

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 23rd DAY OF JULY 2024
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson. County Attorney
Marki Rowley. County Clerk

EXCUSED: Kayla Freeman Deputy Clerk

ALSO PRESENT: Adam Richins County Planner
Lindsay Mitchell, Captain Patrick Bennet, Sheriff Jacobson. Sheriff’s Office
Bonnie Smith. County Auditor
Kristine Camp. Interim County Treasurer
Sierra Dickens. County Recorder
Jacob Nielson..... County Human Resources (HR) Director
Dennis Alldredge, Cindy Ledbetter, Brian Monroe and Syd Bastian 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.

OPENING STATEMENTS

Commissioner Lyman 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 JULY 2, 2024 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 2, 2022 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Wright made a motion to approve the minutes of July 2, 2022, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JULY 2, 2024

There were none.

INTERIM SUCCESSORS

The following offices submitted interim successors:

- West Millard Recreation - Brooks Jackson
- IT Department - Richard Beckstrand
- Road Department - Brandon Winget
- Landfill Department - John Higgins

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR OFFERIZEE, LLC, OWNER - LYLE BUNKER

A business license application was presented for Offerizee LLC, Owner - Lyle Bunker, an online business that resells overstock merchandise. After review of the application and finding all signatures in order, Commissioner Johnson made a motion to approve a business license for Offerizee, Owner - Lyle Bunker.

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

DISCUSSION AND POSSIBLE APPROVAL OF IGP WAIVERS

Four IGP Waivers were submitted for approval. Three were for Soccer in the amount of \$30.00 each and one was for Flag Football in the amount of \$40.00.

Commissioner Wright made a motion to approve the IGP waivers presented in the amount of \$130.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE ALLOWANCE FOR JACCI JOHNSON

Supervisor Turner explained that Mrs. Johnson uses her cell phone for employee communication.

Commissioner Johnson made a motion to approve a cell phone allowance for Jacci Johnson in the amount of \$40.00.

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

RATIFY THE APPROVAL OF THE GARRISON WELL PUMP REPLACEMENT

Commissioner Wright made a motion to ratify the approval of the Garrison well pump replacement.

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

RATIFY THE APPROVAL OF THE SURPLUS OF SHERIFF OFFICE EQUIPMENT

Commissioner Wright made a motion to ratify the approval of the surplus of Sheriff's Office equipment.

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

DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) FOR INDIGENT DEFENSE SERVICES

Attorney Finlinson explained that this is just a renewal agreement with the Utah Public Defender Association. The influx is with the amount of the grant, which has decreased, the County receives to cover this cost. He said that he feels this is still a fair value for what the County receives, however, they do occasionally ask for additional funds more than this amount to cover unusual circumstances.

Commissioner Johnson made a motion to approve the MOU for Indigent Defense Services in the amount of \$389,457.00.

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

DISCUSSION AND POSSIBLE AUTHORIZATION OF PROVIDING INSURANCE FOR THE VEHICLES OWNED BY THE SENIOR CITIZEN CENTERS

Attorney Finlinson gave a background on these vehicles. He said that UCIP did not have an issue insuring these vehicles, however, their preference was to have the titles of the vehicles changed to the County and anyone who drives them will need to complete a volunteer driving form.

It was discussed to have the Center insure the vehicles itself and have the County adjust the funding provided to them.

Auditor Smith will prepare some figures for the next meeting's agenda.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-07-23, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING

RESOLUTION 13-01-22 BY CREATING NEW EMS POSITIONS WITHIN THE MILLARD COUNTY SHERIFF'S OFFICE AND ASSIGNING APPROPRIATE GRADE DESIGNATIONS

HR Director Nielson explained that this is to help fill the coordinator position in Delta and to create a new administrator position. The intent is to have the positions support a long-term structure, which is inevitable.

Commissioner Johnson agreed with the need to have an administrative position, but he said that it would require more money than they anticipated. He said that he preferred the original plan and that he is not sure if hiring another full-time position at this time is wise.

HR Director Nielson explained that they considered other options but it seemed to be too burdensome without another full-time person, due to the fact that they are not getting the volunteer employees to provide enough coverage. He said that they recognize that the resources are not there, but it would be prudent to start the process for when the needs increase.

Sheriff Jacobson said that they need the administration position now, which will help sustain the department.

Commissioner Johnson made a motion to approve Resolution 24-07-23, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 by creating new EMS positions within the Millard County Sheriff's Office and assigning appropriate grade designations.

