

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 27th DAY OF 2018
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Wayne Jackson..... Chairperson
Dean Draper..... Commissioner
James I. Withers..... Commissioner

Pat Finlinson. County Attorney
Marki Rowley. County Clerk
Jamie Hair Deputy Clerk

ALSO PRESENT: Barb Clark. Chronicle Progress
Jeff Gehre..... Sheriff's Office
Connie Hansen..... County Recorder
Bonnie Gehre County Auditor
Sheri Dearden..... County Treasurer
Don West, Susan Greenwood, & Jon Beckwith..... Citizens
Tiffany James & Steve Snelgrove. Magnum

Note: Not all agenda items were followed in order.

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 Jackson to the public and Commission members.

OPENING STATEMENTS

Commissioner Jackson asked if anyone had an opening statement to give. Attorney Finlinson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MARCH 13, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 13, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of March 13, 2018,

as corrected.

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

FOLLOW UP ACTION ITEMS FROM March 13, 2018

There were none.

RATIFY THE APPROVAL OF THE RACEWAY CONTRACT

The Raceway Contract was approved in a previous commission meeting; therefore, this agenda item did not need to be ratified.

RATIFY THE APPROVAL FOR WAIVING THE FAIR BUILDING FEE FOR THE MEINHARDT FUNDRAISER

Commissioner Withers gave a brief history of this agenda item and thanked the other commissioners for their support.

Commissioner Withers made a motion to ratify the approval of waiving the fair building fee for the Meinhardt Fundraiser.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BALLOT MANAGEMENT, BALLOT PRINTING, ABSENTEE/VOTE BY MAIL SERVICE AGREEMENT WITH ES&S

Clerk Rowley said that ES&S holds the State contract for election equipment. This agreement will allow ES&S to print and mail the County's voter ballots for the next three years.

Attorney Finlinson said that he reviewed both agreements and found no legal issues with either of them.

Commissioner Withers made a motion to approve a ballot management, ballot printing, absentee/vote by mail service agreement with ES&S.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN ELECTIONS SERVICES AGREEMENT WITH ES&S.

Clerk Rowley said that this is an agreement for election software services for three years.

Commissioner Draper made a motion to approve an elections services agreement with

ES&S.

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

DISCUSSION REGARDING OFFERING PRE-SOLD SINGLE DAY LAGOON TICKETS AT A DISCOUNTED RATE FOR COUNTY EMPLOYEES

Clerk Rowley explained that Beaver County has offered pre-sold single day Lagoon tickets at a discounted rate for its employees for several years. She said that Beaver County has had such a great success with this program that they shared the incentive information with Clerk Rowley for possibly offering to the employees of Millard County. The requirement is to purchase in increments of 25 and would be paid by each employee and the County would act as a pass through to receive the discount.

Clerk Rowley said that the County would order tickets as soon as the money is received for at least 25 tickets. She said that Auditor Gehre did not see any issues with the County doing this, but that the budget may need to be increased to accommodate the amount of money passing through the County, if it gets in excess of what is budgeted.

Commissioner Withers made motion to offer pre-sold single day Lagoon tickets at a discounted rate for County Employees to be purchased in increments of 25.

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

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 18-03-27, AN ORDINANCE AMENDING SECTION 6-3-2 OF THE MILLARD COUNTY CODE BY PERMITTING AND REGULATING THE USE OF ARTIFICIAL LIGHTS FOR HUNTING COYOTES, RED FOXES, STRIPED SKUNKS, AND RACCOONS AT NIGHT

Attorney Finlinson said that he spoke with Lt. Jeff Gehre, Sheriff's Office, and Curtis Shumway, Division of Wildlife Resources, and that both agencies seem supportive of this ordinance. He said that nighttime hunting has been prohibited in the past and that his office is often contacted by individuals as to why this is not allowed in Millard County. Attorney Finlinson said that this ordinance simply restates the language in the existing County Code with a minor addition. He said that the only animals the County can allow to be hunted at night are coyotes, red fox, striped skunks, and racoons and that there are certain provisions in this ordinance regarding the use of spotlights.

Attorney Finlinson said that the Sheriff's Office would like to receive notification from the hunters prior to their hunt and also recommended that the County add a licensing fee or fee structure for allowing individuals the privilege of hunting at night.

