

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF JANUARY, 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: Sierra Dickens. County Recorder
Bonnie Smith. County Auditor
Richard Jacobson, Lindsey Mitchell, Ben McDonald, and
Patt Bennett. County Sheriff’s Office
Sheri Dearden..... County Treasurer
Klint Penney and John Orullian..... East County Maintenance
Sam Stevens..... County Road Department
Jane Beckwith Topaz Museum
Cyndee Probert..... Justice Court Judge
Adam Richins..... County Planner
Kalen Taylor. USU Extension Office
John Higgins. County Landfill Supervisor
Matt Kolste, Casey Fowles, Phil Morrison, Logan Thomas, and
Dennis Alldredge..... 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. Dennis Alldredge said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JANUARY 3, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 3, 2023 were presented for consideration and approval. Following review, Commissioner Johnson made a motion to approve the minutes of January 3, 2023 as corrected.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 3, 2023

There were none.

DISCLOSURE STATEMENTS

The following employees submitted a disclosure statement: Vicki Lyman, Lindsay Mitchell, Margene Stevens, Klint Penney, Cyndee Probert, Marki Rowley, Jamie Hair, Ben McDonald, Bonnie Smith, John Higgins, Debra Arnold, and Vickie Bennett.

DISCUSSION AND POSSIBLE APPROVAL OF SIGNING THE GOVERNOR'S OFFICE OF ECONOMIC OPPORTUNITY RURAL COUNTY GRANT CONTRACT

Attorney Finlinson said this contract allows the County to apply for grants through the Governor's Office of Economic Opportunity.

Commissioner Johnson made a motion to approve the Governor's Office of Economic Opportunity Rural County Grant Contract.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-01-17, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH APPOINTING A COMMISSIONER TO SERVE ON THE CHILDREN'S JUSTICE CENTER ADVISORY BOARD

Attorney Finlinson explained what services the Children's Justice Center Advisory Board provides to the Sheriff's Office and the Attorney's Office.

Commissioner Lyman made a motion to approve Resolution 23-01-17, a resolution of the Board of County Commissioners of Millard County, Utah appointing Commissioner Johnson to serve on the Children's Justice Center Advisory Board.

Commissioner Johnson 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 A BUSINESS LICENSE FOR ORGANICS PLUS, LLC, OWNER - LAWRENCE K. SMITH

A business license application was presented for Organics Plus, LLC, Owner - Lawrence K. Smith, a composting organic waste and transportation business. After review of the application and finding all signatures in order, Commissioner Lyman made a motion to approve a business license for Organics Plus, LLC, Owner - Lawrence K. Smith.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR BEACON PPO SOLUTION, OWNER - KELSEY PORTER

A business license application was presented for Beacon PPO Solution, Owner - Kelsey Porter, a business that assists dental offices and practitioners with insurance contracts. After review of the application and finding all signatures in order, Commissioner Lyman made a motion to approve a business license for Beacon PPO Solution, Owner - Kelsey Porter.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-01-17A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY CHANGING THE GRADE ASSIGNMENT FOR ASSISTANT GOLF COURSE SUPERINTENDENT

Commissioner Wright explained that this had already been discussed but action was not taken.

Auditor Smith explained that a full-time position was reduced to a part-time position and that the grade needs to be set in order for the position to be filled.

Supervisor Fowles presented the desired pay for the position.

Commissioner Johnson made a motion to approve Resolution 23-01-17A, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 by assigning the grade designation of seventeen for the position of Assistant Golf Course Superintendent.

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 23-01-17B, A RESOLUTION

OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY CREATING A NEW FULL TIME POSITION OF HUMAN RESOURCE (HR) DIRECTOR

Commissioner Wright explained the options that could be taken in regards to this new position. He provided a brief background on how the HR services to the County have been provided.

Clerk Rowley presented a potential job description for a full time position that was created by Deputy Clerk Jamie Hair, who currently provides HR services to the County.

Commissioner Wright again stated that this is a needed position but that he is not sure what the actual position should look like and with what responsibilities.

Commissioner Johnson said that he is in favor of temporarily contracting HR services out as it would grant the commissioners time to further explore the possibility of a County position. He also stated that he would also like a Commission assistant, but he is not in favor of adding those responsibilities to the HR employee.

Attorney Finlinson clarified that this resolution amends the step and grade to create a position within the County. He said that a Request for Proposal (RFP) is required if the Commission wants to contract the position out. He also said that the contractor would not be under the supervision of the Commission.

