

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 22nd DAY OF NOVEMBER, 2022  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Evelyn Warnick. . . . . Chairperson  
Dean Draper. . . . . Commissioner  
Bill Wright. . . . . Commissioner

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

ALSO PRESENT: Sheri Dearden. . . . . County Treasurer  
Kevin Morris. . . . . County Tourism Director  
Bonnie Smith and Vickie Bennett. . . . . County Auditor’s Office  
John Higgins. . . . . County Landfill Supervisor  
Sierra Dickens . . . . . County Recorder  
Adam Richins.. . . . County Planner  
Lindsay Mitchell, Richard Jacobson, and Pat Bennett. . . . County Sheriff’s Office  
Mike Petersen, Mark Stevenson, James Gifford, and  
Tim Petersen. . . . . Fillmore Homes  
Trevor Johnson and Vicki Lyman. . . . . Commissioners Elect  
Cyndee Probert. . . . . Justice Court Judge  
Kurt Forsyth, Ches Jacobson, Tina Anderson, Andrea Wardle, and  
Shauna Watts . . . . . IHC Community Hospitals  
Stuart Clason. . . . . MEDA Board  
Matt Kolste . . . . . IPP Renewal Project  
Sam Kusek Taylor Larson. . . . . CMC Rock  
Michael Gates and Cindy Ledbetter. . . . . BLM  
Dennis Alldredge . . . . . Fillmore City Councilman  
Molly Stevens . . . . . 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 Warnick to the public and Commission members.

## OPENING STATEMENTS

Commissioner Warnick asked if anyone had an opening statement to give. Commissioner Draper quoted Aristotle, “Even the best of men in authority are liable to be corrupted by passion. We may conclude then that the law is reason without passion, and it is therefore preferable to any individual.” Commissioner Wright said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

## APPROVAL OF NOVEMBER 1, 2022 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 1, 2022 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Wright made a motion to approve the minutes of November 1, 2022, as corrected.

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

## FOLLOW UP ACTION ITEMS FROM NOVEMBER 1, 2022

Commissioner Draper requested an update concerning the business license for C&L Shields regarding the usage of the IPP landfill. Commissioner Wright said that household waste could not be dumped there. Planner Richins gave an update for this license regarding the fees that would be required.

Commissioner Draper asked Attorney Finlinson if there is any legal reasons preventing the that license approval. He said that he would need to look.

Clerk Rowley explained further that, in her opinion, it would not affect the business license, only that the owners would need to pay the County Landfill Fee. Commissioner Wright confirmed that yes they would need to pay the County Landfill Fee.

## DISCUSSION AND POSSIBLE APPROVAL OF TOURISM DIRECTOR EXTENSION

Commissioner Wright made a motion to approve the Tourism Director extension for another month.

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

## DISCUSSION AND POSSIBLE APPOINTMENT OF AN ELECTED OFFICIAL TO SERVE ON THE 2023 UTAH ASSOCIATION OF COUNTIES (UAC) BOARD OF DIRECTOR

Commissioner Draper made a motion to approve the appointment of Commissioner Wright to serve on the 2023 UAC Board of Directors.

Commissioner stepped from chair and SECONDED the motion. The voting was unanimous and the motion carried.

PRESENTATION OF THE DELTA AND FILLMORE COMMUNITY HOSPITAL CHARITY PLAN AND CONTRIBUTION TO THE COMMUNITY - KURT FORSYTH

Kurt Forsyth, the Administer for the Fillmore and Delta Community Hospitals, presented the hospitals' desire to retain their tax exempt status, along with their 2023 charity plan, 2022 contributions to the community, and hospital statistics for 2022.

DISCUSSION AND POSSIBLE APPROVAL OF A CHANGE TO THE LAND LEASE FOR MILLARD COUNTY CARE AND REHABILITATION CENTER - KURT FORSYTH

Mr. Forsyth said that while approval was not needed today, he wanted to give an update on the dwindling need for long term care patients and the tentative decision to not provide that service in Delta. In order to do so, the land lease would need to be resolved. Attorney Finlinson also gave an update on the lease and the options on what could happen to the land.

