

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 12th DAY OF NOVEMBER 2019
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper..... Chairperson
Wayne Jackson..... Commissioner
Evelyn Warnick..... ..Commissioner

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

ALSO PRESENT: Pamela Sheridan..... Scipio Town
Scott Bassett and Jane Beckwith..... Topaz Museum
Dan and Ada Davis. Flying J
DeRay Quarnberg..... Dairy Queen
Bryant H Anderson. Commercial Business Radio, LC
Richard Jacobson..... County Sheriff
Adam Richins..... County Planner
Sheri Dearden..... County Treasurer
Bonnie Gehre..... County Auditor
Margene Stevens. Deputy Assessor
Matt Ward. Chronicle Progress
Kristine Camp, Cara Camp, Audrey Camp,
Jordynn Wood, and Emilee Peterson..... Millard County 4H
Geoffrey Sheridan, Colleen Halsey, Brent Blake, Matt Maxfield, Ruth Maxfield,
Sarah Skeem, Holly Remkes, David Remkes, Garrick Hall, Kris Ewart, Diane
& Gary Greener, Steve Maxfield, Steele Weston, Mathew Kesler, Dave and
Vicki Allen,. 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:

Note: Not all agenda items were followed in order.

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper said that the Commission was invited to attend a Veterans Day dinner the night before. He referred to graffiti written by a German prisoner of war during WWII which stated that he wished he had never seen America because it was so wonderful. Commissioner Draper said that we have a marvelous Country; he expressed his gratitude to the men and woman who have dedicated their lives to protect us. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF OCTOBER 15, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 15, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Warnick made a motion to approve the minutes of October 15, 2019, as presented.

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

FOLLOW UP ACTION ITEMS FROM OCTOBER 15, 2019

Commissioner Draper referred to the discussion regarding the funding and construction for the dining facilities at Millard Care and Rehabilitation Center. He said that the plans will be presented to the CIB Committee in December and funding will be disbursed in February if approved.

BUSINESS LICENSE FOR GREGORY WATERS LIVE DECORATIVE ROCK, OWNER - GREGORY LEE WATERS

A business license application was presented for Gregory Waters Live Decorative Rock, Owner - Gregory Lee Waters, a business that sells rocks. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Gregory Waters Live Decorative Rock, Owner - Gregory Lee Waters.

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

Commissioner Draper asked Clerk Rowley to double check that the proper permits with BLM, etc. are in place before issuing the business license.

DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE ALLOWANCE AND A CREDIT CARD FOR KIM ROWELL-SHERIFF'S OFFICE

Sheriff Jacobson said that Kim Rowell has been hired as the new EMS Director and the position requires a cell phone allowance and credit card with a limit of \$1,000.00.

Commissioner Jackson made a motion to approve a cell phone allowance in the amount of \$60.00 per month and a credit card with a limit of \$1,000.00 for Kim Rowell - Sheriff's Office.

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

DISCUSSION AND POSSIBLE APPROVAL OF RENEWING THE COMMERCIAL BUSINESS RADIO MAINTENANCE CONTRACT - BRYANT ANDERSON

Mr. Anderson said that he appreciates the support from the County in the past and said that he'd like to continue working with the County. He said that he has met with specific department heads and made adjustments to the contract accordingly. Mr. Anderson said that the proposed contract total for the year 2020 is \$25,930.00 which is lower than last year's contract.

Commissioner Jackson made a motion to renew the Commercial Business Radio Maintenance Contract in the amount of \$25,930.00.

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

DISCUSSION REGARDING LANDFILL RATES - PAM SHERIDAN, SCIPPIO TOWN MAYOR

Ms. Sheridan, Scipio Town Mayor, said that a couple of business owners have concerns with the increased landfill rates.

Mr. Quarnberg, Dairy Queen, said that their landfill bill has increased by 310% and will cost them approximately \$29,000.00 per year. He said that they didn't receive any notice of the increase and asked how this came about and how the garbage is measured. Mr. Quarnberg said that if they would have received notice, they could have made arrangements and done things differently.

Commissioner Jackson explained that the landfill had been losing money because rates hadn't been adjusted in years. He said that the County had studies done on the landfill and held several public hearings regarding the landfill fee changes.

Commissioner Jackson asked Mr. Higgins to explain how rates are assessed.

