

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF FEBRUARY, 2023
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: Sierra Dickens County Recorder
Adam Richins..... County Planner
Bonnie Smith and Vickie Bennett. Auditor’s Office
Jamie Hair. Deputy County Clerk
Pat Manis. County Assessor
Sheri Dearden..... County Treasurer
Matt Ward. Millard County Chronicle Progress
Cindy Ledbetter. Bureau of Land Management (BLM)
Patt Bennett, Michael Blad, Taylor Frampton, Lindsay Mitchell, and
Derek Curtis Millard County Sheriff’s Office (MCSO)
Rachel West..... County Events Coordinator
Kendall Bogley, Kevin Bunnell, Mike Wardle, and
Stetson West. Utah Division of Wildlife Resources (UDWR)
Travis Kyhl, Tyler Timmons, Shay Morrison, and
Jenna Draper. Six County Association of Governments (SCAOG)
Jason Williams, Glen Bancroft, and Shane Allgood. Kern River
Lacey Taylor, Sierra Finlinson, Alexa Diaz, Kaylee Stewart,
Michael Ralphs, BrynnLeigh Goodwin, Bailyn Knight, and
Alison Robinson Govenor Youth Council (GYC)
Kalen Taylor. USU Extension
Darla Ewart. Health Department
Dennis Alldredge, Jim Frampton, Teresa Frampton, Lauri Jackson, Mike
Jackson, Matt Kolste, Brandy Northington, and Jasen Northington 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 Wright to the public and Commission members.

OPENING STATEMENTS

Commissioner Wright asked if anyone had an opening statement to give. Travis Keele said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JANUARY 17, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 17, 2023 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Johnson made a motion to approve the minutes of January 17, 2023 as corrected.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 17, 2023

Attorney Finlinson reported that he is reviewing the MOU's and the County Board lists and will present a report soon.

DISCLOSURE STATEMENTS

The following employees submitted disclosure statements:

- Wade Allred for the 2022 year
- Wade Allred for the 2023 year

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD AND CELL PHONE ALLOWANCE FOR HOLLIE MILLER - ASSESSOR'S OFFICE

Assessor Manis requested a credit card with a limit of \$1,000.00 and a monthly cell phone allowance in the amount of \$40.00 for Hollie Miller.

Commissioner Johnson made a motion to a credit card with a limit of \$1,000.00 and a monthly cell phone allowance in the amount of \$40.00 for Hollie Miller.

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

DISCUSSION AND POSSIBLE APPROVAL OF A FIDELITY BOND OR THEFT OR CRIME INSURANCE ON ALL COUNTY OFFICIALS AS A GROUP, RATHER THAN INDIVIDUALLY, BY PRESCRIBING THE AMOUNT OF SAID GROUP FIDELITY BOND OR THEFT OR CRIME INSURANCE FOR ALL COUNTY OFFICIALS, INCLUDING THE MILLARD COUNTY TREASURER, AND APPROVING THE PREMIUM FOR SAID BOND OF INSURANCE FOR

ALL OFFICIALS

Attorney Finlinson said that this needs to be renewed annually and explained why the County purchases insurance for all County officials as a group rather than individually.

Treasurer Dearden explained that the coverage is split between two policies.

Attorney Finlinson clarified that the Commission needs the premium amounts in order to approve the renewal. Therefore, this item was tabled to the next meeting.

PRESENTATION REQUESTING THE MILLARD COUNTY FAIR GROUNDS BECOMING TOBACCO FREE OR SMOKE FREE - DELTA GYC SWAT YOUTH GROUP

The GYC Group introduced themselves and then shared a presentation explaining their request for the County to adopt a policy to make the County Fair Grounds tobacco or smoke free. They presented a Juab County policy as an example.

Commissioner Lyman asked the group if they are requesting that the grounds be vape free as well, to which they responded yes.

Commissioner Johnson said that this policy could be implemented in certain places.

Commissioner Lyman said that people have brought this concern to her as well and expressed her desire to implement some sort of policy to this effect.

