

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 7TH DAY OF NOVEMBER, 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: Denton Peterson ..... Deputy County Attorney  
Klint Penny. .... East Maintenance Supervisor  
Dillo Torske..... NROC  
Matt Kolste..... IPP Renewal  
Tyson Barber. .... Rocky Mounty Power  
Kalen Taylor. .... USU Extension  
Michelle Ramirez, Juan Ramirez, Mitch Ramirez,  
and Ashton Boss. .... MJ Ranch  
Hyrum Bosserman ..... Bennett, Tueller, Johnson, & Deere  
Debra Arnold . .... Interim County Treasurer  
Bonnie Smith..... County Auditor  
Sierra Dickens. .... County Recorder  
Lora Fitch and Susan Wilcox..... County Assessor’s Office  
Jacob Nielson..... County HR Director  
Richard Jacobson and Pat Bennett..... County Sheriff’s Office  
Adam Richins . .... County Planner  
Dennis Alldredge and Dana Carling. .... 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

Councilman Alldredge said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

Commission Wright excused Clerk Rowley from the meeting today.

#### APPROVAL OF OCTOBER 31, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 31, 2023 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Johnson made a motion to approve the minutes of October 31, 2023, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM OCTOBER 31, 2023

There were none.

#### RATIFICATION OF THE COMMERCIAL BUSINESS RADIO CONTRACT RENEWAL

Commissioner Lyman made a motion to approve the ratification of the Commercial Business Radio TV Contract Renewal.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF DONATION OF SURPLUS EQUIPMENT TO THE MILLARD SCHOOL DISTRICT - KLINT PENNEY

Supervisor Penney explained that there are three treadmills in storage that the school district is interested in.

Commissioner Johnson made a motion to approve the donation of surplus equipment to the Millard School District.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-11-07, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALES) BY ADJUSTING THE GRADE ASSIGNMENT FOR THE PUBLIC SAFETY OFFICE ADMINISTRATOR POSITION

Commissioner Lyman made a motion to approve Resolution 23-11-07, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (adopting

the Millard County step and grade scales) by adjusting the grade assignment for the Public Safety Office Administrator Position.

Commissioner Johnson 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.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-11-07A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALES) BY MOVING THE PART-TIME SECRETARY POSITION IN THE SHERIFF'S OFFICE TO THE FULL-TIME STEP AND GRADE SCALE

Commissioner Johnson made a motion to approve Resolution 23-11-07A, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (adopting the Millard County step and grade scales) by moving the part-time secretary position in the Sheriff's Office to the full-time step and grade scale.

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.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-11-07B, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALES) BY ADJUSTING THE GRADE ASSIGNMENT FOR THE PART-TIME CLERK POSITION IN THE JUSTICE COURT

Commissioner Johnson made a motion to approve Resolution 23-11-07B, a resolution of the Board of County Commissioners of Millard County, Utah, (adopting the Millard County step and grade scales) by adjusting the grade assignment for the part-time clerk position in the Justice Court.

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 RESOLUTION 23-11-07C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALES) BY ADJUSTING THE GRADE ASSIGNMENT FOR THE GIS DATA TECHNICIAN IN THE RECORDER'S OFFICE

Recorder Dickens explained the purpose of this position and that she had worked with HR Director Nielson. She said that there is room in the budget to start that pay assignment right now.

Director Nielson explained the justification for the adjustment as well.

Auditor Smith confirmed that Recorder Dickens has it in her budget to cover the move

starting today.

Commissioner Johnson made a motion to approve Resolution 23-11-07C, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 (adopting the Millard County step and grade scales) by adjusting the grade assignment for the GIS Data Technician in the Recorder's Office.

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 IMPACT ALLEVIATION AGREEMENT WITH IPA

Deputy Clerk Freeman presented the agreement to the Commission and Commissioner Wright explained the latest changes that have been made to it.

Commissioner Johnson asked if there is an end date to this agreement.

Commissioner Wright said that as of now the end date is June 2024, but it may be necessary to execute a second agreement to cover the rest of the construction.

Commissioner Johnson made a motion to approve the Impact Alleviation Agreement with IPP.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-11-07D, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AUTHORIZING THE EXECUTION AND DELIVERY OF A MUNICIPAL LEASE-PURCHASE AGREEMENT FOR EQUIPMENT LEASES BY THE MILLARD COUNTY SHERIFF'S OFFICE

Captain Bennett explained that this is needed if they want to continue to use their current vehicles while the Sheriff's Office continues to explore other options.

Attorney Finlinson further explained the resolution.

Commissioner Lyman explained that she has reached out to different dealerships and, while financially, the Sheriff's office is not able to purchase vehicles outright currently, it may save them money in the future to not lease. She recommends that for now to continue rolling over the seven vehicles in question with this new, limited, lease program while exploring other options.

Captain Bennett said that they can cancel the program at any time.

Auditor Smith said that it appears that they can not terminate the program until the three year anniversary date.

Sheriff Jacobson said that they would reach out to the companies and ask for an extension and what negotiations he can get back from them.

#### OPENING OF THE INMATE DENTAL SERVICES RFPS

Sheriff Jacobson explained that once again no bids were received and they will continue to use local resources on a case by case basis.

Attorney Finlinson explained that there has been a large jump in claims against physicians by inmates, which is a deterrent.

#### DISCUSSION CONCERNING COUNTY WATER RIGHTS - TERRY MONROE

This item is scheduled on the November 14<sup>th</sup>, 2023 agenda.