Mr. Higgins said that the fees are based on volume. He said that now that Mr. Quarnberg and Mr. Davis's garbage is coming directly to the landfill instead of being added to the rest of Scipio's pickup site, they can more accurately measure their individual volume and adjust rates accordingly.

Mr. Quarnberg said that they would appreciate more communication from the Commission so they aren't surprised by a large increase in rates. Attorney Finlinson pointed out that notices were published and public hearings were held.

A brief discussion was had on rates and volumes.

Mr. Higgins said that the landfill is an enterprise fund and has to make enough money to take care of the garbage, as well as, stay within government guidelines.

Commissioner Jackson said that the County hired Zions to conduct a study of the landfill and explained that the fees had to be adjusted in order to maintain the landfill and its equipment.

Commissioner Draper said that the study brought to light that hundreds of individuals had not been paying any fees. He said that this was a county-wide change, not specific to individual people or businesses.

Mayor Sheridan asked Mr. Higgins to look at the volume of these businesses. He confirmed

that they would. She asked about garbage rates billed by the town.

Commissioner Draper said that the town would bill the basic landfill fee. He said that if the town has a private or separate hauler, the hauler would charge a separate fee.

DISCUSSION REGARDING ESTABLISHMENT OF "VOTER PARTICIPATION AREAS" PURSUANT TO SECTION 20A-7-401.3 OF UTAH CODE ANNOTATED

Attorney Finlinson said that the legislature has imposed a requirement that four voter participation areas be designated in the County by January 1, 2020 to facilitate the new process for initiatives and referendums. He said that after January 1, 2020 you have to have 16% of total active voters, as well as, support from three of the four voter participation areas.

Mr. Maxfield said that he looks at this requirement differently and thinks that it is designed to kill measures. He presented maps of the County and current voting precincts and invited the Commission to view them. Mr. Maxfield suggested that the four areas be divided by certain roads in each town instead of Delta and Fillmore being in separate areas. He is concerned that splitting the areas geographically between Fillmore and Delta will divide the County.

After a brief discussion, it was decided to put this item on the next agenda for action.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 19-11-12, AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP FOR PROPERTY LOCATED AT APPROXIMATELY NINE (9) MILES WEST OF HINCKLEY FROM RANGE & FOREST (RF) TO AG INDUSTRIAL (AI)

Commissioner Draper said that the public hearing required by statute was held last Thursday; however, he would like to allocate 15 minutes to receive public comment.

David Remkes said that in the fall of 1998, he participated in the creation of the County General Plan. He referred to pages 15 and 16 of the Millard County Land Use Recommendations and said that it doesn't mention AG Industrial land usage or CAFOs. He said that CAFOs are not a historical agriculture use in Millard County. He thinks that the Commissioners would be breaking Millard County's laws if they allow CAFOs to come into the County. Mr. Remkes referred to several other items in the General Plan that he said will be negatively impacted by CAFOs.

Jane Beckwith and Scott Bassett with the Topaz Museum said that the Topaz site is located too close to the proposed farm. Ms. Beckwith said that they consider themselves a park because they have approximately 10,000 visitors a year and half of those visit the Topaz site. She said that it has also been designated as a National Historical Landmark. She is asking that the Commission protect the historic site.

Leon Lewis submitted two petitions against the zone change.

Jim Dutson said that he researched and found that there has been flooding at that location several times since 1983. He referred to an article published in the Chronicle in 2012 where it stated that ponds and lagoons could be seen from the highway. He said that the particular property designated for the farm was underwater in 2012. Mr. Dutson said that the site is a bad place for an

operation.

Brent Blake said that he was on the master plan committee with Mr. Remkes in 1998. He said that swine CAFOs were brought up back then and it was discussed how negatively they would impact the County. He said that the Commission is the voice of the people. Mr. Blake said that at the public hearings the vast majority of the voices have been against the CAFOs. He asked the Commission to consider that in their decision.

Planner Richins said that the zone change application is specific to the property listed. He said that it is currently zoned range and forest which doesn't permit CAFOs. He said that the Planning and Zoning Commission discussed the site suitability and flooding potential. He said that the Planning and Zoning Commission gave a favorable recommendation contingent on the water issues being addressed because they are concerned about the contamination of surface water.

Planner Richins gave a brief overview of the proposed farm and the location. He said that the application may require flood water provisions. He said that the waste will be retained on site until it is hauled away and that it doesn't have the same lagoon styles as the Commission has seen in the past.

Commissioner Warnick asked where they would take the waste.