Alison Robinson, who works with Intermountain Health Care, explained how its smoke free policy works with employees and vendors.

The students responded that exceptions could be added into the policy to help maintain equal treatment to all citizens.

The Commissioners discussed what exceptions could be added to the policy, such as designated smoking areas.

Darla Ewart, who works with GYC, shared her experiences with second hand smoking at public events and expressed her desire for a smoke free policy.

The commissioners agreed upon creating a resolution that will be presented at a future meeting for further discussion and possible approval.

PRESENTATION OF PAYMENT IN LIEU OF TAXES (PILT) DWR - KEVIN BUNNELL

Kevin Bunnell, the regional supervisor for DWR, along with Michael Wardle and Kendal Bagley, presented their PILT payment in the total amount of \$9,307.00 and then shared information on some of the programs that they have worked on in the County and their responses to events such as the Halfway Hill Fire.

Mr. Bunnell thanked Attorney Finlinson for his help and recognized the Sheriff's Office Deputies for their contributions to the DWR's investigations. Department of Natural Resources (DNR) Officer Stetson West recognized those officers able to be in attendance ; Deputy Frampton, Sergeant Blad, and Deputy Curtis. He also said that there were many other officers who helped during the course of the investigations.

Sergeant Blad recounted events where the Sheriff's Office conducted an investigation along with DWR employees. He explained that there is a good relationship between the different law enforcement divisions.

DISCUSSION AND POSSIBLE APPROVAL FOR A REQUEST FOR FUNDS FOR THE AGRI-PARK. - JENNA DRAPER

Travis Kyhl and Jenna Draper introduced themselves and the Agri-Park project.

Commissioner Wright said that the commissioners have attended meetings concerning the Agri-Park project and are up to date on the requests.

Auditor Smith said that funding was never formally budgeted for this project, but that LATCF funds could be used.

Commissioner Johnson said that this will be very beneficial to the State and other counties, but does not see how this will be beneficial enough for Millard County to warrant spending County funds.

Mr. Keele and Mrs. Draper explained where the other funds are coming from and how this project is moving forward logistically.

Commissioner Wright said that he will work with the Auditor's Office to budget funds in the amount of \$100,000.00 and will bring it back to the next Commission meeting for approval.

PUBLIC HEARING FOR THE PURPOSE OF A POSSIBLE ZONING ORDINANCE MAP AMENDMENT APPLICATION # Z-2022-055 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 55.00 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 7100 W 3000 N DELTA (ABRAHAM) FROM AGRICULTURE (AG) TO HEAVY INDUSTRIAL (HI), MIKE & LAURIE JACKSON, APPLICANTS

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comment on a possible zoning ordinance map amendment application # A-2022-055.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:02 a.m..

Present were: Recorder Dickens, Planner Richins, Auditor Smith, Chief Deputy Auditor Bennett, Assessor Manis, Treasurer Dearden, Matt Ward, Cindy Ledbetter, Captain Bennett, Lindsay Mitchell, Rachel West, Travis Kyhl, Tyler Timmons, Shay Morrison, Jenna Draper, Kalen Taylor, Dennis Alldredge, Jim Frampton, Teresa Frampton, Lauri Jackson, Mike Jackson, Matt Kolste, Brandy Northington, and Jasen Northington

Planner Richins explained how zoning districts limit or facilitate certain processes and why the applicants are requesting a rezoning of their property to allow for concrete crushers to be used. See Attachment A for the written responses.

Jason and Brandy Northington introduced themselves as neighbors to this land. Mr. Northington expressed his concerns over the impact this project would have on their lives and the future possibilities that could happen if it is rezoned as heavy industrial.

Mike Jackson and Lauri Jackson explained that the total of 55 acres to be changed was chosen simply because that is the total size of the plot the future concrete crusher would be located. Mr. Jackson said that it is not intended to be a large production and they will not use the total acreage for this.

Commissioner Wright explained the purpose for conditional use permits and how they are used to manage what is allowed to be done on the land.