Lt. Gehre said that in the past hunters would contact dispatch to notify them of the number of individuals hunting and the location of their hunt. He said that Juab County charges a one time fee so the Sheriff's Office can better track the hunters.

Lt. Gehre said that Mr. Shumway wants to make sure the ordinance prohibits spotlighting

during the big game hunts. Attorney Finlinson said that it was recommended to block spotlighting from September 1st to November 30th. Lt. Gehre said that he would like the block to start mid-August because of the bow hunt. Attorney Finlinson said that instead of listing specific dates, the block could be listed as being between the general deer and elk hunt seasons.

Commissioner Jackson said that he has been asked about hunting badgers and asked why they aren't included in the ordinance. Attorney Finlinson said that badgers can't be included in this ordinance, but there is already a provision in the County ordinances and State law stating that certain wildlife can be hunted at night if they are damaging crops or harming livestock. He said that coyotes, red fox, striped skunks, and racoons are not considered protected wildlife so they are the only animals that can be listed on the Ordinance.

Commissioner Draper said that he is concerned about jack rabbits. He said that jack rabbits will most likely be hunted if spotlighting is allowed. Attorney Finlinson said that jack rabbits are not protected wildlife and he will look into why they aren't included on the list of wildlife that counties can allow spotlighting, as well as, other implications.

Commissioner Draper said that there are many people in the County interested in this and he would like to hold a public hearing to allow individuals to voice their opinions.

A public hearing regarding this ordinance will be held at a future meeting.

Commissioner Draper made a motion to strike the agenda item.

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

REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2017-032 FOR AN AMENDMENT TO EXISTING C-2 CONDITIONAL USE PERMIT (CUP) LARGE SCALE PROJECT # Z-2010-008, MAGNUM SOLUTIONS, LLC - APPLICANT

This is a duplication of the agenda item scheduled at 11:10 a.m..

Commissioner Withers made a motion to strike this agenda item.

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

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

Commissioner Draper made a motion to go into a closed executive session for the purpose of discussing pending and/or threatened litigation.

Commissioner Withers SECONDED the motion. All three commissioners voted unanimously and the motion carried. The closed session began at 10:25 a.m..

Present in the closed session were: Commissioner Draper, Commissioner Jackson, Commissioner Withers, and Attorney Finlinson.

After the closed executive session the regular meeting reconvened at 10:42 a.m..

PUBLIC INPUT

Donald West, Americas Clean Energy, said that he has spoken to the commissioners in the past about a possible revenue bond, but has since withdrawn that request. He said that they have received funding and will be building a pilot plant in Delta that demonstrates the coal ash cleaning technology.

Mr. West said that they hope to be operating in the fall at the airport and that they will be allowing visitors to watch the demonstrations.

OTHER BUSINESS

Commissioner Withers presented a second change order for the Sunset View Golf Course Clubhouse construction by Mike Barney Construction. The change order will be filed in the Clerk's Office.

Commissioner Withers made a motion to approve the second change order in the amount of \$17,912.00 for the Sunset View Golf Course Clubhouse - Mike Barney Construction

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

Commissioner Withers presented a document and said that the County has reached an agreement to purchase a gravel pit located west of Fillmore, in the amount of \$76,112.00. He said the property is approximately 20 acres and that Brandon Winget, Road Department Supervisor, has said that there is a large supply of gravel available there to use for many years.

Attorney Finlinson said that the document is an agreement with the title company to allow them to serve as escrow. He said that the purchase price is \$76,112.00 and includes all of the closing costs.

Commissioner Withers made a motion to sign the document with First American Title Company to allow them to serve as escrow for the gravel pit purchase.

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

Attorney Finlinson said that he is still looking into the legalities of purchasing the Red Dome mineral rights. He said that he is meeting with an assistant US solicitor to see if the legal problems will carry over to the County if it is purchased.

Treasurer Dearden presented an agreement to remove Parcel D949-9, Jose Salazarone - Mi Rancherito Restaurant, from the upcoming tax sale. She said that the total tax liability from 2013-2017 was \$22,602.00. She said that he has paid \$12,000.00 and has a current balance of \$10,602.00. Treasurer Dearden said that Mr. Salazarone is requesting that his property be

removed from the tax sale, although, he is hoping to have this paid in full prior to the tax sale.

