... County Planner
Kim Rowell..... County Ambulance

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 Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper asked if anyone had an opening statement to give. Commissioner Warnick said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES OF SEPTEMBER 21, 2021

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

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

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 21, 2021

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF ROAD BARN EXPENDITURES

Road Supervisor Winget presented a list of remaining projects to complete the road barn including electric, gas, concrete, heaters, wire, gas pipes, and conduit. He said that the estimated cost for these projects is approximately \$198,500.00 but prices for materials may fluctuate. He said that there is currently \$42,000.00 left in the building fund and Landfill has already been approved to put \$160,000.00 from Capital towards this project. Supervisor Winget also said that he would like to move approximately \$35,000.00 from the Road Fund 261- Building and Grounds to Road Fund 711-Buildings. He said that they are trying to get this finished by the end of the year.

Commissioner Draper asked if a public hearing was necessary to move funds from fund 262 to 711. Auditor Smith said a public hearing isn't necessary to move these funds.

Attorney Finlinson said that the Commission has to approve the construction as part of the updated purchasing policy.

Commissioner Wright asked how much has been spent on the road barn to date. Auditor Smith said that she didn't have the figures in front of her, but thinks approximately \$1,200,000.00 had been spent that the last time she checked.

Commissioner Wright made a motion to approve the listed expenditures for the road barn.

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

RATIFY THE APPROVAL OF ASSIGNING COMMISSION WARNICK EXECUTIVE FUNCTIONS RELATED TO THE ARPA ACT

Commissioner Wright made a motion to ratify assigning Commissioner Warnick executive functions related to the ARPA Act.

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

DISCUSSION AND POSSIBLE DECISION REGARDING A PROPERTY LINE IN DESERET-MICHELLE DALTON

Attorney Finlinson said that the County doesn't know how or why the boundaries have been put where they are on this property but the County can fix it. He said that fixing it will require a public hearing which will be advertised and held on the November 9, 2021 Commission agenda.

DISCUSSION AND POSSIBLE APPROVAL OF TWO CREDIT CARDS- SHERIFF'S OFFICE

Lindsay Mitchell said that two deputies, Nate Tingey and Mike Blad have recently been promoted to Sergeants. She said that sergeants are typically assigned credit cards with a \$1,000.00 limit.

Commissioner Wright made a motion to approve a credit card with a limit of \$1,000.00 for Sgt. Nate Tingey and Sgt. Mike Blad in the Sheriff's Office.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD- CYNDEE PROBERT

Judge Cyndee Probert said that she is in need of a credit card and the previous judge had a limit of \$3,000.00. She said that it will be used for travel, office use, and other items that may come up.

Commissioner Warnick made a motion to approve a credit card with a limit of \$3,000.00 for Judge Probert.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON OPENING THE 2021 BUDGET. SEVERAL PROJECTS/GRANTS WILL BE UNDER CONSIDERATION SUCH AS AMBULANCE, TOURISM, AND GENERAL FUND BUT ALL BUDGETS MAY BE CONSIDERED AS NECESSARY

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on opening the 2021 budget. Several projects/grants will be under consideration such as ambulance, tourism, and general fund, but all budgets may be considered as necessary.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:30 a.m.

Present were: Mike Winget, Kevin Morris, Sheriff Jacobson, Lindsay Mitchell, Bonnie Smith, Sierra Dickens, Sheri Dearden, Dennis Alldrege, and Kim Rowell.

Auditor Smith presented a list of proposed budget changes which included the following:

- \$12,000.00 increase to the election budget. This is a passthrough and will be reimbursed by the cities/towns who contract with the County for elections.
- \$8,000.00 Increase to Ambulance. This is a passthrough and the funds were received from the Rural EMS Grant and the Per Capita Grant.
- \$30,875.00 Increase to Tourism. This is a passthrough and the funds were received from the OHV Parks and Recreation Grant to put towards the High Desert Trail mapping and signage.
- \$26,700.00 to Indigent Defense . Due to the County and the Indigent Defense having different fiscal years, the budget was short after paying the 4th quarter invoice. Auditor Smith said that this is partially reimbursed.
- ARPA funding. The County has receive approximately \$1,280,807.00 in ARPA funds and the need for additional ambulances has been discussed. It is estimated to cost \$414,000.00 for two ambulances, two power load systems, and two stair chairs. Auditor Smith read a correspondence from Deputy Attorney Harris that stated that ARPAs interim final rule requires that the purchases be tied to COVID-19.