Commissioner Wright SECONDED the motion. Clerk Rowley 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 24-07-23A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY UTAH, AMENDING RESOLUTION 13-01-22 BY INCREASING THE SALARY OF THE MILLARD COUNTY JUSTICE COURT JUDGE

Attorney Finlinson explained Judge Probert is currently paid at a lower salary rate than what the State recommends, as discussed in the last Commission meeting.

Auditor Smith said that it is in the budget and that the minimum recommended yearly salary from the Administrative Office of the Courts is \$56,897.40, which would be a nine percent increase.

Commissioner Johnson made a motion to approve Resolution 24-07-23A, a resolution of the Board of County Commissioners of Millard County Utah, amending Resolution 13-01-22 by increasing the salary of the Millard County Justice Court Judge.

Commissioner Wright SECONDED the motion. Clerk Rowley 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 RELATIVE TO

OPENING THE 2024 MILLARD COUNTY BUDGET FOR THE PURPOSE OF AUTHORIZING A 2% INFLATION INCREASE FOR MILLARD COUNTY EMPLOYEES ALL OTHER PROJECTS, BUDGETS AND FUNDS MAY BE DISCUSSED AND CONSIDERED

Commissioner Wright made a motion to enter a public hearing for the purpose of receiving public comment relative to opening the 2024 Millard County Budget for the purpose of authorizing a two percent inflation increase for Millard County Employees. All other projects, budgets and funds may be discussed and considered.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:58 a.m.

Present were: Planner Richins, Lindsay Mitchell, Captain Bennet, Sheriff Jacobson, Auditor Smith, Interim Treasurer Camp, Recorder Dickens, HR Director Nielson, Dennis Alldredge, Cindy Ledbetter, Syd Bastian, and Brian Monroe.

Auditor Smith explained the budgets that would be affected. She said that they are requesting up to \$133,000.00 to provide a two percent inflation adjustment for all hourly employees; \$136,000.00 to buyout two Road Department trucks from their current leases; \$9,000.00 to add to the budget for the East Millard Pool Office addition project; \$16,000.00 to replace the pump and motor for the Garrison well, and \$60,000 to buyout two Sheriff Office trucks from their current leases.

HR Director Nielson said that the purpose of the two percent inflation adjustment is to make it a fair market wage for the County employees. This increase will help close the gap the County got behind on.

There were no other comments made.

Commissioner Johnson made a motion to close the public hearing.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:03 a.m.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-07-23B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, OPENING THE 2024 MILLARD COUNTY BUDGET FOR THE PURPOSE OF AUTHORIZING A 2% INFLATION INCREASE FOR MILLARD COUNTY EMPLOYEES AND ANY OTHER NECESSARY BUDGET AMENDMENTS

Commissioner Johnson asked who the two percent inflation adjustment would directly affect.

HR Director Nielson said that this will only apply to hourly employees, not the salaried or elected officials at this time.

Commissioner Johnson made a motion to approve Resolution 24-07-23B, a resolution of the Board of County Commissioners of Millard County, Utah, opening the 2024 Millard County Budget

for the purpose of authorizing a two percent inflation increase for Millard County Employees and any other necessary budget amendments as discussed.

Commissioner Wright SECONDED the motion. Clerk Rowley 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 24-07-23D, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING SECTION VIII OF ITS POLICIES AND PROCEDURES MANUAL BY ADDING PARAGRAPH K, PAID ADMINISTRATIVE LEAVE

Attorney Finlinson explained the policy and what it entails.

HR Director Neilson said that the updated policy was circulated for a few months and suggestions were made. He explained that they are defining short-term to ninety days and that they wanted to clarify how long a person can stay on administrative leave. The internal process will automatically initiate the start of the paid leave.

Commissioner Wright made a motion to approve Resolution 24-07-23C, a Resolution of the Board of County Commissioners of Millard County, Utah amending Section VIII of its Policies and Procedures Manual by adding Paragraph K, Paid Administrative Leave.

Commissioner Johnson SECONDED the motion. Clerk Rowley 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 A PETITION TO VACATE A MILLARD COUNTY CLASS "D" ROAD AND TO REMOVE SAME FROM THE MILLARD COUNTY TRANSPORTATION MAP

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on a petition to vacate a Millard County Class "D" Road and to remove same from the Millard County Transportation Map.

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

Present were: Planner Richins, Lindsay Mitchell, Captain Bennet, Sheriff Jacobson, Auditor Smith, Interim Treasurer Camp, Recorder Dickens, HR Director Nielson, Dennis Alldredge, Cindy Ledbetter, Syd Bastian, and Brian Monroe.