Commissioner Withers made a motion to remove account number D949-9 from the tax sale due to Mr. Salazarone making payments on the tax liability.

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

Adam Richins, Planning and Zoning, said that he and Commissioner Jackson traveled to Spanish Fork to see how Spanish Fork City constructed its records building. He said that this building has some similarities to Millard County's. He said that he looked at the humidity and temperature systems and that they were able to get a functional idea of the building's construction and utilization of space.

Commissioner Jackson said they receive some good insight on how they want to complete the Millard County Records Building.

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

Commissioner Draper said that he attended a security conference sponsored by Congressman Stewart. He said that the most notable item from the conference was the discussion and likelihood that oil prices will soon rise to over \$100.00 a barrel.

Commissioner Draper said that he attended the Meinhardt fundraiser and it appears that it was successful and that they received a lot of support.

Clerk Rowley said that the new election equipment has been delivered and she and her staff will soon be trained to use it.

Commissioner Jackson said that he is in charge of the Congressional ATV/UTV ride on August 14, 2018. He said that there will be over 100 people attending and asked for assistance in setting that up.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON APPLICATION Z-2018-001 FOR A ZONING MAP AMENDMENT, ZONE CHANGE FROM AGRICULTURE 20/AG 20 TO AGRICULTURE/AG ERMA WALKER – OWNER, WENDY LOWERY – APPLICANT

Commissioner Withers made a motion to enter into a public hearing for the purpose of receiving public comment on application Z-2018-001 for a zoning map amendment, zone change from agriculture 20/AG 20 to agriculture/AG Erma Walker- Owner, Wendy Lowery - Applicant

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:00 a.m..

Present were: Wendy Lowery, Tiffany James, Steve Snelgrove, Adam Richins, Donald West, Treasurer Dearden, Recorder Hansen, Susan Greenwood, and Barb Clark.

Wendy Lowery stated that she would like to rezone 80 acres by Abraham in order to build a house.

Mr. Richins said this application received a favorable recommendation from the Planning and Zoning Commission and that this plot is consistent with existing zoning in the area.

There were no other comments made.

Commissioner Withers made a motion to close the public hearing.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:02 a.m..

REVIEW AND POSSIBLE APPROVAL OF ORDINANCE 18-03-27B an ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING THE ZONING MAP OF MILLARD COUNTY TO RECLASSIFY CERTAIN PROPERTY FROM AGRICULTURE 20 (AG 20) TO AGRICULTURE (AG)

Attorney Finlinson said that this is a discussion for the approval of an ordinance; not just an application.

Commissioner Draper made a motion to approve Ordinance 18-03-27B an ordinance of the Millard County Commission amending the zoning map of Millard County to reclassify certain property from agriculture 20 (AG 20) to agriculture (AG).

Commissioner Withers SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Withers voted YES, Commissioner Draper voted YES, Commissioner Jackson voted YES. The voting was unanimous and the motion carried.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A PROPOSED ZONING ORDINANCE AMENDMENT - TEXT AMENDMENT, AMENDING THE TABLE OF USE DEFINITIONS IN TITLE 10, CHAPTER 25, APPENDIX A. MAGNUM HOLDINGS, LLC - APPLICANT, APPLICATION # Z-2017-031

Commissioner Withers made a motion to enter into a public hearing for the purpose of receiving public comment on a proposed zoning ordinance amendment - text amendment, amending the table of use definitions in title 10, chapter 25, appendix A. Magnum Holdings, LLC - Applicant, application # Z-2017-031.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:05 a.m..

Present were: Tiffany James, Steve Snelgrove, Adam Richins, Donald West, Treasurer Dearden, Recorder Hansen, Susan Greenwood, and Barb Clark.

Tiffany James, Magnum, said that they have previously presented all the information and she is here today to answer any questions.

Mr. Richins said that this is simply cleaner language that still meets the applicants needs. He said that this eliminates the fossil fuel phrases to allow the use of compressed air.

Commissioner Draper said that these two simple changes in the definitions will allow the use of new technology, as well as meet the needs of Magnum.

Ms. James said that this is a much more streamlined way to broaden the language that fits their purposes and future projects.

Attorney Finlinson said that Attorney Waddingham has reviewed the adoption language but would like it to be reviewed by outside legal counsel; however, the commissioners can make a decision today.