There were no other comments made.

Commissioner Wright made a motion to close the public hearing.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:37 a.m.

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-10-12, A RESOLUTION OF THE MILLARD COUNTY COMMISSION OPENING AND AMENDING THE 2021 BUDGET

Commissioner Draper said that the County has found that two ambulances would qualify under the terms of the ARPA act. He said that the County has received approximately \$2,600,000.00 of the ARPA and the ambulances and equipment will cost approximately \$414,000.00. He said that the final rule has not been issued yet, but he feels comfortable in moving forward with this.

Commissioner Draper asked Ambulance Director, Kim Rowell, about the need for ambulances and the impact Covid-19 has had on ambulances, equipment, and operations.

Director Rowell said that Covid-19 has put additional wear and tear on equipment and requires additional sanitation and time between ambulance runs. She said that after Covid-19 transfers ambulances are unable to make another run until after they are sanitized.

Director Rowell said that the new ambulances will have a better dual filtration system and this will decrease the amount of time sanitation takes. She said that the stair chairs and load systems reduce the contact between the patients and emergency responders.

Director Rowell said that one of the ambulances in Fillmore is unreliable and won't start

sometimes. She said that they have taken it to multiple mechanics who have not been able to identify the problem. She said another ambulance has had electrical problems and is getting high miles.

Commissioner Draper said that having ambulances unavailable poses a public health emergency.

Commissioner Warnick asked if any of these ambulances will go to Delta. Director Rowell said that Delta has two newer ones including one purchased this year so these two that are being requested will both come to Fillmore.

Commissioner Draper asked the estimated timeline to receive these if purchased. Director Rowell said that she has been told 1.5 years, but she has contacts who are working to acquire chassis quicker.

Commissioner Draper said that Covid-19 has and is increasing the burden on EMS crews and equipment and he supports the purchase.

Commissioner Wright made a motion to approve Resolution 21-10-12, a resolution of the Board of County Commissioners of Millard County, Utah, opening and amending the 2021 budget.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-10-12A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING A REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE TO THE UTAH COUNTIES INDEMNITY POOL (UCIP) ANNUAL MEETING

Commissioner Warnick made a motion to approve Resolution 21-10-12A, a resolution of the Board of County Commissioners of Millard County, Utah, appointing Commissioner Wright as the representative and Commissioner Warnick as an alternate representative to the Utah Counties Indemnity Pool (UCIP) annual meeting.

Commissioner Draper stepped from the chair and SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Warnick voted YES. Commissioner Wright voted YES. Commissioner Draper voted YES. The voting was unanimous and the motion carried.

AWARDING OF THE WAGE COMPENSATION RFP

Auditor Smith went over the RFP amounts. Deputy Clerk Hair said that she has compared the received RFPs and they all seem to follow the same approach. Auditor Smith said that McGrath and Paypoint HR have additional services that the County can use in the future for new or changing positions, and also help with keeping job descriptions in compliance with the ADA and other laws.

Commissioner Draper said that he would like to go with Paypoint HR and pointed out a job that they completed where the municipality had similar economic conditions. He said that the County has several projects similar to IPP coming and the County will need to compete for employees.

Commissioner Wright said that he likes the locality of Personnel Systems and Services and questioned whether Paypoint HR is worth double the price. After a brief discussion, it was decided

to table this item until the October 19, 2021 agenda.

DISCUSSION AND POSSIBLE APPROVAL OF AN IGP WAIVER

Clerk Rowley said that she received a waiver application in the amount of \$35.00 for basketball and the waiver will also include swim lessons, which will not be paid until the applicant actually signs up for that sport. Commissioner Warnick said that this will fit in the budget.

Commissioner Warnick made a motion to approve the IGP waiver.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-10-12B, A RESOLUTION OF THE MILLARD COUNTY COMMISSION CREATING A RETENTION SCHEDULE FOR COUNTY EMAIL AND TEXTS

Attorney Finlinson said that this resolution is not ready today. This item was stricken from the agenda.

CONSIDERATION AND POSSIBLE APPROVAL OF AN INTERLOCAL AGREEMENT WITH FILLMORE CITY REGARDING JUSTICE COURT OPERATION

Attorney Finlinson said that he prepared an agreement. He said that Fillmore City's Justice Court isn't dissolving and this doesn't combine courts; it is simply a contract for Fillmore City to use the County's facilities and staff at a cost of \$1,000.00 per month.

