

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 21st DAY OF MARCH, 2023
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

EXCUSED: Marki Rowley. County Clerk

ALSO PRESENT: Sierra Dickens..... County Recorder
John Higgins. County Landfill
Kevin Morris. County Tourism Director
Mark Huntsman. Millard County Economic Development Board (MEDA)
Erin Sorenson and Brett Callister. Millard School District
Dennis Alldredge, Matt Kolste. Citizens
Sheri Dearden..... County Treasurer
Adam Richins..... County Planner
Bonnie Smith. County Auditor
Pat Manis. County Assessor
Richard Jacopson County Sheriff
Kalen Taylor USU Extension
Stuart Clason. Regional Economical Growth Director
Devan Shields. Sunrise Engineering
Mike Holt..... Fillmore City
Matt Ward. Millard County Chronicle Progress
Michael Shea ACES 1

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 excused Clerk Rowley from the meeting. Attorney Finlinson said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MARCH 7, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 7, 2023 were presented for consideration and approval. Following review, Commissioner Lyman made a motion to approve the minutes of March 7, 2023 as presented.

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

FOLLOW UP ACTION ITEMS FROM MARCH 7, 2023

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ATC SEQUOIA LLC #00410006, OWNER - ATC SEQUOIA LLC

A business license application was presented for ATC Sequoia LLC #00410006, Owner - ATC Sequoia Llc, a business that operates towers leasing/licensing to telecommunication companies. After review of the application and finding all signatures in order, Commissioner Johnson made a motion to approve a business license for ATC Sequoia LLC #00410006, Owner - ATC Sequoia LLC.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR BONEYARD CRUSHING, INC., OWNER - MICHAEL & LAURIE JACKSON

A business license application was presented for Boneyard Crushing, Inc., Owner - Michael & Laurie Jackson, a cement crushing business. After review of the application and finding all signatures in order, Commissioner Johnson made a motion to approve a business license for Boneyard Crushing, Inc., Owner - Michael & Laurie Jackson.

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

DISCUSSION AND POSSIBLE APPROVAL OF IGP WAIVERS

Commissioner Johnson explained what IGP waivers are and presented two waiver requests for a total of \$120.00.

Commissioner Johnson made a motion to approve the IGP Waivers.

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

carried.

PRESENTATION OF THE MILLARD SCHOOL DISTRICT CAREER AND TECHNICAL EDUCATION (CTE) PATHWAY PROGRAM AND POTENTIAL INTERNSHIP WITH THE COUNTY OFFICES - ERIN SORENSON

Erin Sorenson and Brett Callister from the Millard School District presented information on the CTE program and explained how it benefits the students with their continuing education and future careers. Mrs. Sorenson invited the County become an internship partner with the CTE program.

Mr. Callister explained the great work that Mrs. Sorenson has done and how she has changed the program for the better. He expressed his desire to have twenty students on each side of the County complete internships.

Mrs. Sorenson explained that there is no expectation for these to be paid internships.

Commissioner Wright suggested that Mrs. Sorenson attend the Supervisor Training Meeting. He also suggested sending an email out to the supervisors to get their thoughts on internship opportunities within their departments.

Mrs. Sorenson said that internships would start at the beginning of the 2023-2024 school year.

The commissioners expressed their approval of this program and the potential this has to benefit the County and the students.

DISCUSSION AND POSSIBLE AWARDED OF THE TOURISM MARKETING RFP

Supervisor Morris presented his RFP tabulation and rankings. He recommended accepting proposals from VistaWorks, Avalaunch, Hub, and Jentri Shurtz.

Attorney Finlinson suggested sending a more specific followup proposal to each of these four companies and possibly interviewing each one in order to narrow down the proposals.

Commissioner Lyman excused herself from the discussion as she has a relative who has submitted a proposal.

Commissioner Johnson made a motion to accept the proposals from VistaWorks, Avalaunch, Hub, and Jentri Shurtz.

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

OPENING AND POSSIBLE AWARDING OF THE MAGNESIUM CHLORIDE BIDS

Auditor Smith opened the following bid:

- Dust Busters at \$106.70 per ton

Auditor Smith reported that the bid went to EnviroTech last year at \$80.00 per ton.