DISCUSSION AND POSSIBLE APPROVAL OF MEDA BYLAWS

Stuart Clason, reported back with the updated bylaws which were discussed during the Commission meeting held November 1, 2022.

Commissioner Draper further expounded upon the important role of the Board and the benefits it brings to the County.

Commissioner Draper made a motion to approve the MEDA bylaws.

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

PUBLIC HEARING FOR ZONING ORDINANCE MAP AMENDMENT APPLICATION # Z-2022-037 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 57.00 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1600 S FRONTAGE ROAD, FILLMORE FROM AGRICULTURE 20 (AG 20) TO RESIDENTIAL (R1). MIKE PETERSEN, APPLICANT

Commissioner Draper made a motion to enter into a public hearing for the purpose of receiving public comment on application # Z-2022-037 requesting to change the zoning of approximately 57.00 acres of property located at approximately 1600 S Frontage Road, Fillmore from Agriculture 20 (Ag 20) to Residential (R1).

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:40 a.m..

Present were: Treasurer Dearden, Supervisor Morris, Auditor Smith, Chief Deputy Auditor Bennett, Supervisor Higgins, Recorder Dickens, Planner Richins, Lindsay Mitchell, Sheriff Jacobson, Captain Bennett, Mike Petersen, Mark Stevenson, James Gifford, Tim Petersen, Trevor Johnson, Vicki Lyman, Judge Probert, Kurt Forsyth, Ches Jacobson, Tina Anderson, Andrea Wardle, Shauna Watts, Stuart Clason, Matt Kolste, Sam Kusek, Taylor Larson, Michael Gates, Cindy

Ledbetter, Dennis Alldredge and Molly Stevens.

Mike Peterson explained the location and plans for the project site at 1600 S. Frontage Road, Fillmore, including the plan to build fourteen off grid houses with solar power.

No other comments were made.

Commissioner Draper 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 10:50 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 22-11-22 AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF APPROXIMATELY 57.0 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1600 S FRONTAGE ROAD, FILLMORE FROM AGRICULTURE 20 (AG 20) TO RESIDENTIAL (R1).

Planner Richins gave an update on the situation, saying that the land has not been cultivated recently and said that there were some points of concern when the request was first presented to the Planning and Zoning Committee, which subsequently caused the committee to give an unfavorable recommendation during their October 2022 meeting. He then expounded on the County codes that the Commission need to keep in mind when making zoning changes.

Fillmore Councilman Dennis Alldredge gave a brief update on where Fillmore City stands on this project and the concerns that they have had regarding their decision to not annex the land into city limits.

Mr. Peterson responded to the concerns that were brought up, specifically the usage of solar power and having its own septic system. He did say that the topic of water is an ongoing issue, with the possibility of getting water from Fillmore City. He also brought up the idea of the land becoming a transition zone.

Commissioner Wright made a few comments about the benefits of municipal services not being required from the County if the project would move forward.

Commissioner Draper stated that this is a good project and that while the Commission is not making a decision on the project itself, the zone change is dependant on the purpose of the project. He then questioned what the project's intent was with roads in the future. Mr. Peterson said what ever the County wants, they will do, including taking care of the maintenance, in house, if needed.

Planner Richins said that annexation is not an option according to Utah State Code.

Commissioner Wright made a motion to approve Ordinance 22-11-22 , an ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of approximately

57.0 acres of property located at approximately 1600 S Frontage Road, Fillmore from Agriculture 20 (AG 20) to Residential (R1).

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A RECREATION FEE WAIVER FOR USE OF THE MILLARD COUNTY FAIR BUILDING FOR A CLOTHING DRIVE/DISTRIBUTION FOR THE COMMUNITY - NANETTE OSWALD

Commissioner Warnick explained the request for the fee waiver in order to use the County building for a single day community clothing distribution drive.

Commissioner Wright made a motion to approve the fee waiver for the use of the Millard County Fair Building for the clothing distribution.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-11-22, A RESOLUTION RECERTIFYING MILLARD COUNTY JUSTICE COURT

Attorney Finlinson explained that this is a yearly need and Judge Cyndee Probert reported that everything is ready and in order.