Planner Richins explained that the Planning and Zoning Committee had previously met to discuss this application and are providing a favorable recommendation to the Commission.

Commissioner Lyman made a motion to close the public hearing.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:17 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 23-02-07 AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF APPROXIMATELY 55.0 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 7100 W 3000 N DELTA (ABRAHAM) FROM AGRICULTURE (AG) TO HEAVY INDUSTRIAL (HI)

Commissioner Lyman asked if hours of operation and noise control can be managed by the conditional use permit.

Planner Richins affirmed that reasonable conditions can and will be added to the permit.

Commissioner Johnson said that the use of water has been brought up as a concern.

Mr. Jackson responded that he currently has a 750 gallon water tank on site and will fill it with water from his own well. He explained that the only water that he will be using will be for misters that will help control the dust.

Commissioner Johnson said that there is a need for cement crushers on the west side of the County and sees this request as a benefit to the County.

Commissioner Wright stepped from the chair and made a motion to adopt Ordinance 23-02-07, an ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of approximately 55.0 acres of property located at approximately 7100 W 3000 N Delta (Abraham) from Agriculture (AG) to Heavy Industrial (HI).

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

PUBLIC HEARING FOR THE PURPOSE OF A POSSIBLE ZONING ORDINANCE TEXT AMENDMENT APPLICATION # Z-2023-002 AMENDING THE TABLE OF USES AND ACCOMPANYING USE DEFINITIONS, LOCATED IN TITLE 10, CHAPTER 25, APPENDIX A OF THE MILLARD COUNTY ZONING ORDINANCE AND TITLE 11, CHAPTER 1 OF THE MILLARD COUNTY SUBDIVISION ORDINANCE, TO CREATE A USE DEFINITION AND ESTABLISH ZONING DISTRICT REQUIREMENTS FOR DATA PROCESSING CENTERS

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on a possible zoning ordinance text amendment application # Z-2023-002.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:25 a.m..

Present were: Recorder Dickens, Planner Richins, Auditor Smith, Chief Deputy Auditor Bennett, Assessor Manis, Treasurer Dearden, Matt Ward, Cindy Ledbetter, Captain Bennett, Lindsay Mitchell, Rachel West, Travis Kyhl, Tyler Timmons, Shay Morrison, Jenna Draper, Kalen Taylor, Dennis Alldredge, Jim Frampton, Teresa Frampton, and Matt Kolste.

Planner Richins explained how the Table of Uses is utilized by the County and what this ordinance does. He explained that if a use is not on the list, then it is prohibited. He said that there is no usage definition that would cover data processing centers; therefore, it is currently prohibited. He presented the proposed definition for data centers and their usage.

There were no other comments made.

Commissioner Lyman made a motion to close the public hearing.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:29 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 23-02-07A, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CREATING A USE DEFINITION AND ESTABLISHING ZONING DISTRICT REQUIREMENTS FOR DATA PROCESSING CENTERS IN TITLE 10, CHAPTER 25, APPENDIX A OF THE MILLARD COUNTY CODE

Commissioner Johnson made a motion to adopt Ordinance 23-2-07A, an ordinance of the Board of County Commissioners of Millard County, Utah, amending the Table of Uses and accompanying use definitions, located in Title 10, Chapter 25, Appendix A of the Millard County Zoning Ordinance and Title 11, Chapter 1 of the Millard County Subdivision Ordinance, to create a use definition and establish zoning district requirements for data processing centers.

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

SIX COUNTY AOG (SCAOG) ANNUAL PLANNING VISIT - SHAY MORRISON, TYLER TIMMISON AND TRAVIS KHYL

Shay Morrison, Tyler Timmison, and Travis Khyl introduced themselves and provided a history behind the SCAOG and what services and programs they provide to the County. They are here specifically to visit with the Commission and provide information on their goals and plans for the coming year.

DELTA LATERAL PROJECT INTRODUCTION - JASON WILLIAMS

Jason Williams introduced himself and his fellow colleagues Shane Allgood and Glen Bancroft. Mr. Bancroft provided an update on where they are in the process. He said that they have all their permits in order and are waiting for permission to proceed with the project.