Commissioner Lyman made a motion to accept the bid as presented and to award the Magnesium Chloride bid to Dust Busters at \$106.70 per ton.

The motion died for lack of a second.

Commissioner Wright expressed his desire to discuss the bid with the department supervisor.

Commissioner Johnson said that he wants to reach out to EnviroTech.

Commissioner Johnson made a motion to accept the Magnesium Chloride bid from Dust Busters at \$106.70 per ton as presented and to review the specification of the bids before awarding the bid

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

DISCUSSION AND POSSIBLE APPROVAL OF APPLICATION #Z-2023-005, FOR A PLAT SUBDIVISION LOCATED AT APPROXIMATELY 1805 EAST MAIN STREET DELTA. JACE MORGAN - APPLICANT

Planner Richins presented the application and briefly explained the request.

Commissioner Johnson made a motion to approve the application #Z-2023-005.

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

PUBLIC HEARING FOR THE PURPOSE OF A RECEIVING PUBLIC COMMENT ON A ZONING ORDINANCE TEXT AMENDMENT, APPLICATION # Z-2023-008 TO CREATE DEFINITIONS AND REGULATIONS FOR TEMPORARY CONSTRUCTION HOUSING IN TITLE 10 OF THE MILLARD COUNTY ZONING ORDINANCE

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on a zoning ordinance text amendment, Application # Z-2023-008 to create definitions and regulations for Temporary Construction Housing in Title 10 of the Millard County Zoning Ordinance.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:50 a.m..

Present were: Recorder Dickens, Matt Kolste, Auditor Smith, Treasurer Dearden, Supervisor Higgins, Director Morris, Planner Richins, Mark Huntsman, Erin Sorenson, Brett Callister, Matt Ward, Sheriff Jacobson, Kalen Taylor, Stuart Clason, Devan Shields, and Dennis Alldredge.

Planner Richins presented the application and explained how the Temporary Construction Housing Zoning would be defined and used. It was recommended that this be used solely for large projects.

Attorney Finlinson reported on a public comment that was sent to him, the concern being how water rights would be handled.

Planner Richins responded that because it is a State requirement and that the Utah Division of Water Rights will not approve an application unless they are satisfied that they have met their requirements, this concern will be handled during the application process not the ordinance.

Attorney Finlinson responded that his understanding of the concern is that something be added into the ordinance itself that concerns water rights.

Planner Richins said that language could be easily added and that approval needs to be received by the Utah Division of Water Rights.

Sheriff Jacobson asked if there was discussion concerning law enforcement of nuisance abatements.

Planner Richins affirmed that this has been addressed explicitly in the ordinance.

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 11:10 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 23-03-21, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION TO CREATE DEFINITIONS AND REGULATIONS FOR TEMPORARY CONSTRUCTION HOUSING IN TITLE 10 OF THE MILLARD COUNTY ZONING ORDINANCE

Commissioner Johnson asked how hard it would be to remove violators as this may be appealing to use this ordinance as a solution to the housing market problem.

Planner Richins explained the process of dealing with ordinance violators and how they are removed. He also explained that his department will be tracking who has been approved and who has not, as well as the expiration dates. He also explained there will be regular physical review of the sites.

Commissioner Lyman asked who will deem offenders as a “nuisance”.

Planner Richins said that it would come about after a complaint has been filed and then his

department would investigate and make that decision.

Commissioner Lyman asked where the permits needs to be posted.
Planner Richins said that it would be posted at the entrance of the property.

Planner Richins said that this ordinance could be repealed when it is no longer needed or simply tied to specific C1 or C2 large construction projects.

Commissioner Johnson made a motion to adopt Ordinance 23-03-21, an ordinance of the Board of County Commissioners of Millard County, Utah, to create definitions and regulations for temporary construction housing in Title 10 of the Millard County Zoning Ordinance, with the changes as discussed concerning water rights

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON OPENING BUDGETS FOR THE 2023 YEAR. BUDGETS TO BE CONSIDERED ARE SPECIAL PROJECTS FOR THE AWARDED FUNDING DUE TO THE FLOOD MITIGATION FOR THE HALFWAY HILL FIRE. ALL FUNDS/BUDGETS MAY BE CONSIDERED, AS NECESSARY

Commissioner Wright stepped from the chair and made a motion to enter into a public hearing for the purpose of receiving public comment on opening budgets for the 2023 year. Budgets to be considered are Special Projects for the awarded funding due to the flood mitigation for the Halfway Hill fire. All funds/budgets may be considered, as necessary .

