

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF SEPTEMBER 2024
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: Kristine Camp..... Interim County Treasurer
Vicki Bennett..... County Auditor’s Office
Sierra Dickens. County Recorder
Hollie Miller..... County Assessor’s Office
Jacob Nielson..... County HR Director
Patrick Bennett..... County Sheriff’s Office
Brooks Jackson County Recreation
Adam Richins County Planner
Kalen Taylor and Elise Harris. USU Extension
William Lister and Klint Penney..... County Maintenance
Justin Louder and Casey Shields. Demolition Derby
Denton Peterson Deputy County Attorney
Dennis Alldredge, Bryan Harris, and David Lovell..... 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 Wright gave a brief statement concerning Constitution month and about the importance of remembering our fore fathers. Attorney Finlinson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag. Commissioner Lyman expressed her appreciation to Attorney Finlinson and the great job he has done as the County Attorney.

APPROVAL OF SEPTEMBER 3, 2024 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 3, 2024 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Wright made a motion to approve the minutes of September 3, 2024, as corrected.

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

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 3, 2024

There was none.

DISCUSSION AND POSSIBLE APPROVAL OF INCREASE TO THE QUARTERLY RATE FOR INSURING THE VEHICLES OWNED BY THE SENIOR CITIZEN CENTERS

Commissioner Johnson reported that the Auditor's Office was able to receive new quotes.

Deputy Auditor Bennett presented the quotes received for insuring the vehicles under the County's insurance if the vehicles were owned by the County. She explained that it saves quite a lot of money by insuring them as county vehicles than the centers insuring the vehicles themselves.

Commissioner Johnson said that he would give the senior citizen centers the new quotes.

DISCUSSION AND POSSIBLE APPROVAL OF SURPLUS EQUIPMENT/TRADE IN THE MAINTENANCE DEPARTMENT

Supervisor Penney explained that they want to purchase a new piece equipment that cleans the arena and have been offered a trade in sale for an older version that the County currently owns. He explained that it is a good deal but needs Commission approval to move forward. William Lister explained that they still have another older version that will be used for the messier jobs.

Commissioner Wright made a motion to authorize the surplus equipment/trade in sale for the Maintenance Department.

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

Commissioner Lyman asked if the Road Department is allowed to sell their scrap metal to the same company that the landfill does.

Attorney Finlinson advised that it be discussed when Auditor Smith is available.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 24-09-17, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION, AMENDING AND ADOPTING THE MILLARD COUNTY MASTER TRANSPORTATION PLAN

Attorney Finlinson explained that the ordinance amends the current general plan, by adopting the transportation plan as a component of the general plan and appealing the transportation component, including the transportation maps except for the map that concerns Class D roads, as the plan does not include them. He strongly advised that the Class D roads become a priority and a new Class D Road map be approved once it has been addressed.

Commissioner Johnson made a motion to adopt Ordinance 24-09-17, an ordinance of the Board of County Commissioners of Millard County, Utah, amending and adopting the Millard County Master Transportation Plan.

Commissioner Wright SECONDED the motion. Clerk Rowley 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 24-09-17, A RESOLUTION OF THE MILLARD COUNTY COMMISSION, AUTHORIZING THE FILING OF CROSS-APPEALS FILED BY TAXPAYERS SUBJECT TO CENTRAL ASSESSMENT

Attorney Finlinson explained that this allows the County to be a part of any cross-appeal filed by taxpayers.

Commissioner Wright made a motion to approve Resolution 24-09-17, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing the filing of cross-appeals filed by taxpayers subject to central assessment.

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.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-09-17A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 13-01-22, BY CHANGING THE POSITION OF LANDFILL SUPERVISOR TO A FLSA EXEMPT POSITION AND ASSIGNING A SALARY TO THE POSITION

HR Director Nielson explained that they will be moving this position from hourly and that they will be doing an organizational review of all the positions for the Landfill. He recommended assigning the position to a level 14.

Commissioner Wright made a motion to approve Resolution 24-09-17A, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22, by changing the position of Landfill Supervisor to a FLSA exempt position and assigning a salary to the position.

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.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-09-17B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 24-04-16, BY AMENDING THE MERIT BANDING POLICY

Attorney Finlinson explained that some wording needed to be clarified to match intent. HR Director Nielson affirmed that is the purpose of the resolution.

Commissioner Johnson made a motion to approve Resolution 24-09-17B, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 24-04-16, by amending the merit banding policy.

Commissioner Wright SECONDED the motion. Clerk Rowley 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 OF PURCHASING CARD POLICY

Deputy Auditor Bennett explained that the Auditor's Office recently froze an employee's credit card based on a violation of the credit card policy. She briefly went over the policy and its purpose. An independent auditor went over the situation and affirmed that the purchase went against the policy.

