

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 4th DAY OF JUNE, 2024
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

EXCUSED: Marki Rowley. County Clerk

ALSO PRESENT: Kristine Camp..... Interim County Treasurer
Bonnie Smith. County Auditor
Sierra Dickens. County Recorder
Lora Fitch..... Interim County Assessor
Jacob Nielson..... County HR Director
Richard Jacobson, Shane Brunson Lindsay Mitchell, Jerid Bennett
and Pat Bennett. County Sheriff’s Office
Kim Rowell EMS Director
Cindy Ledbetter Bureau of Land Management
Adam Richins County Planner
Abby Ivory..... R6 Regional Council
Rachel West..... Tourism Director
Devan Shields and Mason Lunt..... Sunrise Engineering
Dennis Alldredge, Dean Draper, Larry Edwards, Clay Davies
Norman Zurn, Mike Zurn, Terry Scottorn, and Talcako Scottorn,. 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 Lyman to the public and Commission members. She excused Clerk Rowley from the meeting.

OPENING STATEMENTS

Commissioner Johnson said the invocation. Everyone stood and said the Pledge of

Allegiance to the Flag.

APPROVAL OF MAY 21, 2024 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 21, 2024 were presented for consideration and approval. Following review, Commissioner Wright made a motion to approve the minutes of May 21, 2024, as presented.

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

Abby Ivory introduced herself as the new Economic Development Coordinator for R6 Regional Council, formally known as Six Counties Association of Government, and explained the services she can offer the County.

FOLLOW UP ACTION ITEMS FROM MAY 21, 2024

There was none.

INTERIM SUCCESSORS

Deputy Clerk Freeman presented the interim successors for the following offices:

- Delta Office
- Clerk
- Attorney
- Recorder
- East Recreation
- Assessor

DISCUSSION AND POSSIBLE APPROVAL OF BUSINESS LICENSE FOR FALCON ISLE RESOURCES CORP., OWNER -ALEXIS BRADSHAW

A business license application was presented for Falcon Isle Resources Corp., Owner -Alexis Bradshaw, a milling of organic rock phosphate business. After review of the application and finding all signatures in order, Commissioner Johnson made a motion to approve a business license for Falcon Isle Resources Corp., Owner -Alexis Bradshaw.

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

DISCUSSION AND POSSIBLE APPROVAL OF BUSINESS LICENSE PHOSUL UTAH, LLC., OWNER -ALEXIS BRADSHAW

A business license application was presented for Phosul Utah LLC., Owner -Alexis Bradshaw, a manufacturing/granulating organic fertilizer business. After review of the application

and finding all signatures in order, Commissioner Wright made a motion to approve a business license for Phosul Utah LLC., Owner -Alexis Bradshaw.

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

DISCUSSION OF TRANSITIONING THE NATIONAL ATV/UTV JAMBOREE TO A PRIVATE SECTOR

Director West shared some statistics concerning the Jamboree and said that it doesn't often make money for the County. She explained that other counties, including Beaver, have moved the program to the private sector to save money. She said that Prime Power Sports is willing to take over the Jamboree if no one else is willing.

Attorney Finlinson explained that the County can simply say that it will no longer sponsor the Jamboree and let someone else manage it. He said that it would be worthwhile to research other counties, like Beaver, to see how they approached the transition.

Commissioner Johnson expressed his concern over a private party running the jamboree and then deciding not to continue running it, especially as it is a long-time tourist attraction to the County and brings many benefits to the County.

Commissioner Wright agreed with Commissioner Johnson. He said that he would need some concrete assurances that the program would not die out.

Director West explained her intent was to just start the conversation to see if it was something that the County was interested in pursuing. It was decided that she would research more into the situation.

DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT WITH JENNY OAKS BAKER FOR CHRISTMAS CONCERT

Attorney Finlinson explained that this is a standard entertainment contract, but it does require commission approval due to the cost.

Commissioner Wright made a motion to approve the contract with Jenny Oaks Baker for the Christmas concert.

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

DISCUSSION AND POSSIBLE APPROVAL OF AMUSEMENT CONTRACT WITH BROWN'S AMUSEMENTS INC. FOR CARNIVAL SERVICES

Attorney Finlinson explained that there is more risk involved with this contract, but that insurance provisions are included in the contract.

Director West said that the carnival always makes a profit and is a great tourist attraction for the County.

Commissioner Wright made a motion to approve the amusement contract with Brown's Amusements Inc. for carnival services.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-06-04, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING AND RESTATING THE FEE SCHEDULES FOR THE DAYS OF THE OLD WEST RODEO, THE MILLARD COUNTY FAIR, AND THE ATV JAMBOREE

Attorney Finlinson presented the fee schedules for approval.
Director West briefly explained the changes.