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, Matt Kolste, Auditor Smith, Treasurer Dearden, Supervisor Higgins. Director Morris, Planner Richins, Mark Huntsman, Erin Sorenson, Brett Callister, Matt Ward, Sheriff Jacobson, Kalen Taylor, Stuart Clason, Devan Shields, and Dennis Alldredge.

Auditor Smith presented then following items:

- \$9,500.00 for the West County Pool
- \$46,000.00 for the SCAOG Loan Payment
- \$2,200,000.00 from the Natural Resources Conservation Service (NRCS)
- Possible funding for purchasing a budget software program for the Auditor's Office.

There were no other comments made.

Commissioner Wright stepped from the chair and made a motion to close the public hearing.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:28 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-03-21, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH OPENING AND AMENDING THE 2023 BUDGET AS DISCUSSED

It was decided that the Commission would hold off on approving funds for the budget software program for the Auditor's Office, but would send out a request for bids.

Commissioner Lyman made a motion to approve Resolution 23-03-21, a resolution of the Board of County Commissioners of Millard County, Utah, opening and amending the 2023 budget as discussed.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT RELATIVE TO PROPOSED CHANGES TO SECTIONS WITHIN TITLE 3, CHAPTER 3 OF THE MILLARD COUNTY CODE, "DELINQUENT REAL PROPERTY TAX SALES", AMENDING THE TIME, PLACE AND MANNER OF THE ANNUAL TAX SALE, AND RELATED PROVISIONS

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comment on proposed changes to sections within Title 3, Chapter 3 of the Millard County Code, "delinquent real property tax sales", amending the time, place and manner of the annual tax sale, and related provisions.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:33 a.m..

Present were: Recorder Dickens, Matt Kolste, Auditor Smith, Treasurer Dearden, Supervisor Higgins. Director Morris, Planner Richins, Mark Huntsman, Erin Sorenson, Brett Callister, Matt Ward, Sheriff Jacobson, Kalen Taylor, Stuart Clason, Devan Shields, and Dennis Alldredge.

Auditor Smith explained that this ordinance would allow the tax sale to be held solely online.

Assessor Manis said that he is in favor of this change.

There were no other comments made.

Commissioner Wright stepped from the chair and 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 11:35 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 23-03-21A, AN ORDINANCE OF THE BOARD OF MILLARD COUNTY COMMISSION AMENDING SECTIONS WITHIN TITLE 3, CHAPTER 3 OF THE MILLARD COUNTY CODE, "DELINQUENT REAL

PROPERTY TAX SALES”, AMENDING THE TIME, PLACE AND MANNER OF THE TAX SALE AND RELATED PROVISIONS

Commissioner Wright asked if this prohibits physical attendance.

Auditor Smith said that everybody would need to participate online, but clarified that bids can still be limited by her office.

Commissioner Johnson made a motion to adopt Ordinance 23-03-21A, an ordinance of the Board of County Commissioners of Millard County, Utah, amending sections within Title 3, Chapter 3 of the Millard County Code, “delinquent real property tax sales”, amending the time, place and manner of the annual tax sale, and related provisions.

Commissioner Lyman SECONDED the motion. Deputy Clerk Freeman 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 RECEIVING PUBLIC COMMENT ON GRANTING A LOAN FROM CAPITAL PROJECTS TO THE SOLID WASTE ENTERPRISE FUND FOR THE PURCHASE OF LANDFILL EQUIPMENT

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comment on granting a loan from Capital Projects to the Solid Waste Enterprise Fund for the purchase of landfill equipment.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:39 a.m..

Present were: Recorder Dickens, Matt Kolste, Auditor Smith, Treasurer Dearden, Supervisor Higgins. Director Morris, Planner Richins, Mark Huntsman, Erin Sorenson, Brett Callister, Matt Ward, Sheriff Jacobson, Kalen Taylor, Stuart Clason, Devan Shields, and Dennis Alldredge.

Supervisor Higgins explained that he could like to get a loan from the County to purchase a second garbage collection truck.

Auditor Smith said that the loan total with the roll over would be \$443,600.00.