Commissioner Draper made a motion to approve Resolution 22-11-22, a resolution of the Board of County Commissioners of Millard County, Utah, recertifying the Millard County Justice Court.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-11-22A, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSIONERS ESTABLISHING THE JUSTICE COURT JUDGE'S SALARY FOR THE YEAR 2023

Attorney Finlinson prefaced this item as well, stating that this is a yearly item.

Judge Probert presented information supporting her proposed increase of her position to be salaried at \$63,000.00 per year.

Commissioner Wright made a motion to approve Resolution 22-11-22A, a resolution of the Board of County Commissioners of Millard County, Utah, establishing the Justice Court judge's salary for the year 2023 at \$51,670.00.

Commissioner Draper SECONDED the motion. Clerk Rowley called for a roll call vote.

Commissioner Draper voted YES. Commissioner Wright voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-11-22B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY CREATING AN IMPACT COMMITTEE

Attorney Finlinson explained who would be on the committee and read from the resolution that clarified the use and authority of the committee.

Commissioner Wright made a motion to approve Resolution 22-11-22B, a resolution of the Board of County Commissioners of Millard County, Utah, creating an impact committee.

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

#### PRESENTATION BY BLM FILLMORE FIELD OFFICE CONCERNING ENERGY PROJECT APPLICATIONS

Mike Gates and Cindy Ledbetter presented the renewal energy projects that are coming to the County, with at least seven proposed applications for wind and/or solar. They then gave an update on the Clear Spot Wind Plant near Cove Fort.

Commissioner Draper asked how the BLM Herd Management Area (HMA) is doing. Mr. Gates reported that the system is full right now and that it will be three to five years before a new gathering for horses is needed.

Commissioner Draper requested the list of the projects and their proposed acres for the record. Mrs. Ledbetter gave the following statistics: Clear Spot at 53,000 acres, Neptune Solar at 1,700 acres, Crystal Peak Solar at 12,000 acres, Thyra Solar at 45,00 acres, Achilo Wind at 37,000 acres, and Cricket Creek Wind Testing at 35,000 acres.

#### PUBLIC INPUT

Sam Kusek and Taylor Larson from CMC Rock introduced themselves saying that their company is going to be operating in a gravel pit west of Leamington as part of a project with the cement plant. They introduced themselves as point contact if the Commission had any questions.

#### ELECTION CANVAS

Commissioner Draper made a motion to call for a brief recess in order to attend the 2022 General Election Canvas.

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

The meeting reconvened at 12:38p.m., at which time Commissioner Warnick excused Clerk Rowley from the rest of the meeting.

#### OPENING AND POSSIBLE ACCEPTANCE OF SEALED BIDS FOR THE LANDFILL'S GARBAGE CONTAINERS

Auditor Smith opened two bids, one from Box Gang Manufacturing LLC at \$225,533.00 and one from Thorn Industries, LLC at \$207,980.00.

Commissioner Wright made a motion to receive the bids as presented.

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

#### OPENING AND POSSIBLE ACCEPTANCE OF SEALED BIDS FOR THE SHERIFF'S OFFICE VEHICLES

Auditor Smith opened two bids, one from Sahara Motors at \$39,555.00 and one from Droubay Chevrolet from at \$45,544.00.

Commissioner Wright made a motion to receive the bids as presented.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF LEASING OR SELLING SURPLUS PROPERTY TO THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

Director Morris explained the background to this request for a County restroom and shower facility to be sold to furnish the new branch of the Delta Utah West Stake that will built at the River Bed Ranch. He said that in order for a branch to be created, the site needs to have a restroom and shower facility.

Attorney Finlinson stated that if it is surplus property then it has to be sold at current value. If it is not truly surplus then it can be leased, but the value of the property does need to be established. He also said that the State does allow gifts to non profit organizations after a public hearing has been held.

Director Morris explained that they would like to move forward with the project by the first of the year.

Commissioner Draper explained that leasing could go on six month terms. He also said that in order to transport the property it requires paved roads and the roads to get to the desired location are not always paved. So it would be better to have it be a permanent move.