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-11-07E, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING THE RULES GOVERNING THE USE OF THE MILLARD COUNTY EQUESTRIAN FACILITIES

Commissioner Lyman made a motion to approve Resolution 23-11-07E, a resolution of the Board of County Commissioners of Millard County, Utah, amending the rules governing the use of the Millard County Equestrian Facilities.

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 INPUT

Tyson Barber introduced himself as the Regional Manager for Rocky Mountain Power.

#### OTHER BUSINESS

There was none.

#### 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

Commissioner Lyman made a motion to enter into a BOE.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 10:56 a.m.

Interim Assessor Fitch presented a personal property tax waiver for Melvin Dutson.

Commissioner Johnson made a motion to approve waiving the personal property tax for Melvin Dutson, at 100 percent.

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

Interim Assessor Fitch presented personal property tax waiver for Reef Fitness Club.

Commissioner Lyman made a motion to approve waiving the personal property tax for Reef Fitness Club, at 100 percent.

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

Interim Assessor Fitch a personal property tax waiver for Schurtz MC/ATV Repair - Owner Nicholas Shurtz.

Commissioner Johnson made a motion to approve waiving the personal property tax for Schurtz MC/ATV Repair - Owner Nicholas Shurtz, at 100 percent.

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

Interim Assessor Fitch presented a personal property tax waiver for Stonecover, LLC.

Commissioner Lyman made a motion to approve waiving the personal property tax for Stonecover, LLC, at 100 percent.

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

Interim Assessor Fitch presented a personal property tax waiver for Cherrill Labrum.

Commissioner Lyman made a motion to approve waiving the personal property tax for Cherrill Labrum, at 100 percent.

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

Commissioner Johnson made motion to close the BOE.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:05 a.m..

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

#### MEETING OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF MILLARD COUNTY FOR PURPOSE OF DETERMINING UTAH SOLAR 1 CDA PROJECT PROCESS AND PROCEDURE

Deputy Attorney Peterson gave a brief update that they are in a 30 day waiting period before the resolutions become permanent.

#### APPEAL OF MILLARD COUNTY PLANNING COMMISSION'S DECISION ON C-1 CONDITIONAL USE PERMIT APPLICATION #Z-2023-039 FOR A COMMERCIAL KENNEL

Attorney Finlinson explained that the commissioners are acting as the appeal authority, in a quasi judicial purpose, and any deliberation must be held in an open hearing. He explained these are not executive functions.

Mr. Bosserman introduced himself representing Ms. Carling on her appeal for the conditional use permit (CUP) #Z-2023-039 . He argued that the permit was improperly granted, was in violation of County Nuisance laws, and that the existence of a commercial kennel is detrimental to Ms. Carling's health. He concluded that he is requesting that the Commission repeal the CUP, or at least place mitigating conditions on the CUP.

Deputy Attorney Peterson responded to Mr. Bosserman's arguments.

Attorney Finlinson explained that Mr. Bosserman now has a chance to respond.

Mr. Bosserman's presented his arguments against Deputy Attorney Peterson's responses.

Commissioner Johnson asked exactly how close the locations actually are.

Commissioner Wright asked how far away her permanent resident is from the location in question.

Mr. Bosserman responded it is about 800 feet from the applicants property line and Ms. Carling's primary residence.

Commissioner Johnson asked if the CUP limits the location of building the kennels. Attorney Peterson said no, as long as it applies with the general land requirements.

Commissioner Wright asked if the kennels had been built yet.

Attorney Peterson said that they have not.

Mr. Bosserman argued that he does not believe that it would make any difference.

Commissioner Wright explained that an AG zone was intentionally zoned to be broad. He said that the land is in a AG zone and it is nearly impossible to implement conditional rules to cover everything. He said that one person's property rights does not overrule someone else's especially on AG land.

Mr. Bosserman argued that because it is a conditional use there can be restrictions put on what a person can do on their property to substantially mitigate negative consequences and they are requesting more conditions.

Deputy Attorney Peterson gave his rebuttal to Mr. Bosserman's argument, stating that because the land is zoned as AG noise, like dog barking, is not considered a nuisance like it is in residential zoning, especially if CUP conditions are in place.

Commissioner Wright explained that neither Mr. Bosserman nor Ms. Carling have been able to provide any concrete evidence to support their opinion that the CUP conditions are not sufficient. He said that there is no evidence that the CUP conditions would or would not mitigate any negative consequences once they have been put in place. Commissioner Wright then offered his support of the Planning and Zoning Commission's decision.

Commissioner Johnson offered his support of the Planning and Zoning Commission's decision.

Commissioner Lyman also agreed with the Planning and Zoning Commission's decision and also agreed with Commissioner Wright that there is no evidence that supports that the CUP conditions would or would not be effective, but she did express her desire to further investigate the structure that would be required to be build in order to conform with the CUP.

Commissioner Wright stepped from the chair and made a motion to accept the Planning and Zoning Commission's decision on C-1 CUP Application #Z-2023-039 for a commercial kennel.

Commissioner Johnson SECONDED the motion.

Commissioner Wright called for a vote on the motion. Commissioner Johnson voted YES. Commissioner Lyman voted NO. Commissioner Wright voted YES. The motion passed by majority vote.

Commissioner Wright suggested that after all the CUP stipulations have been made and are found to not be adequate that this be brought back to see if more mitigations need to be put in place.



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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright adjourned the meeting at 12:49 p.m..

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

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