Commissioner Wright made a motion to approve an interlocal agreement with Fillmore City for Justice Court operations.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-10-12C, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY ADDING THE POSITION OF CAPTAIN IN THE SHERIFF'S OFFICE

Sheriff Jacobson said that the Chief Deputy position in the Sheriff's Office was recently untethered from the percentage. He said that this has resolved past disparities. He said that he would like to place the Captain position at a Grade 20. Commissioner Draper questioned the exemption status. Lindsay Mitchell said that it is an exempt position that is paid a salary, accrues sick and vacation, but does not get overtime.

Attorney Finlinson said that Lieutenant positions and up are currently exempt in the Sheriff's Office.

Commissioner Wright made a motion to approve Resolution 21-10-12C, 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 adding the position of Captain in the Sheriff's Office.

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

DISCUSSION AND POSSIBLE APPROVAL OF AMENDING OR REPLACING RESOLUTION 20-06-02A; THE URS EMPLOYER PICK-UP ELECTION FOR TIER 2 PUBLIC SAFETY EMPLOYEES; PRELIMINARY INCREASE EFFECTIVE 07/01/2022 (CURRENTLY 2.27% - INCREASE 2.59%)

Attorney Finlinson said that approval of this requires a resolution. It was decided to table this until the October 19, 2021 agenda.

Auditor Smith said that they have received the preliminary rates for tier 2 public safety employees. She said that the County has elected to pick up the entire 2.27% in the past and the preliminary will bring it to 2.59%. She said that this will cost the County approximately \$5,432.00 per year. Auditor Smith said that next year's cost will be approximately \$2,700.00 because it doesn't go into effect until July.

DISCUSSION AND POSSIBLE APPROVAL OF THE 2022 MEDICAL, DENTAL, VISION, LIFE AND LTD EMPLOYEE BENEFITS

Auditor Smith said that there is a rate hold on all benefits except dental which is going up 1.7%. She said that it will be the same benefit structure.

Commissioner Draper said that this was reviewed in depth by the Commission last week.

Commissioner Wright made a motion to approve the 2022 medical, dental, vision, life, and LTD employee benefits.

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

DISCUSSION AND APPROVAL OF SURPLUSING THE MITEL PHONE HARDWARE SYSTEM

Auditor Smith said that the County has approximately 130 phones for surplus and IT has contacted three companies including CentraCom. She said that CentraCom has offered the highest value at \$2,500.00, which can be given as a credit and IT feels like this is a great deal.

Commissioner Wright made a motion to approve receipt of a \$2,500.00 credit from CentraCom for the Mitel phone hardware system.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Warnick said that an ARPA application will need to be created. She said that she will work with Deputy Attorney Harris to get that created.

Attorney Finlinson said that the County has reached out to Blake Hamilton at Dentons Durham Jones and Pinegar to provide legal expertise in respects to IMPA's conditional use permits. He is asking that the Commission sign the retention agreement with Dentons Durham Jones and Pinegar. The Commissioners agreed to authorize Attorney Finlinson to retain their legal services.

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.

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

There was none.

AUDITOR REPORT

Auditor Smith presented the Tax Roll certification to the Commission.
Auditor Smith presented the following reports:

A/P Check Registers
9/24/2021 - \$134,019.95
9/24/2021 - \$22,891.27
10/01/2021 - \$66,077.07
10/08/2021 - \$157,970.85

Liability Check Register:
9/24/2021 - \$427,091.55

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

Commissioner Wright made a motion to enter into a BOE.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 11:35 a.m.

Assessor Manis presented an application for Parcel # D475-1. He said that it has been reevaluated and explained how they changed the valuation. Assessor Manis said that a stipulated agreement has been signed by the appellate and he is asking that the Commission approve it.

Commissioner Wright made a motion to approve the stipulated agreement on parcel #D475-1.

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

Assessor Manis presented an application for Parcel #D775-2. He said that it has been reevaluated and explained how they changed the valuation. Assessor Manis said that a stipulated agreement has been signed by the appellate and he is asking that the Commission approve it.

Commissioner Wright made a motion to approve the stipulation agreement for Parcel #D775-2.

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

Commissioner Wright made a motion to close the BOE.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:56 a.m.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

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

Commissioner Warnick SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Assessor Manis, Treasurer Dearden, Assessor Manis, and Auditor Smith.

After the closed executive session the regular meeting reconvened at 12:07 p.m.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 12:08 p.m.

Attest: _____

Approved: _____