Mr. Weston said that the waste will be stored on site and the bins will be large enough to store waste until it is used to fertilize fields.

Commissioner Jackson asked if there was a backup plan if the storage bins won't hold all the waste. Mr. Weston said that it won't be a problem because there is a high demand for fertilizer and IFA in Delta has approached him to take all the waste to be used for fertilizer.

Commissioner Jackson asked how far away the proposed farm is from Topaz site. Mr. Weston looked at the map said that it is approximately 8 miles away.

Commissioner Warnick referred to Senate Bill 93 and said that as she understands it, the County won't be able to impose certain restrictions or conditions.

Mr. Weston said that he shares the same concerns as many in the County and he has spent several thousands of dollars for plans to mitigate odors.

Commissioner Warnick said that Senate Bill 93 changes things. Mr. Weston said that it only changes what the parameters entail and he can voluntarily agree to restrictions; However, the County can't impose restrictions on him.

Commissioner Draper said that this situation requires a discussion on broad public policy; not conditions or permits. He said that a zoning change is an amendment to the General Plan. Commissioner Draper referenced Title 10-6-3 where it states eight items that are to be considered when amending the general plan. He said that findings on all eight items isn't necessary, however, they need to all be considered.

1- Consistency of the proposed amendment with the County General Plan. Commissioner Draper said that it refers to Title 10-17-2: Consistency and Conformity to the General Plan Required: where it states: "No land use application approval, license or permit, and no land use ordinance, amendment thereto shall be approved unless such land use application approval, license, permit, amendment,

ordinance or map is found to be consistent and conform to the County General Plan as adopted.

Commissioner Draper said that confined animal feeding operations for swine are outside the scope of the current Millard County General Plan which anticipates traditional farming and other agricultural practices; not industrial agriculture. He said that the General Plan addresses special zoning for dairies as an example of the General Plans's anticipated industrial agriculture.

Commissioner Draper referred to page 4 of the General Plan which states that Millard County residents enjoy a lifestyle unique in today's society. The area's rural character and small town atmosphere provide a quality of life vastly different than what is found in urban areas.

Commissioner Draper said that maintaining these quality of life characteristics is a top county priority. He said that county residents support continued economic and community growth and feel that if the County's development objectives are clearly articulated through county policies and plans, future growth will enhance rather than detract from the areas unique lifestyle and character.

2- The effect of the proposed amendment on the well being of the County. Commissioner Draper referred to page 4 of the general plan which states that the County feels that land use plans and development standards should reflect citizen preferences and be amended to address relevant issues and challenges.

3- The effect of the proposed amendment to the public health, welfare, and safety. Commissioner Draper said that the general plan claims the proposed use to be sensitive to environmental and adjacent land uses and this brings up a possible situation with an area where historical flooding within the last two decades and decades prior have been noted. Commissioner Draper referred to Title 10-20-7 that requires standards for sensitive lands protection regulation and streams, and flood plains. He said that in the proposed area, there is an old river bed which qualifies as a stream corridor.

Commissioner Draper referenced Title 10-20-7, paragraph C, which states that all construction and development projects located adjacent to a stream corridor shall apply best management practices for both temporary and permanent runoff controls.

Commissioner Draper referred to the Utah Administrative Code sections R317-8-2.5 and R317-8-10 which authorize the issuance of a general permit. He said that the permit these sections are referring to is the Utah Pollutant Discharge Elimination System CAFO Permit which is based on the national permit when building a CAFO.

Commissioner Draper said that those permits come into play under both Federal and Utah law. He said that the area proposed for the zone change had a well built and was used for grazing in the 1950s and 1960s.

Commissioner Draper said that the private ownership of this land likely came about under the Carey Act which allowed citizens to prove up and become owners of federal lands. He said that the Marshall Tract has irrigation ditches with head gates and is shown on the United States Geological Survey Map. Commissioner Draper said that agriculture was attempted in this area at one point in time. He said that it has a historical use in grazing and also has connections to developed agriculture.

4 - The effects of the proposed amendment are in the interest of the county and its residents. Commissioner Draper said that the prospect of several hog farms ringing the municipal areas with

potential odor as attested to by residents of our neighboring County signal an impending negative impact on the great majority of residents in the County for the financial benefit of only a few. Commissioner Draper said that the County has received nearly 300 signatures on petitions opposing the zone change as negatively impacting their lifestyles as being rural and having a quality of life and sense of place. They enjoy the small town atmosphere and lifestyle associated with this type of land use.