Commissioner Johnson clarified that it was on the fault of the vendor, who ran the purchases as gift cards, and not the fault of employee. He asked if there is anything that could be amended to protect the employee in the event the vendor makes a mistake.

Brooks Jackson explained that he was the employee and that while he does appreciate the Auditor's role, a simple phone call to him would have solved this issue.

HR Director Nielson explained that what was done was not against policy, but how it was done that went against policy. He recommended a meeting with the Treasurer and the Auditor to set up a process to be added to the policy so that this situation does not occur in the future.

Deputy Auditor Bennett explained that the purchasing card policy is stricter because of the immediacy of payment.

Commissioner Johnson agreed with HR Director Nielson and his recommendation. He made a motion to reinstate Supervisor Jackson's purchasing card.

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

DISCUSSION AND POSSIBLE APPROVAL FOR A CREDIT CARD INCREASE FOR JACCI JOHNSON

Deputy Auditor Bennett explained the need to increase the limit for Jacci Johnson to

\$2,000.00.

Deputy Auditor Bennett explained the need to temporarily increase the limit for Lindsey Mitchell to \$15,000.00 for the month of September.

Commissioner Wright made a motion to approve a credit card increase for Jacci Johnson and Lindsey Mitchell as discussed.

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

DISCUSSION AND POSSIBLE APPROVAL FOR A C-2 CONDITIONAL USE PERMIT AMENDMENT, APPLICATION #Z-2024-044, ADDING AN ADDITIONAL NAMED CO-HOLDER TO EXISTING CONDITIONAL USE PERMIT #Z-2008-012 FOR AN ELECTRIC TRANSMISSION RIGHT OF WAY (MAJOR), MILFORD WIND CORRIDOR PHASE I, LLC; MILFORD WIND CORRIDOR PHASE II, LLC, APPLICANTS.

Bryant Harris explained his application, #Z-2024-044 and the reasons for it.

Planner Richins said that this is to provide clear documentation.

Commissioner Wright made a motion to approve the C-2 conditional use permit amendment, Application #Z-2024-044, adding an additional named co-holder to existing conditional use permit #Z-2008-012.

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

DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT WITH JOHNSON APPRAISAL

Attorney Finlinson explained that a few weeks ago the Commission awarded the bid to Johnson Appraisal and that the contract now has a few updates to it.

Commissioner Wright made a motion to approve the contract with Johnson Appraisal.

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

DISCUSSION AND POSSIBLE APPROVAL OF PROPOSAL FROM THE NATIONAL GUARD
- WAYNE JACKSON

This item was removed.

DISCUSSION REGARDING THE DEMOLITION DERBY- JUSTIN LOUDER AND CASEY SHIELDS

Justin Louder and Casey Shields presented the tentative budget and insurance policy for the County to become involved with the demolition derby. Mr. Shields explained that he has also

contacted Delta City about being a sponsor and said that he has received positive feedback from everybody that he has talked to.

Attorney Finlinson explained that any insurance policy needs to include motor sports.

Mr. Shields said that he has a tentative list of over fifty drivers who would be willing to participate. With four sponsors, \$42,000.00 has already been promised towards the cost of the derby, but the goal is \$100,000.00. He explained why that number is absolutely necessary and why having the County involved would keep the derby coming back year after year. He also explained that he needs to be able to allow those who sponsor the derby to advertise with signage in the arena as well as not allowing free advertisement to businesses who have signs in the arena but have not sponsored the derby.

Mr. Lister expressed his opinion that those who only sponsor the rodeo should only have their signs up for the rodeo and others should be allowed to sponsor other events and have their own signs put up. He said that safety is also a concern and suggest that the race track as an alternative location to hold the derby as it has more safety features. He said there are a few issues that would need to be addressed, including not enough seating, only one entrance gate, that the soil not being suitable for a derby.

Mr. Shields said that it would cost \$20.00 per seat to add more seating and it may be necessary to prove the profitability of the derby first before investing more into the seating issue.

Attorney Finlinson reported on the research he had conducted concerning the signage issue. He said that those who have had signs up were sponsoring the venue, not the event, but no direct decision was made by the Commission to that purpose. He appreciates that the conversation is happening now so that if it needs to change, it can be changed to sponsoring an event not a venue.

Commissioner Johnson said that signage is where the County can make a solid decision either way.

Commissioner Lyman expressed her opinion that signage be by event.

Mr. Shields said that maybe the Commission should be a sponsor for the first year and then moving forward, the derby can become a county event.

Captain Bennett said that there are security matters that will need to be addressed at some point.

Mr. Shields said that they are willing to do whatever they are asked to do.

Commissioner Lyman asked how the signs are currently hung up.