There were no other comments made.

Commissioner Wright stepped from the chair and made a motion to close the public hearing.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:41 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-03-21A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH

APPROVING A LOAN FROM CAPITAL PROJECTS TO THE SOLID WASTE ENTERPRISE FUND FOR THE PURCHASE OF LANDFILL EQUIPMENT

Commissioner Lyman asked if there is current bid open on the truck purchase.
Supervisor Higgins said that there have only been verbal bids, but nothing official.

Commissioner Johnson made a motion to approve Resolution 23-03-21A, a resolution of the Board of County Commissioners of Millard County, Utah, approving a loan from Capital Projects to the Solid Waste Enterprise Fund for the purchase of landfill equipment.

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

DISCUSSION AND POSSIBLE APPROVAL OF COMMUNITY BENEFIT PLAN (CBP) MEMORANDUM OF UNDERSTANDING (MOU) WITH ACES 1 TO UTILIZE H2HUBS GRANT FUNDS TO SUPPORT EDUCATION AND CAREER TRAINING. MICHAEL SHEA, ACES 1

Commissioner Wright explained that the County has an economic development board (MEDA) within the County. He explained that the County is trying to create a partnership between education, career training, and economic growth entities withing the County.

Mr. Shea explained that Aces 1 is applying for a grant and is working on developing a community benefit plan that would utilize \$2,000,000.00 to be put towards county development. He presented the MOU that would handle the usage of these funds.

Planner Richins presented a document that outlines a plan that could be used to utilize H2HUBS grant funds. He did make note that this is not meant to be a binding plan, but rather a preliminary idea.

Mr. Clason explained that there are other funds through State grant funds for economic development. He expressed his recommendation that this is a good opportunity to utilize those funds also be used in conjunction with the Aces 1 grant application.

Commissioner Lyman asked if there has to be a link to STEM Education and green energy.

Planner Richins said that would be up to the discretion of the Commission on how the funds would be used.

Mr. Clason affirmed that it is up to the discretion of the Commission, but it is desirable that there is a link to STEM Education and green energy if possible.

Mark Hunstman, Vice President of the MEDA board, explained a few other programs and interests that the board is working on.

Commissioner Lyman made a motion to approve the CBP MOU with ACES 1 to utilize

H2HUBS grant funds to support education and career training.

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

DISCUSSION AND POSSIBLE APPROVAL OF REASSIGNMENT OF SURPLUS VEHICLE TO THE COUNTY OFFICE IN DELTA

Commissioner Johnson explained how this vehicle would be used.

Commissioner Johnson made a motion to approve the reassignment of surplus vehicle to the County Office in Delta.

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

MONTHLY FINANCIAL REVIEW

Auditor Smith and Treasurer Dearden presented the February financial review.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Lyman reported that she received an email from the Public Lands Counsel requesting \$2,000.00. She said the last time a payment was sent was October 2021 and that these funds are used specifically for the advocacy of grazing lands on federal lands.

Commissioner Johnson said that he would like to research more on this group and their efforts.

Attorney Finlinson said that NRCS has requested that the County contract directly with Sunrise Engineering in order to approve funds to help mitigate the consequences from the Halfway Hill Fire.

Devan Shields from Sunrise Engineering explained why there are no specific figures in regards to costs.

Commissioner Johnson made a motion to approve the professional services agreement between Millard County and Sunrise Engineering.

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

Attorney Finlinson said that due to the three fires that occurred last summer, the Emergency Manager for the County is looking for an emergency declaration in order to grant them access to funds and resources.

Commissioner Lyman made a motion to approve a declaration of local emergency.
Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried.

Auditor Smith asked for permission to release the payment for an invoice with a possible procumbent code violation. She said that she would explain in further detail later.

Commissioner Johnson made a motion to approve the payment.

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

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There was none.

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

There was none.

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

There was none.

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

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 competency and character of an individual.

Commissioner Johnson SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Commissioners Lyman, Johnson, Wright and Attorney Finlinson.

After the closed executive session the regular meeting reconvened at 12:44 pm.

Commissioner Johnson made a motion to extend an offer to Jacob Nielson for the HR

Director Position.

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

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright adjourned the meeting at 12:45 p.m..

Attest: _____

Approved: _____