Commissioner Draper said that the introduction of bad odors and the possibility of water contamination is a concern. He said that the possible deterrent of more abundant job creation in the area is also a concern.

6 - Compatibility of the proposed uses and activities with nearby and adjoining properties. Commissioner Draper said that the existence of a national historical landmark located approximately 6.5 miles away and in the path of normal wind patterns has resulted in a request to look into federal restrictions regarding anything that might be in the general area.

Commissioner Draper referred to page 20 of the General Plan where it states the definitions of industrial, agriculture, residential and other land uses. He said that under agriculture land uses, it brings up protecting prime agriculture land, maintaining the County's rural character and lifestyle, and protecting private property rights. Commissioner Draper said that the General Plan states that the County acknowledges that preserving prime agricultural land solely from a land use perspective ignores an economic reality of agriculture profitability and product marketability. Agricultural land protection measures will be combined with agriculture related economic development efforts.

Commissioner Draper said that the General Plan states that agriculture is important to Millard County because of the quality of life it brings. Millard County residents identify quality of life and rural atmosphere as the primary reason that they enjoy living in the area. He said that as Millard County continues to grow, it will become increasingly difficult to maintain the existing rural character unless measures are taken to preserve agricultural areas.

7- The suitability of the properties for uses and activities proposed. Commissioner Draper said that historic floods have inundated the property under consideration connecting surface water in Millard County with the entire Sevier River System. He referred to the years where the property flooded and when the Sevier River flooded. Commissioner Draper said that flood control improvements on the river were put in place in 2003, but they didn't stop the floods from breaching the banks and inundating areas in 2012.

Commissioner Draper said that the overriding desire to maintain the health, safety, and welfare of people in our County as well as other counties who are connected through the Sevier River requires looking at the suitability of this piece of property.

8- The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan. In listing any revisions to the county's land use ordinances and any other ordinances and resolutions required to implement the amendment.

Commissioner Draper said that John Ikerd, Agriculture Economist for the University of Missouri at Columbia, listed the 10 greatest concerns of rural areas regarding CAFOs in a document titled "Large Scale, Corporate Hog Operations: Why Rural Communities are Concerned and What They Should Do." He said that the concerns start with #10 being the lowest and #1 being the greatest

concern. He said that the following four concerns caught his attention and he concurs with them.

Concern #5- Hog factories destroy public confidence in agriculture. Over the decades, family farms have built up a vast treasure of public confidence and good will. Many people in the cities either grew up on farms or have a close relative that grew up on one. The family farm conjured up images of people who are hard working, moral, honest, solid, dependable, trustworthy, caring, and responsible. These images have been a valuable source of wealth for farmers. Farmers have been awarded special privileges, exemptions, and variances under a whole host of public policies, from taxation to environmental regulations, because they were trusted to behave in the public interest. Support of "family farms" has been an important part of the rhetoric of every farm bill that has passed congress. Farmers have also enjoyed a special status "as people," apart from any monetary benefits. They have been respected and trusted. However, bad publicity surrounding large-scale, corporate hog production is using up the farmer's stock of public confidence and good will at an alarming rate. Negative stories have appeared on every major television network over the past few years. When Ms. Magazine runs a feature article on the ills of corporate hog farming, as they did in 1997, we can conclude that the story has just about made the full circuit of public opinion shapers. Family farms will be paying for this loss of public trust for decades, if not forever.

Concern #4 - Future of the community is turned over to outside interests. Rural people need to take charge of their own destinies if they expect to sustain a desirable quality of community life for themselves, their children, and future generations of rural Americans. Quality of life is about much more than just creating more jobs and making more money. Quality of life is also about positive moral and social values and being responsible caretakers of the community as a place. Sure, people need jobs and need to make a decent living. But, jobs and high wages didn't save the cities from decline and decay and jobs won't save rural communities either. When an apparent solution to a problem comes from someone else, from outside, you can just about bet that the benefits will be going to someone else from outside as well. Some rich and powerful outsiders have their own problems, and they have their eyes on rural communities as places to solve them. Sparse population, trusting people, and lack of jobs in rural areas are seen as ideal opportunities. They are looking for someplace to "dump stuff." ...The solutions to the problems of rural Americans are in the hands, hearts, and minds of rural people themselves, not in outside investment and corporate control.

