

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 3rd DAY OF OCTOBER, 2023
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bill Wright..... Chairperson
Vicki Lyman..... Commissioner
Trevor Johnson..... Commissioner

Pat Finlinson..... County Attorney
Kayla Freeman..... Deputy County Clerk

EXCUSED: Marki Rowley..... County Clerk

ALSO PRESENT: Debra Arnold..... Interim County Treasurer
Bonnie Smith..... County Auditor
Sierra Dickens..... County Recorder
Lora Fitch..... Interim County Assessor
Jacob Nielson..... County HR Director
Richard Jacobson, Jerid Bennett, Rob Clark, and
Lindsay Mitchell..... County Sheriff’s Office
Brooks Jackson..... West Recreation
Rick Bublitz..... West Maintenance
Adam Richins..... County Planner
Kevin Orton and Wayne Jackson Jr..... Fillmore City Fire Station
Rick Stewart and Scott Jenkins..... GBS
Ester Duncan..... Millard County CERT Organization
Dennis Alldredge, Geraldine Minton, LeRoy Torres, Trena Torres,
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 Wright excused Clerk Rowley from the meeting. Commissioner Johnson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF SEPTEMBER 19, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 19, 2023 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Johnson made a motion to approve the minutes of September 19, 2023 as corrected.

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

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 19, 2023

Commissioner Lyman reported that she had talked to former Commissioner Withers about the Highway 257 project.

DISCUSSION AND POSSIBLE APPROVAL OF CHANGING THE DATE OF THE NOVEMBER 21, 2023 COMMISSION MEETING TO NOVEMBER 7, 2023

Deputy Clerk Freeman requested that the November 21, 2023 Commission meeting be moved to November 7, 2023 due to the 2023 General Election.

Commissioner Johnson made a motion to approve moving the November 21, 2023 Commission meeting to November 7, 2023.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR SHANNON LOVELL - COUNTY ROAD DEPARTMENT

Commissioner Wright suggested that a cell phone allowance also be approved for Shannon Lovell.

Commissioner Lyman proposed that Shannon Lovell receive a credit card allowance in the amount of \$1,000.00.

Commissioner Lyman made a motion to approve the credit card allowance in the amount of \$1,000.00 for Shannon Lovell.

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

Commissioner Wright stepped from the chair made a motion to approve a cell phone allowance in the amount of \$40.00 per month for Shannon Lovell.

The motion failed for lack of a second.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-10-03, 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 MEMBERSHIP MEETING

Attorney Finlinson explained that this has to be decided every year.

Commissioner Wright stepped from the chair and made a motion to approve Resolution 23-10-03, a resolution of the Board of County Commissioners of Millard County, Utah, appointing Commissioner Lyman as the representative and Commissioner Wright as the alternate representative to the UCIP annual membership meeting .

Commissioner Johnson SECONDED the motion. Deputy Clerk Freeman 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 23-10-03A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, ADOPTING ALTERNATIVE BUSINESS HOURS FOR THE MILLARD COUNTY OFFICES LOCATED IN DELTA AT 71 S 200 W DELTA, UTAH

Commissioner Johnson made a motion to approve Resolution 23-10-03A, a resolution of the Board of County Commissioners of Millard County, Utah, adopting alternative business hours for the Millard County Offices located in Delta at 71 S 200 W Delta, Utah.

Commissioner Lyman SECONDED the motion. Deputy Clerk Freeman 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 2024 EMPLOYEE BENEFITS

Auditor Smith introduced Rick Stewart and Scott Jenkins from GBS. They gave a presentation on the different 2024 employee benefit options available to the County, primarily comparing insurance plans from PEHP and Select Health. They reported that PEHP is willing to not increase rates due to the competitive nature of the market. They recommended to not move away from PEHP, unless there is a major service issue.

Commissioner Lyman made a motion to approve renewing the County contract with PEHP as the provider for the 2024 employee benefits.

Commissioner Johnson 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 September 2023.

DISCUSSION AND POSSIBLE APPROVAL OF A PARTIAL WAIVER TO RENT THE RACETRACK FOR 2 BYU STUDENTS' FILM PROJECT

Brooks Jackson gave a brief explanation on the situation. He said that the normal fee is \$250.00 and nothing else is scheduled.

Commissioner Wright asked if there would be any extra maintenance required. Supervisor Jackson answered that it would not require extra maintenance.

Commissioner Johnson made a motion to approve waiving the fee required to rent the race track for two BYU students' film project.

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

DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH DELTA CITY REGARDING BUILDING PERMITS IN ANNEXATION ZONES

Attorney Finlinson explained that Delta City has approved the MOU in its original draft form.

