

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 17th DAY OF MAY, 2022  
AT THE COURTHOUSE, FILLMORE, UTAH

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

Marki Rowley. . . . . County Clerk  
Kayla Freeman. . . . . Deputy County Clerk

EXCUSED: Pat Finlinson. . . . . County Attorney

ALSO PRESENT: Denton Peterson. . . . . Deputy County Attorney  
Sierra Dickens . . . . . County Recorder  
Sheri Dearden . . . . . County Treasurer  
Bonnie Smith . . . . . County Auditor  
Richard Jacobson, Pat Bennett, and Lindsay Mitchell . . . . . Sheriff's Office  
Greg Kelsey . . . . . Utah Highway Patrol/Department of Public Safety  
Adam Richins.. . . . . County Planner  
Pat Manis. . . . . County Assessor  
Hayden Ballard . . . . . Public Lands Policy Coordinating Office  
Dennis Alldedge . . . . . Fillmore City

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

APPROVAL OF MAY 3, 2022 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 3, 2022 were

presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of May 3, 2022, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM MAY 3, 2022

Commissioner Wright said that in response to his request for garbage pickup in Cove Fort, Holt Waste has contacted them and discussed service offers. The County will wait to hear back on this before moving forward.

#### DISCUSSION AND POSSIBLE APPROVAL OF A REQUEST TO AMEND THE TAX DEFERRED AGREEMENT WITH KELLY J DAUGHTREY D-1070-17

Auditor Smith reminded the Commission that they had previously agreed to defer the taxes on Ms. Daughtrey's property. Since then, the return from the IRS on the property came in lower than expected. She presented the amendment for review, including Ms. Daughtrey's request to extend the payoff deadline: however, it was confirmed that the property has been removed from the tax sale list for this year and cannot be added until next year.

Commissioner Draper made a motion to approve the tax deferred agreement with Kelly J Daughtrey, Parcel #D-1070-17, extending the payoff date 90 days.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A INDIGENT BURIAL REQUEST FOR RONALD SMITH

Auditor Smith presented an indigent burial application for Ronald Smith.

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

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

#### DISCUSSION AND POSSIBLE APPROVAL OF THE 2021 FRAUD RISK ASSESSMENT

Auditor Smith presented the 2021 Fraud Risk Assessment and said that the County was allowed to rate itself by a point system. She reported that the County has improved since 2021 and that their risk level is still low.

Commissioner Wright made a motion to approve the 2021 Fraud Risk Assessment as presented.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF PEHP PREMIUM REFUND TO COUNTY EMPLOYEES

Auditor Smith stated that the County received a refund in the amount of \$85,485.00 and explained that it is not the insurance company's intent to refund premiums, but rather to give the lowest rates possible. The amount refunded is based on utilization and employee participation in PEHP programs. In order to receive a portion of the refund, employees have to have worked and had coverage for 6 months in 2021 and still currently covered. A letter will be sent with the refund to eligible employees explaining where this refund comes from.

Commissioner Draper made a motion to approve a premium refund to County employees in the amount of 33%, distributed on the November paycheck. Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF THE FY23 SECURITY & BAILIFF CONTRACT

Sheriff Jacobson said that he did not see any significant changes to the contract.

Commissioner Wright made a motion to approve the FY23 Security & Bailiff contract. Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF A SECURED VEHICLE STORAGE PROJECT FOR THE SHERIFF'S OFFICE AND HIGHWAY PATROL

The Department of Public Safety (DPS) contacted the County Sheriff's Office for the joint construction and usage of a secure impound lot on the Public Safety building property. Sheriff Jacobson, along with Captain Bennett and Sergeant Kelsey of the Utah Highway Patrol (UHP), said that there is enough space in the Recorder's records storage building and sally port for the processing of vehicles. There is also room around the building to build a secured, fenced area for the storage of vehicles.

DPS will provide the funding to pay for the project and after the fencing, gates, and cameras are installed, everything will become the property of Millard County in exchange for an agreement that would allow UHP to store seized/impounded vehicles in the secure area; which will also be used by the Sheriff's Office. Two camera systems, one interior and one exterior, will be added to the current Sheriff's Office camera update project, in the amount of \$5,600.00, which will be reimbursed to the County by DPS.

Sheriff Jacobson explained that this facility will help with processing and controlling the chain of custody for evidence.

Sgt. Kelsey explained that this will help his department as there has been an increase in vehicular incidents yet there is no secure place in Millard County to store the vehicles involved.

Road Department Supervisor Winget is willing to help make the grounds more accessible to that section of the building. He said that the County would be able to prep the site using materials already on hand.

A memorandum of understanding (MOU) between the DPS and the County has been received and needs to be signed by the Commission in order for the project to move forward.

Commissioner Draper made a motion to approve the MOU with the Department of Public Safety for the joint construction and operation of a secure impound yard at the Millard County Public Safety Building.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH UTAH DEPARTMENT OF PUBLIC SAFETY FOR THE JOINT CONSTRUCTION AND OPERATION OF A SECURE IMPOUND YARD AT THE MILLARD COUNTY PUBLIC SAFETY BUILDING

This is a duplicate to the above agenda item.