Concern #3 - The decision making process can rip communities apart. The process of decision making may be more important than the decision itself. Anyone who has been a part of a family has experienced this first hand. The memory of an act that triggered a family feud has long since faded, but the feud goes on. Feuds result from a loss of confidence and trust, regardless of the context within which the loss takes place. The large-scale, corporate hog farm issue is one of the most contentious issues to confront rural America in recent history.

The social fabric of rural communities has been ripped apart by controversy surrounding the introduction of large-scale, corporate hog operations. There seems to be no middle ground. Some people seem determined to bring in the big hog operations, by almost any means, and others seem just as committed to keep them out, by almost any means. Almost everyone eventually seems to feel obligated to take sides. The larger question in such communities is not whether the hog factories come in or stay out, but can the community ever heal the wound left by the fight?

Commissioner Draper said that a healthy, unified community can deal with almost any problem, including a large-scale corporate hog farm on the outskirts of town. A bitterly divided community is incapable of much more than survival, regardless of its other advantages and opportunities. The future of rural America depends on communities of people being able to work together for their common good. The divisiveness of the decision making process, presumably, could be avoided. But, the consequences of failing to do so are so destructive that it ranks near the top of my list.

Commissioner Draper read the following quote written by Shakespeare:

“What win I, if I gain the thing I seek?
A dream, a breath, a froth of fleeting joy.
Who buys a minute's mirth to wail a week?
Or sells eternity to get a toy?
For one sweet grape who will the vine destroy?
Or what fond beggar, but to touch the crown,
Would with the sceptre straight be struck down?”

Concern #1 - Tomorrow's problems are disguised as today's solution. Commissioner Draper said that his number one concern regarding large-scale, corporate hog operations is that rural communities will see them as "the solution" to today's problems without seeing them as a potential "source" of problems for tomorrow. Maybe there are some communities so desperate for jobs that it makes sense to take the risks. Maybe they feel they have to do something today to give them a chance to do something better tomorrow. But, hog factories are a short-run solution, at best, that may create more long run problems than they solve today. Low-wage, assembly-line-like jobs should be viewed as a stop gap strategy suitable only for communities with no other options. Sooner or later non-thinking jobs will be done somewhere else on the globe, where people will work harder for less money and are accustomed to doing whatever they are told by those who have no other options. In the longer run, all non-thinking jobs will be done using computers and robots not by people anywhere.

The real opportunities for people to lead successful lives in the future will be in "thinking" work. The human mind is uniquely capable of complex thought. Almost anyone is "smarter" than a computer. But people need to develop their unique human abilities to think. We need to accept the responsibility for thinking and for creating thinking jobs for ourselves and for others. As long as rural people think their problems are solved, or will be solved by someone else, they see no incentive to begin doing the things they need to do to ensure the future of their community.

The primary advantages for rural areas in the twenty-first century will be the unique qualities of life associated with open spaces, clean air, clean water, scenic landscapes, and communities of energetic, thinking, caring people. Communities that sacrifice these long run advantages for short run economic gains may have a difficult time surviving in the new century.

The three cornerstones of sustainability are ecological soundness, economic viability, and social justice. The three are not separate goals or objectives, but instead are three separate dimensions of the same whole.

Commissioner Draper said that Mr. Ikerd voiced the concerns that he has which are already confronting the County and he believes that these things need to be considered when putting this to a vote.

Commissioner Warnick said that she is concerned about the flood plain. She said that she wants to revisit the map and find areas that will work for CAFOs in the County. She said that she understands that they need to take care of the County and is really worried about the flood zone and the site being compromised. Commissioner Warnick said that Senate Bill 93 has also impacted how she feels about the ordinance.

Commissioner Jackson said that he is very concerned regarding the zone change that this does not work with the General Plan and most public comments have been negative. Commissioner Jackson said that the general plan needs to be looked at before moving forward with anything.

Commissioner Draper said that he has received overwhelming comments from the people that they do not want this to happen in the County. He said that those people who created the general plan, saw this problem coming and sought to avoid it. He said that he agreed that going over the General Plan and map is necessary.

Commissioner Jackson made a motion to deny Ordinance 19-11-12, an Ordinance of the Board of County Commissioners of Millard County, Utah, changing the official zoning map for property located at approximately nine (9) miles west of Hinckley from Range and Forest (RF) to AG Industrial (AI).