Commissioner Wright said that they could approve the resolution creating the position, as well as sending RFP's out to explore what outside entities would be willing to provide.

Clerk Rowley explained what functions she provides as the Commission Secretary. She further explained that HR services are currently split between the Clerk's Office, the Attorney's Office, and the Auditor's Office and that if the Commission were to combine all County HR services under one position, then a full time position is recommended.

Commissioner Wright suggested to advertise for both a part-time and a full-time position.

Attorney Finlinson said that if the Commission wants to advertise for a part-time position then a new resolution would be needed to create a part-time position.

Commissioner Wright said that while the Commission could look into contracting out the position, he does not think that there is an available contractor at this time and advised that they continue moving forward with creating a County position, be it full-time or part-time.

Commissioner Johnson suggested to move forward with create a full-time position, as the Commission is in agreement that it will eventually be a full-time position and that during the next Commission meeting they could approve a resolution creating a part-time position if the

desire is still there.

Attorney Finlinson said that a grade needs to be assigned to the full-time position.

Commissioner Lyman suggested it be competitive to what is offered outside of the County.

The commissioners agreed upon the grade designation of fifteen for this newly created full-time position that would report directly to the Commission. They also decided that supervision of the position should be retained as a function of the Commission collectively and that payroll functions would continue to be performed by the Auditor's Office.

Commissioner Lyman made a motion to approve Resolution 23-01-17B, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 by creating a new full-time position of Human Resource Director as discussed.

Commissioner Johnson 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 A THREE MONTH MORATORIUM ON STEP AND GRADE CHANGES

Commissioner Wright explained that there as been discussion regarding a three month moratorium on step and grade changes in order to provide time for the Commission to fill the HR position to help address the concerns regarding step and grade changes.

Commissioner Lyman agreed, saying that the majority of the phone calls that she has received all concern step and grade changes. She said a dedicated HR employee is needed in order to address those concerns and to advise the Commission moving forward.

Commissioner Johnson agreed with a moratorium on the grade changes, but that step changes should be allowed. He also explained that he will be putting together his own pay grade report similar to the Paypoint study.

Auditor Smith said that step increases are not automatic. She explained that they are based on supervisor evaluations and do not require a resolution by the Commission.

Sheriff Jacobson explained that halting grade changes would prevent deputies moving positions from Deputy 1 to Deputy 2.

Auditor Smith explained that those grade changes in the Sheriff's Sffice are considered promotions, regardless if they are tied to time in service, but do not require a resolution.

Attorney Finlinson explained that he believes the moratorium the Commission is discussing puts a halt only to changes that require resolutions.

Supervisor Winget questioned whether he needs resolutions for the changes he has in mind.

Auditor Smith clarified that if it is already an established grade then a resolution is not needed, but that if changes are made to the system itself, then a resolution is required.

Commissioner Lyman made a motion to approve the three month moratorium on step and grade changes that require a resolution, as discussed.

The motion failed for lack of a second.

Clerk Rowley said that the moratorium was suggested by Deputy Clerk Hair since she is transitioning away from HR and did not want to take on additional duties as HR.

Commissioner Lyman explained that a moratorium is needed in order to give the Commission time to establish a fair process for approving step and grade changes, which would involve HR.

Commissioner Wright stepped from the chair and made a motion to approve the three month moratorium on step and grade changes that require a resolution as discussed.

Commissioner Lyman SECONDED the motion. The motion passed by a majority vote.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON OPENING THE 2023 BUDGET FOR ADJUSTMENTS TO SOME POSITIONS WITHIN THE CURRENT STEP AND GRADE AND OTHER MISCELLANEOUS ITEMS. HOWEVER, ALL FUNDS/BUDGETS MAY BE CONSIDERED, AS NECESSARY

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on opening the 2023 budget for adjustments to some positions within the current step and grade and other miscellaneous items.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:17 a.m..

Present were: John Orrulian, Sam Stevens, Jane Beckwith, Judge Probert, Recorder Dickens, Matt Kolste, Supervisor Penney, Auditor Smith, Sheriff Jacobson, Treasurer Dearden, Casey Fowles, Lindsey Mitchell, Captain Bennett, Phil Morrison, Planner Richins, Kalen Taylor, Lieutenant McDonald, Logan Thomas, and Supervisor Higgins.