Commissioner Johnson made a motion to approve the MOU with Delta City regarding building permits in annexation zones.

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

DISCUSSION REGARDING PARCEL #F-260; SHARED OWNERSHIP WITH FILLMORE CITY, MILLARD COUNTY AND THE FILLMORE FIRE DISTRICT - FILLMORE CITY REPRESENTATIVES

Kevin Orton and Wayne Jackson Jr., from the Fillmore Fire station, introduced themselves and their plans to expand the current station. During their research, it was discovered that the County retains partial ownership of the land that they want to expand onto.

Attorney Finlinson explained that there is no reason for the County to retain ownership over this partial of land. He explained that it would require a public hearing to deed this land over to Fillmore City.

DISCUSSION REGARDING COUNTY CERT FUNDING - ESTHER DUNCAN

Esther Duncan, Captain of the Millard County CERT Organization, introduced herself and her request for the renewal of yearly funding from the County. In the past, they have received

\$2,000.00. She explained the structure of the CERT teams and how they function, along with the equipment and supplies that are used by the organization.

Auditor Smith explained the funds came from special projects, but it was not budgeted for in 2023. She said that her office had not received a request.

Sheriff Jacobson provided his support of Capt. Duncan's request and recognized the efforts provided by the teams from her to his office and the County. He suggested that the funds awarded to the organization be increased to the amount of \$3,000.00.

Commissioner Wright assured Capt. Duncan that this will be addressed during the budget hearings.

PUBLIC INPUT

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Deputy Clerk Freeman presented an interlocal agreement between the County and Delta City for the Clerk's Office to conduct the 2023 Primary Election services..

Commissioner Johnson made a motion to approve the interlocal agreement between the County and Delta City for the Clerk's Office to conduct the 2023 Primary Election services.

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

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

Commissioner Johnson made a motion to enter into a BOE.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 11:03 a.m.

Chief Deputy Auditor Bennett and Auditor Smith explained that there are two cases being presented today.

LeRoy and Trenna Torres, owners of Account 0142985, Parcel 7016-16, presented their evidence of what they believe is the true market value and requested that the Commission correct the property tax evaluation for their property. They said that comparable properties sold in 2022 were all at lower prices and that their land is undeveloped and does not have an access road.

Attorney Finlinson said that there is a Class D access road, but it does not provide great access.

Interim Assessor Fitch responded that her office could not verify the list of the properties

sold her office received from Mrs. Torres, but that they do have record of two parcels that have recently been sold adjacent to the property in question. She explained that currently the property is assessed at \$1,758.00 per acre, with the lack of road and water access and comparable sales taken into account.

Commissioner Lyman asked where the Mrs. Torres got their list of comparable properties sold in 2022.

Mr. Torres responded that she got them from different realtor websites.

Interim Assessor Fitch responded that she does not know how realtor websites are policed and if they can be relied upon to present correct sales information.

Chief Deputy Auditor Bennett explained that the parcel in question is not a primary residence so it does not qualify for an abatement; Therefore, it is up for the Commission to make a decision.

Commissioner Johnson stated that the comparable parcels presented by Interim Assessor Fitch are good comparisons and that he believes that the Interim Assessor has assessed the properties correctly.

Commissioner Johnson made a motion to uphold the Interim Assessor's assessed value.

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

The next item was a follow up yesterday's BOE concerning Keith and Jerry Shurtz, Account 0060559, Parcel DO -3275.

Chief Deputy Bennett explained that they don't qualify for a hardship application because they are over the required income, but that the Commission could approve the Interim Assessor's assessment adjustment. Commissioner Wright recommended they accept the Interim Assessor's assessment adjustment.

Commissioner Johnson made a motion to approve the Interim Assessor's adjustment.

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 11:32 a.m.

OTHER BUSINESS

Supervisor Jackson explained that West Recreation would like to add additional rules that limit how far in advanced and how many times a private party can rent out the indoor arena. They have discovered that reservations are being monopolized by families. He read the updated language that would be added to the indoor arena rules for the record.

Attorney Finlinson explained that the Commission could approve the rules as temporary and then it would be brought back as a resolution on the next Commission agenda.

Commissioner Lyman made a motion to accept the temporary rules as presented.

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

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.

DISCUSSION BY EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Commissioner Lyman explained that she got a phone call from Keith Rhindhart from the State Road Department saying that they received notice that the landfill fees were increasing and were hoping to not have to pay the full County landfill fees to just clean up the side of the roads. Commissioner Johnson said that he would look into the situation.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright adjourned the meeting at 11:48 a.m..

Attest: _____

Approved: _____