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

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 19-11-12A, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING THE SETBACKS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES IN SHERWOOD SHORES SUBDIVISION

Attorney Finlinson said that there isn't any new information, but the County has been waiting for a consensus from the homeowners association (HOA). He said the options are either to table this and move it to a future agenda or deny the ordinance and give the HOA time to address it.

Commissioner Draper referred Title 10-6-3(4), where procedures and review standards apply. He said that he has not seen compelling arguments that this would benefit the County and it will impact the view and use in the area. He said that he is not in favor of the zoning ordinance.

Commissioner Warnick said that she is against it. Attorney Finlinson said that Commissioner Warnick disclosed a conflict the last time this was discussed.

Commissioner Jackson made a motion to deny Ordinance 19-11-12A, an Ordinance of the Board of County Commissioners of Millard County, Utah, amending the setbacks for detached accessory building and structures in Sherwood Shores Subdivision.

Commissioner Draper stepped from the chair and SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Jackson voted YES. Commissioner Draper voted YES. Commissioner Warnick abstained. The motion passed by majority vote.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A PROPOSED ZONE CHANGE OF PROPERTY LOCATED AT APPROXIMATELY 580 SOUTH 200 WEST, FILLMORE FROM RESIDENTIAL (R) LIGHT INDUSTRIAL (LI). DAVID & VICKI ALLEN —APPLICANTS. APPLICATION # Z-2019-033

Commissioner Warnick made a motion to enter into a public hearing for the purpose of receiving public comment on a proposed zone change of property located at approximately 580 South 200 West, Fillmore from Residential (R) to Light Industrial (LI). David and Vicki Allen- Applicants. Application #Z-2019-033.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:48 a.m..

Present were: Planner Richins, Steve Maxfield, Margene Stevens, Sheriff Jacobson, Chad Booth, Auditor Gehre, Matt Ward, Treasurer Dearden, and Brent Blake.

David Allen said that they own storage units on property that was previously zoned light industrial. He said that they want to build more units, but found out that the zone has now been changed to residential. Mr. Allen said that they need the zone to be changed back to light industrial in order to expand their storage units.

Planner Richins said that the zone change needs to be granted in order for them to build more storage units. He said that there are homes in the area but not adjacent to the property.

Attorney Finlinson said that it was re-zoned during a massive overhaul of the exiting zoning ordinance and there is no specific reason that this particular parcel was zoned residential.

There were no other comments made.

Commissioner Warnick made a motion to close the public hearing.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:53 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 19-11-12B, AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP FOR PROPERTY LOCATED AT APPROXIMATELY 580 SOUTH 200 WEST, FILLMORE FROM RESIDENTIAL (R) TO LIGHT INDUSTRIAL (LI)

Commissioner Warnick made a motion to approve Ordinance 19-11-12B, an Ordinance of the Board of County Commissioners of Millard County, Utah, changing the official zoning map for property located at approximately 580 South 200 West, Fillmore from Residential (R) to Light Industrial (LI). David and Vicki Allen- Applicants. Application #Z-2019-033.

Commissioner Jackson SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Warnick voted YES. Commissioner Jackson voted YES. Commissioner Draper

voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF AMENDING THE ROAD MAINTENANCE AGREEMENT WITH SMITHFIELD FOODS

Commissioner Jackson made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE 2020 PREDATOR CONTROL CONTRACT WITH THE DEPARTMENT OF AGRICULTURE AND FOOD

Attorney Finlinson said that the contract has not changed from last year.

Commissioner Warnick made a motion to approve the 2020 Predator Control Contract with the Department of Agriculture and Food.

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

DISCUSSION REGARDING SEASON 10 OF THE COUNTY SEAT PROGRAM-CHAD BOOTH

Mr. Booth presented a handout and thanked the Commission for their time. He said that the County Seat program airs on ABC4 and a few other networks and it costs approximately \$14,000.00 per episode. He said that many elected officials in the legislature make a serious habit of watching the program to see what is going on in rural Utah counties. He said that they are asking counties to donate and have currently raised about 1/3 of the necessary funding. He said that he knows the show is working and it is an established brand. Mr. Booth said that the program gives rural Utah a voice and helps rural Utah issues reach legislatures.

Commissioner Draper asked when the deadline is for the County to make a decision. Mr. Booth said that he needs to know by December 15, 2019.

Mr. Brent Blake said that he watches "At Your Leisure" and "The County Seat" each week. He said that they pinpoint rural issues and he thinks its beneficial to have this voice continue.