There were no other comments made.

Commissioner Withers made a motion to close the public hearing.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:10 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 18-03-27A, AN ORDINANCE AMENDING A ZONING ORDINANCE APPLICATION #Z-2017-031 - TEXT AMENDMENT, AMENDING THE TABLE OF USE DEFINITIONS IN TITLE 10, CHAPTER 25, APPENDIX A. MAGNUM HOLDINGS, LLC—APPLICANT

Commissioner Withers made a motion to adopt Ordinance 18-03-27A, an ordinance amending a zoning ordinance application #Z-2017-031 - text amendment, amending the table of use definitions in Title 10, Chapter 25, Appendix A. Magnum Holdings, LLC—applicant.

Commissioner Draper SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Draper voted YES. Commissioner Withers voted YES. Commissioner Jackson voted YES. The voting was unanimous and the motion carried..

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON APPLICATION # Z-2017-032 FOR AN AMENDMENT TO EXISTING C-2 CONDITIONAL USE PERMIT LARGE SCALE PROJECT # Z-2010-008. MAGNUM SOLUTIONS, LLC - APPLICANT

Commissioner Withers made a motion to enter into a public hearing for the purpose of receiving public comment on application # Z-2017-032 for an amendment to existing C-2 conditional use permit large scale project #Z-2010-008. Magnum Solutions, LLC - Applicant.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:12 a.m..

Present were: Bonnie Gehre, Tiffany James, Steve Snelgrove, Adam Richins, Donald West, Treasurer Dearden, Recorder Hansen, Susan Greenwood, and Barb Clark.

Tiffany James gave a brief summary of the previous meetings they have had on this with the Planning and Zoning Commission and the County Commission. She said that this amendment reflects that the layout for the gas facility has been adjusted and revises the permit language to reflect certain conditions that have already been met. She said that it also revises the conditions of the permit to be consistent with the NGL permit which was more applicable.

Mr. Richins said that this received a favorable recommendation from the Planning and Zoning Commission, on the condition that it be reviewed by outside legal counsel. He said that they have sent this to Jody Burnet, a land use attorney from Salt Lake County, to review and provide further insight. He said that they have not yet received a response from Mr. Burnet.

Attorney Finlinson said that Attorney Waddingham would like to wait to hear back from Mr. Burnett before a decision is made.

Commissioner Draper asked Ms. James if waiting until next Tuesday for a decision would harm Magnum's operations. Ms. James said that they can wait a week for a decision.

Attorney Finlinson said that another public hearing won't be required.

There were no other comments made.

Commissioner Draper made a motion to close the public hearing.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:18 a.m..

REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2017-032 FOR AN AMENDMENT TO EXISTING C-2 CONDITIONAL USE PERMIT (CUP) LARGE SCALE PROJECT # Z-2010-008, MAGNUM SOLUTIONS, LLC - APPLICANT

Commissioner Draper made a motion to table this agenda item until.

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

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

Commissioner Draper made a motion to enter into a BOE.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 11:19 a.m..

Auditor Gehre said that the following tax exempt properties did not submit an annual non-profit tax exemption statement:

- Account 54297- Delta UT Congregation Jehovah Witnesses
- Account 69287- Delta-Sutherland-Oasis Cemetery District
- Account 82751 - Fillmore Baptist Church
- Accounts 72943 & 72950 - Great Basin Church of Christ

- Accounts 117656, 117532, 117664, 117615, 117631, 117649, 117680, 117672, and 165911 - Quality for Animal Life

Auditor Gehre said that the commissioners need to grant or deny the tax exemptions. She said that Quality for Animal Life did not apply so there's nothing to deny. Auditor Gehre said that they sent Quality for Animal Life an application prior to March 1, 2018, as a courtesy, but have not received it back.

Commissioner Withers said that change of leadership at these organization is probably causing the issue.

Commissioner Withers made a motion to grant non-profit tax exemptions to account numbers: 54297-Delta UT Congregation Jehovah Witnesses, 69287-Delta-Sutherland-Oasis Cemetery District, 82751- Fillmore Baptist Church, 72943-Great Basin Church of Christ, and 72950- Great Basin Church of Christ.

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

Commissioner Withers made a motion to close the BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:29 a.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 11:32 a.m..

Attest: _____

Approved: _____