Mr. Lister said that they are held up by screws.

Commissioner Wright said that he would like to explore the idea of moving the derby to the racetrack as a long-term solution. He said that input from the County Boards impacted by the derby would also be necessary.

Attorney Finlinson said that a lot of this discussion can be held off the record outside of a

Commission meeting.

It was decided that further discussion would be had outside of a commission meeting before any decisions would be made.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Attorney Finlinson explained the process of appointing an Interim County Attorney in more detail. He said that the decision to appoint the Interim County Attorney is on the agenda for October 15, 2024.

Commissioner Lyman said that she does have two of the new State flags that can be displayed if desired.

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

There was none.

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

Commissioner Wright made a motion to enter into a BOE.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 12:03 a.m.

David Lovell presented his appeal application Parcel O-1430-A, Account 0192557 and explained that he believes that he is erroneously paying property tax on property deeded to his trust by Oak City.

Recorder Dickens explained that in order to make any changes there needs to be a survey and that it is up to the property owner to do it.

Attorney Finlinson explained that this is a classic overlap situation but because the County owns part of the property involved in the overlap, it makes things trickier. He said that the County

has not been using the land and does not want it. He suggested that Mr. Lovell collaborate with the other party affected and have the survey done and then the County will deed its portion to whoever has been using it.

Recorder Dickens said that property taxes are calculated by what is recorded on record.

Commissioner Wright said he is willing to exempt a portion of the property tax for this year due to the disputed land including County owned property.

Recorder Dickens said that 1.39 acres of Mr. Lovell's parcel is unaffected by County owned land.

Commissioner Wright made a motion to reduce the property tax by the Millard County overlap.

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

Deputy Auditor Bennett explained that the application appeal from Gwen Losee, Parcel D-1038-2, Account 0141383 is based on its nearness to the railroad. Deputy Assessor Miller explained the recent sales that were used in comparison. She said that based on that information, her office stands by their assessment of the property.

Commissioner Johnson made a motion to keep the value from the Assessor's Office assessment.

Commissioner Lyman wished that there were more comparable properties.

Commissioner Wright SECONDED the motion.

Commissioner Johnson voted YES, Commissioner Wright voted YES, Commissioner Lyman voted NO. The motion carried by majority vote.

Deputy Auditor Bennett presented and explained that two stipulations were reached, one for David Lyman, Parcel 3763-5, Account 0116500 and one from Randy Eastman, Parcel S-1137, Account 0136763.

Commissioner Wright made a motion to accept the stipulation with David Lyman, in the amount of \$22,596.00.

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

Commissioner Wright made a motion to accept the stipulation with Randy Eastman, in the amount of \$449,012.00.

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

Deputy Auditor Bennett reported that they did not receive any evidence from Lodgepole Industries as requested and recommended dismissing their appeal application.

Commissioner Wright made a motion dismiss the appeal from Lodgepole Industries.

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

carried.

Deputy Auditor Bennett explained that they received appeal applications Marion R. Anderson, Parcel 3720-3-1-1, Phillip Burnham Trustees, Parcel HD-44962-2, Rendon Hughes, Parcel DO-3855-2-1, and Brady H Nielson, Parcel DO-SV-F10. She said that they did not provide the proper documentation. She recommended sending letters of intent to dismiss.

Commissioner Wright made a motion send letters requesting evidence as discussed.

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

Deputy Auditor Bennett presented a property tax relief application from Cody Kimball and Brynlee Kimball, Parcel M-1583-1. She explained that they are applying on the basis of basic financial struggles and chronic illness, but they do not meet the requirements of the County and State relief programs.

Commissioner Johnson made a motion match the circuit breaker program based off of their income.

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

Deputy Auditor Bennett presented a property tax relief application from Joshua Rusby, Parcel H-2174-2. She explained that he was disabled in April, is in the process of getting disability, and does have documentation from his physician that supports his disability.

It was decided that the Auditor's Office would send a request for a letter from his disability advocate before approval.

Commissioner Wright made motion to close the BOE.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 12:50 p.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.

APPEAL FROM ADVERSE EMPLOYMENT ACTION

The Commission met at 1:00 p.m. to hear the appeal from Kim Rowell concerning her

termination as a Millard County employee.

Deputy Attorney Peterson, representing the County, reported that they have reached a resolution to reinstate Mrs. Rowell's employment dependent upon the condition of her immediate resignation.

Commissioner Wright made a motion to rescind Kim Rowell's termination and to reinstate her employment, dependent upon the condition of her immediate resignation

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

WHERE UPON THE MEETING ADJOURNED

Commissioner Johnson made a motion to adjourn the meeting.

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

The meeting adjourned at 1:04 p.m..

Attest: _____

Approved: _____