Commissioner Draper asked if funding for "At Your Leisure" and "The County Seat" is connected. Mr. Booth said that the numbers on the handout is designed to be a stand alone program.

Commissioner Draper said that the County is in the midst of the budget process and they will see if the County can contribute anything during the budget hearing.

Commissioner Draper requested a 5 minute recess. The meeting recessed at 12:31 p.m.

After the recess the meeting reconvened at 12:37 p.m..

DISCUSSION REGARDING A GIFT POLICY

Attorney Finlinson said that the Auditor's Office has been put in the difficult situation of enforcing IRS regulations and decisions without a County policy that enacts them. He said that they would like permission to create a gift policy that mirrors IRS regulations.

Auditor Gehre explained that anything given to an employee that is a gift should be taxed through payroll. She said that de minimis is anything under \$100.00.

Sheriff Jacobson said that he supports conformity; however, each of the departments are different and require different things of their employees.

Commissioner Draper said that the recognition of service and loyalty deserves some public recognition; however, it is hard to establish an amount that doesn't impact the budgets too much.

After a brief discussion, it was decided to have the Auditor and the Attorney begin working on a County policy.

DISCUSSION AND POSSIBLE APPROVAL OF A NEW TELEPHONE SERVICES CONTRACT

Commissioner Warnick made a motion to strike this from the agenda.

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

PUBLIC INPUT

Mr. Maxfield commended the Commission for how they conducted themselves and for their efforts regarding the CAFO application..

4-H TEENS PRESENTATION

Audrey Camp, Kara Camp, Jordynn Wood, and Emilie Peterson presented the Commissioners with a treat and thanked them for their support of the 4H Program.

OTHER BUSINESS

Attorney Finlinson said that the County will be posting a notice and public hearing to vacate the old Corn Creek Road located in Kanosh, which was requested by Kim Anderson. He said that the Forest Service anticipates that the road will continue to be used by the public for ATVs.

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.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL

AND SECRETARY

Commissioner Jackson said that Six Counties Association of Governments (AOG) will be contacting Oak City to award them for their clean up efforts.

Commissioner Jackson said that the designated parcels for cutting trees were only 30 acres and the feeling at Six Counties AOG is that a new business cannot be started with only 30 acres.

Commissioner Jackson said that the County is starting to receive some comments from people who would like their landfill rates reviewed.

Commissioner Jackson said that the Commission needs to be informed if the housing authority begins constructing houses.

Commissioner Warnick said that the Auditor's Office submitted the information required to apply for the grant for help with the census process.

AUDITOR REPORT

Auditor Gehre said that she received an invoice from State of Utah for the Fire Warden in the amount of \$38,717.74. She said that this has been paid out of fund 22 in the past.

Commissioner Draper said that he would like Fire Warden Rowley and Fred Johnson to come in and discuss this.

Auditor Gehre said that she has an invoice for the Central Utah Public Health's 4th Quarter Assessment. She said that this line item is short by approximately \$1,000.00. Commissioner Draper said that he would get back to Auditor Gehre on this.

Auditor Gehre presented the following reports:

Check Edits:

October 18, 2019 - \$45,495.33
October 25, 2019 - \$85,706.21
October 25, 2019 - \$28,896.86
November 1, 2019 - \$191,889.78
November 8, 2019 - \$315,689.86

Payroll Liabilities:

November 8, 2019 - \$170,520.70

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

Commissioner Jackson made a motion to enter into a BOE.

Commissioner Warnick **SECONDED** the motion. The voting was unanimous and the motion

carried. The BOE began at 1:24 p.m..

Auditor Gehre said that she received the following three hardship abatements:

-Parcel #73776 - Bruce Bowcut

Commissioner Warnick made a motion to abate 50% of Mr. Bowcut's property taxes. Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

- Parcel #F-MV-26 - Corey and Mary Ann Anderson

Commissioner Jackson made a motion to abate 25% of Cory and Mary Ann Anderson's property taxes.

Commissioner Warnick SECONDED the motion. Commissioner Draper OPPOSED the motion. The voting was passed by a majority vote.

-Parcel #F38-1 - Terry Hoover

Commissioner Jackson asked if there are any rules or regulations on how many times a person can file a request for an abatement. Auditor Gehre said that there wasn't.

Commissioner Warnick made a motion to abate 20% of Ms. Hoover's property taxes. Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Warnick made a motion to close the BOE.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 1:37 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.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 1:38 p.m..

Attest: _____

Approved: _____