Attorney Finlinson explained that the road has been included in Millard County maps as an unimproved road but prior to 1976 it only appeared on arial imagery. Mr. Bastian's request is for the County to vacate the portion of the road contained on his property. He explained that there was one objection from UDOT and that Rocky Mountain Power had sent a petition to reject the request but have since withdrawn their objection after having come to an agreement with Mr. Bastian.

Mr. Bastian said that the Forest Service has expressed a few issues but that he hopes that he will be able to resolve their issue with an agreement like the one he made with Rocky Mountain Power.

Brian Monroe, representing the Forest Service, said that their objection is more to inform the commissioners of the full disclosure of effects this would cause in order for them to make a good decision. He said that Trail 078 used to go through the property and expressed his concern over a loss of access for County recreation. He also explained that they have used the road for a contingency line in the past for fires. He also said that Trail 078 continues to the east but that they would still be able to access it through a different route if needed.

Commissioner Wright said that he likes that Mr. Bastian has worked with the local entities and wondered if he would continue to collaborate with them and any other entities that may need access to his property.

Attorney Finlinson said that he spoke with Mr. Bastian and in order to give him time to create agreements, he suggested they table the ordinance until the next meeting.

Sheriff Jacobson asked if Mr. Bastian plans to permanently dwell there or use it as a recreation area.

Mr. Bastian said it will be listed as a second home.

Sheriff Jacobson expressed his concerns about getting emergency services to the home.

Cindy Ledbetter, a representative of the BLM in Fillmore, said that there is a BLM section north of the Forest Service, and while they don't object to the request, the BLM would like to maintain public access. She said that they would like to be a part of any agreements that they may make with the Forest Service just in case they need to access the road.

There were no other comments made.

Commissioner Johnson made a motion to close the public hearing.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:39 a.m.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 24-07-23, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH VACATING A CLASS D MILLARD COUNTY ROAD AND REMOVING THE ROAD FROM THE OFFICIAL MILLARD COUNTY TRANSPORTATION MAP

Commissioner Johnson asked that Mr. Bastian communicate with the BLM and Forest Service and get the agreements in place and return to the next meeting for possible adoption.

Commissioner Wright made a motion to move consideration of Ordinance 24-07-23, an Ordinance of the Board of County Commissioners of Millard County, Utah vacating a Class D

Millard County Road and removing the road from the official Millard County Transportation Map to the next meeting.

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

MONTH FINANCIAL REVIEW

Auditor Smith and Interim Treasurer Camp presented the monthly financial report for June.

DISCUSSION AND POSSIBLE DECISION REGARDING HANDLING OF PERSONNEL ACTION APPEAL

Attorney Finlinson explained that this is to decide how to manage the appeal, which is at the complete discretion of the Commission. He said that in some situations UCIP suggested appointing an appeal authority, the commission may choose to hear it itself or to find an appeals officer.

Commissioner Wright suggested moving forward with the appeal to the Commission. Both Commissioners Johnson and Lyman suggested to go with an appeals officer.

Commissioner Wright made a motion to hear the appeal as the Commission.

Attorney Finlinson said that an appeal authority was recommended with situations involving specific areas of the Sheriff's Office Policy, but with this specific appeal, it does not.

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

Attorney Finlinson explained that when acting as appeal authority they were acting in a quasi-judicial role and should not make any efforts to investigate the situation or to speak to any of the involved parties. He said that he will advise the Commission on the procedure and Deputy Attorney Peterson will represent the Sheriff's Office. The appellant's right would be to hold the hearing during the next meeting.

OPENING OF BIDS FOR THE NRCS PROJECT

Attorney Finlinson explained that this will need to be brought back for opening at the next meeting.

Commissioner Johnson made a motion to extend the bid period to August 6, 2024.

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

DISCUSSION REGARDING A BUILDING OCCUPANCY PERMIT - MCKAY CHRISTENSEN & SHANE CHURCH

This item was tabled to the August 6, 2024 Commission meeting.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Lindsay Mitchell explained that the Sheriff's Office is taking part in a Multi-County EMT hybrid course September 3, 2024 through November 23, 2024, held on Tuesdays and Thursdays zoom classes and on a few in person classes Saturdays for in person skills testing. They are not sure of the cost yet.

Commissioner Johnson discussed the use of the key to turn on the lights at the ball fields and suggested people pay for its use with a credit card.

It was decided that Commissioner Johnson will collaborate with Interim Treasurer Camp on the logistics of paying with a credit card.

Auditor Smith asked to set up an administrative training on BOE appeals next week. It was scheduled for Monday, July 29, 2024 at 3:00 p.m.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There were none.

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

There were none.

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

There were none.

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

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There were 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 adjourn the meeting.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:07 p.m.

Attest: _____

Approved: _____