Commissioner Wright made a motion to approve Resolution 24-06-04, a resolution of the Board of County Commissioners of Millard County, Utah, amending and restating the fee schedules for the Days of the Old West Rodeo, the Millard County Fair, and the ATV Jamboree.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-06-04A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPROVING THE PUBLIC SAFETY PICK-UP FOR TIER 2 EMPLOYEES

Sheriff Jacobson explained that this is in response to new State law that does not require counties to pay the pick-up for Tier 2 employees. This resolution would have the County pay the pick-up amount for Tier 2 public safety employees to match the Tier 1 employer contributions.

Auditor Smith explained that employees hired before a certain time are designated as Tier 1 employees and receive a higher employer contribution percentage to their retirement funds than Tier 2 employees, who are required to pay a portion.

Commissioner Wright made a motion to approve Resolution 24-06-04A, a resolution of the Board of County Commissioners of Millard County, Utah, approving the Public Safety Pick-up for Tier 2 employees.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON INCREASING THE AGING/SENIOR BUDGET FOR DIRECT MANAGEMENT OF THE SENIOR CENTERS AND NUTRITION PROGRAMS. ALL OTHER FUNDS/BUDGETS MAY BE CONSIDERED AS NECESSARY

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comments on increasing the Aging/senior Budget for direct management of the Senior Centers and Nutrition Programs. All other funds/budgets may be considered, as necessary.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:50 a.m.

Present were: Interim Treasurer Camp, Auditor Smith, Recorder Dickens, HR Director Nielson, Sheriff Jacobson, Deputy Brunson, Lindsay Mitchell, Lieutenant Bennett, Captain Bennett, Director Rowell, Cindy Ledbetter, Planner Richins, Abby Ivory, Devan Shields, Mason Lunt, Dennis Alldredge, Dean Draper, Larry Edwards, Clay Davies, Norman Zurn, Mike Zurn, Terry Scottorn, and Talcako Scottorn.

Larry Edwards introduced himself and explained what a great benefit the Senior Citizen Center is to his life and the community.

Commissioner Johnson briefly explained why R6 is turning over the management of senior centers and nutrition programs back to the counties.

Commissioner Wright assured those present that services and standards will not change and hopefully will increase.

Terry Scottorn asked if the funds that R6 would have received by the State will now be given to the County.

Commissioner Johnson said that the County will receive the State funds and that governing the program locally will hopefully allow for more local participation and direct support from the community.

Auditor Smith reported that \$175,000.00 is being requested for a budget total, with \$106,000.00 from estimated revenue from donations, the State and Federal Governments, leaving the County responsible for about \$69,000.00.

Auditor Smith said that the Sheriff's Office has a budget increase of \$3,200.00 from a Utah Department of Public Safety grant and West Maintenance has two increase requests in the amounts of \$8,700.00 and \$4,700.00.

There were no other comments made.

Commissioner Wright made a motion to close the public hearing.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:00 a.m.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-06-04B, A RESOLUTION

OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH,
INCREASING THE AGING/SENIOR BUDGET FOR DIRECT MANAGEMENT OF THE
SENIOR CENTERS AND NUTRITION PROGRAMS

Commissioner Wright made a motion to approve Resolution 24-06-04B, a resolution of the Board of County Commissioners of Millard County, Utah, increasing the Aging/Senior Budget for direct management of the Senior Centers and Nutrition Programs, as well as the increases for the Sheriff's Office and West Maintenance.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-06-04C, 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 CREATING POSITIONS WITHIN THE AGING/SENIOR DEPARTMENT
AND ESTABLISHING GRADE DESIGNATIONS FOR THOSE POSITIONS

Attorney Finlinson explained the positions and their grade designations created by this resolution.

Commissioner Johnson made a motion to approve Resolution 24-06-04C, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22, by creating positions within the Aging/Senior Department and establishing grade designations for those positions.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-06-04D, 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 AMENDING THE JOB TITLES AND GRADE ASSIGNMENTS FOR EMS
POSITIONS WITHIN THE SHERIFF'S OFFICE

Attorney Finlinson explained that this is the resolution that was discussed thoroughly during the last Commission meeting.

HR Director Nielson explained that they did remove the COLA increase from the fee schedule so that it would be managed along with all the other department COLAs.

Commissioner Johnson made a motion to approve Resolution 24-06-04D, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 by amending the job titles and grade assignments for EMS positions within the Sheriff's Office.

Commissioner Wright SECONDED the motion. Deputy Clerk Freeman called for a roll call

vote. Commissioner Wright voted YES. Commissioner Johnson voted YES. Commissioner Lyman voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-06-04E, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION, 24-01-02, (A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH DELEGATING THE EXECUTIVE FUNCTIONS OF THE COUNTY COMMISSION TO INDIVIDUAL COMMISSIONERS) BY CHANGING COMMISSION DUTY ASSIGNMENTS

Attorney Finlinson explained that this is in connection with the management of the Senior Centers and Nutrition Programs change.

HR Director Nielson explained that this resolution is not needed at this time as the internal structure changes have not yet been made.