Auditor Smith presented the list of items for discussion and the amounts requested:

- \$17,740.00 for planning and zoning transfer and no additional increase
- \$31,000.00 for the Golf Course full to part-time position
- \$40,000.00 to \$60,000.00 for the newly created HR position
- two water consulting projects
- \$40,000.00 to \$60,000.00 for the Records Building Project

Attorney Finlinson explained that the requests concerning the consulting water projects

are contracts with Tony Fuller, a water expert from Sunrise Engineering, to sort out the County's water rights.

Auditor Smith said that funds are needed in order to support Bruce Giles being promoted to a Heavy Equipment Operator within the County Road Department if the promotion is under consideration.

Recorder Dickens said that there is a need for added security for the office on Main street; one option being cameras and another being panic buttons throughout the building.

Supervisor Penney stated that cameras do deter problems and are useful in investigation. He said that he is in favor of installing cameras. He explained that the panic buttons already installed no longer work with the current internet provider.

Captain Bennett said that there are cameras throughout other County buildings and more cameras could easily be added into the existing system. He also said that it is possible to discuss the panic buttons.

Auditor Smith said that there is \$40,000.00 budgeted for security upgrades but it was set aside for the door access control at the Sheriff's Office and there is no time line for when it will be finished.

Supervisor Penney confirmed that the door access control is a real problem at the moment and that it will be expensive.

Captain Bennett also confirmed that IT is looking to update the current door system.

No other comments were made.

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 11:31 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-01-17C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, OPENING AND AMENDING THE 2023 BUDGET AS DISCUSSED

Attorney Finlinson explained that this resolution authorizes Auditor Smith to make changes up to the established amounts, as needed.

It was decided by the Commission to set the following increase limits in the amounts of:

- \$17,740.00 for planning and zoning
- \$31,000.00 for the Golf Course part-time position
- \$65,000.00 for the newly created HR position
- \$5,000.00 for each water consulting project
- \$60,000 for the Records Building Project
- \$35,000.00 for the Courthouse security upgrades
- \$9,050.00 for the Road Department promotion

Commissioner Lyman made a motion to approve Resolution 23-01-17C, a resolution of the Board of County Commissioners of Millard County, Utah, opening and amending the 2023 budget as discussed.

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.

DISCUSSION AND POSSIBLE APPROVAL OF FUNDING TO SUPPORT ATTENDANCE TO THE HUGH O'BRIAN YOUTH (HOBY) LEADERSHIP SUMMIT - LOGAN THOMAS

Logan Thomas explained what the HOBY leadership program is and requested help from the Commission to cover the entry fee of \$395.00. Commissioner Lyman asked if he had raised any funds on his own. He responded that he could cover about \$150.00 on his own.

Auditor Smith explained that there are funds in the special projects budget and explained that is where the funds comes from when the Commission helps cover the entry fees for Girls State.

Commissioner Johnson suggested covering \$200.00 of the entry fee. Commissioner Lyman agreed.

Commissioner Johnson made a motion to approve funding in the amount of \$200.00 to Logan Thomas to help cover his entrance fee to HOBY.

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

The Commission also requested that Mr. Thomas return after he attends HOBY to provide a report on the summit and what he learned.

DISCUSSION AND POSSIBLE APPROVAL OF A SOLE-SOURCE PROCUREMENT FROM MOTOROLA FOR THE APCO INTERFACE

Captain Bennett explained what services the APCO Interface provides to the Sheriff's Office in regards to medical emergencies. He explained that it can only integrate into their current mobile system. He said that it would cost \$15,573.00 to integrate and would come from ARPA funds.

Commissioner Johnson made a motion to approve the sole-source procurement from Motorola for the APCO Interface.

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

DISCUSSION REGARDING MOU'S WITH THE COUNTY

The Clerk's Office provided the Commission with a list of all MOU's on file.

Attorney Finlinson said that he would be willing to help the Commission by sorting through the list and providing summaries on specific MOU's.

Commissioner Wright said that the County has the same problem with the Boards and their assignments.

Attorney Finlinson said that he would go through the County Boards list as well.

DISCUSSION REGARDING REQUESTED FUNDS FOR COSTS ASSOCIATED WITH A SEWER SYSTEM ENGINEERING STUDY FOR SHERWOOD SHORES HOA - PHIL MORRISON

Phil Morrison introduced himself as the Vice President for Sherwood Shores HOA.