Commissioner Wright suggested to just sell it directly as surplus. Auditor Smith said that her

office would look into the current price.

Commissioner Draper suggested that a value be received on it and then the Commission would decide what to do moving forward.

## MONTHLY FINANCIAL REVIEW

Auditor Smith and Treasurer Dearden presented the monthly financial review for October 2022.

## OTHER BUSINESS

Auditor Smith brought up an issue concerning the 2023 budget for the Golf Course as to whether to buy or lease golf carts. After discussion the Commission decided to buy ten carts for the total price of \$67,000.00.

Commissioner Warnick received communication from the Criminal Justice Coordinating Council requesting that the Sheriff participate. Attorney Finlinson said that the County already has a council and that the Sheriff is not required nor should be part of this one.

Commissioner Warnick presented an IPG waiver for approval.

Commissioner Wright made a motion to approve the IGP waiver.

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

The State Health Department has a consulate that comes to help Peruvians in the County and are requesting to have the fee to use the County building waived.

Commissioner Wright made a motion to approve the fee waiver.

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

Commissioner Draper brought up an invoice that has gone unattended for six years.

Attorney Finlinson explained that Danny Myers used the County arena for four days out of the month before he took his animals and left with the bill unpaid. Former Commissioner Withers thought the invoice was resolved, with the debt for the rest of the month written off as Mr. Myers was billed for the whole month rather than only for four days he used the facilities. After investigation, it was found that the Commission never approved the action to absolve Mr. Myers for the remaining days of the month that he was not using the facilities.

Commissioner Draper made a motion to write off the outstanding amount owed on the invoice sent to Danny Myers.

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



DISCUSSION AND POSSIBLE APPROVAL OF CONTRACTS WITH ROBERT WEIDNER,  
WASHINGTON DC LOBBYIST

Commissioner Draper presented the contract, explaining that Mr. Weidner worked on the LATCF grant and also serves on the Rural Public Lands County Council.

Commissioner Draper made a motion to approve the contract with Robert Weidner.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-11-22C, A RESOLUTION  
OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY CHANGING  
THE STEP AND GRADE FOR THE ASSISTANT ROAD SUPERVISOR.

This item was stricken from the agenda.

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 were none.

DISCUSSION BY EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL  
AND SECRETARY

Commissioner Wright stated that he received a letter from Fillmore City concerning the City landfill. Road Supervisor John Higgins, reported from a Fillmore City meeting saying that the City does not have funding to keep it open and are looking into options.

Attorney Finlinson clarified that it is a County landfill on land leased from the City, but there is no agreement on how to share the costs. Commissioner Wright said that he will keep working on it.

Supervisor Higgins said that Fillmore City wants to know how many people in Fillmore are actually using it and how much it costs and expressed their wish for ongoing metering.

Supervisor Higgins also stated that there is an issue with the collection stations as materials are being dropped off there that are hazardous. He suspects that it is being done not by County entities but by freeway traffic. He said that he will continue to work on the issue and explore options on how to deter such activities. Attorney Finlinson strongly suggested that he talk to Sheriff Jacobson as this is a criminal offense.

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

Commissioner Draper made a motion to enter into a BOE.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 1:47p.m.

Chief Deputy Auditor Bennett presented an application for Parcel R-1719-1, Account 182404 - Owner Ruuth, Bray. Assessor Manis explained that there was a mistake by the Assessor's Office and suggested a reduction in the land value.

Commissioner Draper made a motion to approve the application for Parcel R-1719-1, Account 182404 - Owner Ruuth, Bray.

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

Chief Deputy Auditor Bennett presented two tax relief reports for circuit breaker applications, F-1642-1, Owners - Bennett, Leo & Barbara and F-113-1, Owners - McBride, Jack and Edna, and one veteran abatement application, R-1612, Applicant - Robison, Kevin and Peggy.

Commissioner Wright made a motion to approve the two circuit breaker applications and one veteran abatement application as discussed.

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

Commissioner Wright made motion to close the BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 2:00p.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 Warnick adjourned the meeting at 2:01 p.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_