Commissioner Wright made a motion move onto the next item on the agenda.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE 2024 TAX SALE

Auditor Smith presented the report on the 2024 tax sale. She said that due to one parcel not being paid by the winning bidder, it has been awarded to the second bidder and that her office is just waiting for the receipt of the money.

Attorney Finlinson recommended that the Commission wait to approve the tax sale until after the money has been received.

DISCUSSION AND POSSIBLE APPROVAL OF COMMUNICATIONS USE LEASE AGREEMENT WITH BLM FOR NOTCH PEAK COMMUNICATIONS TOWERS

Attorney Finlinson explained that these are the land use leases with the BLM that are needed for the Notch Peak Communication Tower project to move forward.

Cindy Ledbetter explained that everything is ready to move forward with the project concerning other state agencies.

Shane Brunson said that he inspected the access road and said that it is passable and that only minor adjustments would be needed to get the equipment to the job site.

Commissioner Johnson made a motion to approve the communications use lease agreement with BLM for Notch Peak Communications Towers.

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

DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT WITH TIMECLOCK PLUS THROUGH OMNIA A NATIONAL COOPERATIVE

Auditor Smith explained that she has researched time clock systems with HR Director Nielson and found that Timeclock Plus is the most customizable system that best meets the needs of the individual departments.

HR Director Nielson said that moving to a digital system will be more exact and more efficient.

Commissioner Wright asked about how painful the transition will be.

Auditor Smith explained that this company has a guaranteed ninety-day transition time and that it will cost \$33,187.50 to implement it.

HR Director Nielson explained that there are multiple options for how employees can clock in and out.

Commissioner Wright made a motion to approve the contract with Timeclock Plus through Omnia, a national cooperative.

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

FURTHER DISCUSSION AND POSSIBLE DECISION REGARDING BIDS FOR THE FILLMORE EWP PROJECT

Attorney Finlinson explained that a Natural Resources Conservation Service (NRCS) representative informed the County that their funding agreement prohibits contracting with individuals/organizations with connections to sponsoring entities. He explained that this is a huge insurance liability to the County and that the awarding of the contract to Blackrock is invalid. Attorney Finlinson recommended that the Commission strike the bids and restart the entire bidding process for the project.

Mr. Shields explained that the project deadline was originally projected to be August 1, 2024, but after discussing the issue with NRCS, he is confident that an extension can be granted until the end of the year.

Commissioner Johnson made a motion to vacate awarding the bid to Blackrock, to strike the bids, and to restart the bidding process for the Fillmore EWP project.

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

DISCUSSION AND POSSIBLE APPROVAL OF MOU WITH FILLMORE CITY REGARDING FUNDING OF NRCS EWP PROJECT LOCAL MATCH

Attorney Finlinson explained that there are some simple language changes in the MOU to

clearly state that the County agrees to contribute 50 percent of the 25 percent local match for the project.

Commissioner Wright recommended that it be a one-time cash contribution.

Commissioner Johnson made a motion to approve the MOU with Fillmore City regarding the funding of the NRCS EWP project local match.

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

DISCUSSION REGARDING THE AIRPORT EXPANSION AT THE FILLMORE CITY AIRPORT - MICHAEL ZURN

Michael Zurn introduced himself and the projects that he has been working on within the County, including his airport expansion project. He said that his goal for today is to explain his project and hopefully network with the Commission. He explained that he closed on a twenty acre parcel of land next to the Fillmore airport and that the land would primarily be used as private airport space, as well as warehouse storage.

Mr. Zurn said that he has talked to the BLM and the Forest Service about their needs for airport space.

The commissioners said that they would send some contacts his way.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Attorney Finlinson said that he has received a petition to vacate a road. He suggested that it be discussed and decided upon during the July 2, 2024 Commission meeting at 11:00 a.m. He also said that land use appeal is processing with a predicted outcome within the next 30 days.

Auditor Smith reported that the County has received a refund from PEHP in the amount of \$130,956.00. In the past the County has used it to pay premiums for a month or pay it back to the employees in a one-time bonus payment. A discussion will be added to the next meeting agenda.

HR Director Nielson explained that they found an error in the banding policy that will require a resolution to fix it, which will be added to the next meeting agenda.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Deputy Clerk Freeman reported that six board positions have expired on the Deseret/Oasis Special Service District Board. Matt Loe, Zane Draper, Jay Finlinson, Dallas Anderson, Neil

Callister, and Chet Anderson were presented for reappointment.

Commissioner Wright made a motion to reappoint Matt Loe, Zane Draper, Jay Finlinson, Dallas Anderson, Neil Callister, and Chet Anderson to the Deseret Oasis Special Service District Board.

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

Attorney Finlinson said that he would work with the board on the staggering of their service end dates.

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

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 made a motion to close the meeting.
Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Lyman adjourned the meeting at 12:05 a.m.

Attest: _____

Approved: _____