Planner Richins provided background information on the community at Sherwood Shores HOA. He said that for this project, the sewer and water system would become a private system for the HOA and that an engineer is needed to scope the project. He also said that a new special service district would need to be created by the County.

Mr. Morrison said that they are looking to fund the project through grants and by levying taxes on the people who use the facilities once everything is in place. He said they won't have the money in time to start the scoping of the project though.

Commissioner Wright said that the policy has been that the County not participate in the process to provide or support non-County municipal services.

Commissioner Johnson said that he is in favor of helping with the engineering study, but is reluctant to tie the County into the process.

Planner Richins explained that in order to create the special service district that would be needed, it would need County approval and that there is a need to fund this engineering study quickly.

Commissioner Lyman asked if there is any money budgeted for public health issues.

Auditor Smith said that there is \$5,000.00 within ARPA.

Attorney Finlinson said that public health is funded through the State and there are qualifications that need to be met in order to use it.

Auditor Smith said an ARPA request needs to be submitted by the HOA and warned that there are restrictions if the money is going to be used by a private entity.

It was decided that Mr. Morrison will need to submit an ARPA request to the Commission.

DISCUSSION AND POSSIBLE APPROVAL OF TEMPORARILY CLOSING THE ROAD TO THE TOPAZ SITE FOR A TOPAZ MUSEUM EVENT - SCOTT BASSETT AND JANE BECKWITH

Jane Beckwith, with the Topaz Museum, thanked the Commission for its support during the COVID Pandemic and provided a background history to the Topaz Museum. She said that this year is the 80th Anniversary of a shooting that happened at the Topaz site and in memory of that event, they want to hold an anniversary event to host around 150 people on April 22, 2023. She requested the usage of county bleachers, if there are any and said that she would be willing to rent them if needed.

Supervisor Penney confirmed that Maintenance does have bleachers for rent.

Mrs. Beckwith explained that if they are able to use the bleachers for rent, then they would like to use them on the road rather than on the ground, due to the fact that the ground is very soft. However, in order for that to happen, the road would need to be closed.

Sheriff Jacobson said that he has been in contact with the Museum concerning the event.

Supervisor Penney said that the bleachers may already be in use.

Commissioner Wright said that in order for the Commission to move forward with its support, discussion needs to be had with West County Maintenance Supervisor Rick Bublitz. He said that the Commission would talk to him and make arrangements for the event.

DISCUSSION AND POSSIBLE APPROVAL OF USE OF THE COUNTY BLEACHERS FOR A TOPAZ MUSEUM EVENT - SCOTT BASSETT AND JANE BECKWITH

This was discussed in the previous item.

PUBLIC INPUT

Dennis Alldredge, stated that there are a number of other programs within the County like HOBY that he has helped young adults participate in. He said that he always encouraged them to go to their cities first before the County.

He also suggested that rather than using paper during Commission Meeting, the Commission utilize computers and digital copies instead.

OTHER BUSINESS

Commissioner Wright said that funds have been received from NCRS for mitigation purposes. He said that he would send Attorney Finlinson the paperwork and suggested that the emergency management group meet to discuss what projects need prioritizing.

Commissioner Wright explained that the vehicle policy needs to be reviewed and that unless previously authorized, County vehicles are not allowed to be kept overnight. He presented a request to allow him to keep his County vehicle overnight as needed.

Auditor Smith said that there are some IRS rules that she may need to review.

Auditor Smith reported that the milage reimbursement rate is now 65.5 cents per mile and the per diem has stayed the same.

Commissioner Lyman made a motion to approve Commissioner Wright keeping his County vehicle overnight

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

Clerk Rowley presented the Commission with a letter addressed to Fillmore City, regarding the Landfill for signatures. Mr. Alldredge said that Fillmore City had previously received an unsigned copy.

Clerk Rowley said that the Community First Board contacted her requesting a new commissioner replace Evelyn Warnick, who previously served on the Board.

Attorney Finlinson said that he did not believe a commissioner is required to serve on the Board, but if someone wants to serve they can. He explained what services the Board provides and said that he would verify if it is required.

Commissioner Wright suggested Commissioner Lyman serve on the Board, to which she accepted.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There were none.

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX

Clerk Rowley stated on Treasurer Dearden's request that there is none. However, tax sale letters have been sent, so there may be some in the coming months.

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.

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright adjourned the meeting at 12:38 p.m..

Attest: _____ Approved: _____