DISCUSSIONS AND POSSIBLE APPROVAL OF CHANGES TO THE MILLARD COUNTY FAIR

Rachel West, the County Events Coordinator, presented information gathered from a countywide survey concerning the County Fair. Based off of the survey and other conversations, she presented the changes her committee would like to implement, specifically reconfiguring the Fair as part of the Days of the Old West Rodeo in June and The Old Capitol Arts and Living History Festival in September. She further explained the changes she proposes and the family friendly events that are being planned for both events. Mrs West explained her desire to expand both events and draw more County participation.

The commissioners each expressed their support and excitement for the future possibilities surrounding these changes.

Commissioner Johnson made a motion to approve the changes to the Millard County Fair as discussed.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE DISPOSITION OF SURPLUS ASSETS AND APPROVAL OF VEHICLE ASSIGNMENTS

Auditor Smith presented the list of vehicle assignments for approval and the list of vehicles for surplus, as well as all other items to be surplussed.

The Commission discussed whether a vehicle should be kept for the Tourism Department. It was decided to keep one for the Tourism Department and then reevaluate whether it should be surplussed later.

Commissioner Johnson made a motion to approve the lists of disposition of surplus assets and vehicle assignments as discussed.

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

MONTHLY FINANCIAL REVIEW

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

Commissioner Lyman made a motion to approve the monthly financial review for December 2022.

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

DISCUSSION AND POSSIBLE APPROVAL OF PAYMENT ON AN INVOICE IN BREACH OF PROCUREMENT POLICY

Commissioner Wright explained the procurement policy in regards to receiving bids for purchasing, specifically how the Road Department's purchase of tires did not follow the procurement policy. He explained that approval by the Commission is needed on this payment in order for it to be paid.

Auditor Smith said that she submitted her report explaining the situation.

Attorney Finlinson explained that this is just to approve the payment of the invoice and that any discussion on the procurement policy itself should be had during the closed session.

Commissioner Lyman made a motion to approve the payment for an invoice in breach of the procurement policy.

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

Attorney Finlinson explained the structure of the procurement code and how it was created by the County to ensure transparency when the County spends public funds.

DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENTS

Lindsay Mitchell presented a list of suggested guidelines for the Commission to follow in regards to ambulance abatements, along with two requests for ambulance abatements.

Commissioner Lyman made a motion to approve 100 percent of the ambulance abatement for Rosa Apaza.

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

Commissioner Johnson made a motion to approve 100 percent of the ambulance abatement for Thomas Ramirez.

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

PUBLIC INPUT

Kalen Taylor commented on the changes for the County Fair and commended Mrs. West on the efforts she has made to improve the Fair.

OTHER BUSINESS

Captain Bennett shared updates on contracts for incoming deputies, as well as the Sheriff's Office recruitment options.

Planner Richins reported that he received a letter of support from the ACES 1 project managers requesting the commissioners' signatures. Attorney Finlinson said that it is a good letter. Both he and Planner Richins recommended the Commission sign and return it. The Commission agreed.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There were none.

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

There was none.

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

There was none.

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

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

Commissioner Lyman made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual.

Commissioner Johnson SECONDED the motion. All three commissioners voted

unanimously and the motion carried. Present in the closed session were the commissioners, Attorney Finlinson, Auditor Smith, and Deputy Clerk Hair.

After the closed executive session the regular meeting reconvened at 1:48 p.m.

The commissioners said that in regards to hiring the HR position, the candidates under discussion have different qualities and talents.

Commissioner Lyman made motion to offer the HR Director Position to Daron Smith. Motion failed for lack of a second.

Commissioner Johnson made motion to HR Director Position to Sherri Callister.

Commissioner Wight stepped from the chair and SECONDED the motion. The motion passed by majority vote

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright adjourned the meeting at 1:51 p.m..

Attest: _____

Approved: _____