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-05-17, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING SECTION X OF THE MILLARD COUNTY PERSONNEL POLICY MANUAL

Clerk Rowley explained that Legislation requires counties to include a stillborn child or miscarriage to the "Leave Policy", which took effect May 3, 2022. This resolution is bringing the County into compliance.

Commissioner Wright made a motion to approve Resolution 22-05-17, a resolution of the Board of County Commissioners of Millard County, Utah.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF TRANSFER OF A VEHICLE ASSIGNMENT FROM THE COMMISSION TO THE TOURISM DEPARTMENT

There is a County vehicle slated for surplus that has been requested by the County Tourism Department for the part-time employee to use in the event that the employee needs to drive out to desert areas.

Commissioner Wright questioned keeping the vehicle for infrequent usage as it is expensive to the County, especially where Tourism already has a vehicle stationed in Delta for these types of trips.

Commissioner Warnick explained that this vehicle would be stored in Fillmore, where the part-time employee is based, and would only be used for desert trips and hauling the side-by-side rather than requiring the usage of a personal vehicle.

Commissioner Wright said that until he knows what the responsibilities are of the Tourism part-time employee he cannot support this. Commissioner Draper agreed.

It was decided to wait for a decision until further clarification can be made.

#### DISCUSSION AND POSSIBLE APPROVAL OF THE TRANSFER OF A PARCEL OF REAL PROPERTY IN THE SUGAR FACTORY ROAD AREA OF DELTA TO THE PROPERTY OWNER IN POSSESSION OF THE PARCEL

Attorney Peterson explained that a family is trying to clean up the boundaries of various parcels they own in the Sugar Factory Road area of Delta. The surveyor claims to have found a latent interest held by Millard County in a small corner of one of the parcels, to the amount of 5/100 of an acre, the likely result of an under lap of property lines. The family would like a quit claim deed from the County to their family partnership. A quit claim deed conveys whatever interest the grantor has to the grantee. It doesn't warrant title or go beyond simply divesting the grantor of his or her or its interest. In this case, it simply clears up the title and prevents any future confusion.

Commissioner Draper made a motion to approve the transfer of a parcel of real property in the Sugar Factory Road area of Delta to the property owner in possession of the parcel and signed the quit claim deed.

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

#### MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial review for the month of April.

#### COMMISSION WORK MEETING

There was none.

#### PUBLIC INPUT

Hayden Ballard from the Public Lands Policy Coordinating Office introduced himself, stating he would be willing to be a resource for public land issues.

## OTHER BUSINESS

Clerk Rowley said that Attorney Finlinson said that Tony Fuller is making substantial progress in cleaning up the water rights out at the gravel pit, but needs a change application signed by the Commission.

Commissioner Draper gave a synopsis of the water rights and why it needed to be cleaned up.

Commissioner Draper made a motion to sign the change applications.

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

Commissioner Warnick said that there is an employee who has filed an appeal. It was discussed and decided to appoint an appeals officer for this particular appeal.

Attorney Petersen said that Attorney Finlinson reached out to retired attorney Lyn Loyd Creswell who has agreed to serve as the County's Appeal Officer at a rate of \$100.00 per hour.

Commissioner Draper made a motion to contract with Lyn Loyd Creswell to serve as an appointed Appeal Hearing Officer/Administrative Law Judge (ALJ) for an employee appeal.

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

Auditor Smith presented an invoice from Soil Conservation District that was not budgeted in this year's budget. If the Commission wants to continue the service, it needs to be budgeted in future budgets. She said that this invoice can be paid out of Special Projects.

Commissioner Draper requested to table the approval of this invoice until further investigation can be made.

Auditor Smith reminded the Commission that the tax sale will be held Thursday, May 26, 168 2022 at 10:00 a.m.

Commissioner Draper received notice from the Fillmore Field Office for the Bureau of Land Management (BLM) that the Cross-Tie Transmission Project is going into the scoping period. Anybody with interest for or against the project can attend the scoping meetings. Commissioner Draper has been out on tour with the BLM, surveying the lines within the County, and found nothing adverse to the County.

Commissioner Draper said that if anyone is unable to attend a scoping meeting, they can call the project manager at the Fillmore Field Office of the BLM at 888-674-0962 or 435-743-3119, referencing the Cross-Tie Project and offering their opinion. The window ends May 31, 2022.

## 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

Clerk Rowley informed the Commission that the security cameras for the election ballot boxes have been ordered and it may be cheaper than initially anticipated.

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

Commissioner Draper made a motion to enter into a BOE.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 11:19 a.m.

Auditor Smith and Assessor Manis reported that TDFI, Inc was audited by the State and was found to have under reported their value. After negotiations, the stipulation of \$28,999.00 to be paid to the County for property taxes was agreed upon

Commissioner Wright made a motion to approve the stipulated tax agreement between the State and tax payer.

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

Commissioner Wright made a motion to close the BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:25 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

There was none.

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 11:26 p.m.

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_