

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 19TH DAY OF NOVEMBER 14, 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: Bonnie Smith and Vickie Bennett..... County Auditor’s Office
Sierra Dickens. County Recorder
Lora Fitch and Hollie Miller. County Assessor’s Office
Jacob Nielson..... County HR Director
Terry Monroe..... Division of Water Rights
Dennis Alldredge, Brett Bunker, Andy Nickle
Dean Draper, Mark Maxfield, and Matthew Kessler. Citizens
Kalen Taylor USU Extension

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

Auditor Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF NOVEMBER 7, 2023 COMMISSION MINUTES

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

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

FOLLOW UP ACTION ITEMS FROM NOVEMBER 7, 2023

There were none.

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

Commissioner Johnson made a motion to enter into a BOE.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 10:04 a.m..

Matthew Kesler presented his request for an adjustment to be made on the property tax assessment for his land, parcel #6771. He said that he believes it was assessed too high based on neighboring comparisons.

Interim Assessor Fitch responded that her office has not made any adjustments and further explained the reasons for her office's assessments. She explained that there are updated fee tables that her office uses.

Auditor Smith explained that any comparables should be given to the Assessor's Office and that they have ten days to review them.

Mr. Kesler stated that the Assessor's Office has no right to enter his private property and that they did not properly contact him about accessing his property for their assessment.

Interim Assessor Fitch explained her office's policy towards the assessment of properties.

Commissioner Wright affirmed that respect should be shown to property rights of all private citizens by all public officials.

Commissioner Johnson asked about the replacement value Mr. Kesler attached to his shed. Mr. Kesler responded that he assigned that value himself.

Commissioner Lyman expressed her desire for more comparables.

Commissioner Johnson expressed his opinion that if Mr. Kesler does not want assessors on his property then he needs to expect a higher assessment as google maps and street assessments are not going to be accurate.

Commissioner Wright said that they will let Mr. Kesler know of the Commission's decision.

Assessor Fitch presented the stipulation in the amount of \$710,000.00 for Western Ag Credit, parcel #DO-3218-2. She explained that there is a pending sale on this parcel.

Commissioner Lyman made a motion to approve the stipulation in the amount of \$710,000.00 for Western Ag Credit, parcel #DO-3218-2.

Commissioner Wright stepped from the chair and SECONDED the motion.

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

Chief Deputy Auditor Bennett presented a list of assessor adjustments for Commission approval.

Commissioner Lyman made a motion to approve the list of assessor adjustments.

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

Chief Deputy Auditor Bennett presented a hardship application from James and Angela Freeman, account #0126566. Based on their income, it is recommended that the Commission approve a 20 percent abatement.

Commissioner Lyman made a motion to approve the abatement at 20 percent for James and Angela Freeman, account #0126566.

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

Commissioner Lyman made a motion to accept the Assessor's Office assessment of Matthew Kesler's property, parcel #6771.

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

Commissioner Lyman made motion to close the BOE.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 10:39 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-11-14, 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

Commissioner Wright explained that the County will not be renewing the lease.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-11-14A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AUTHORIZING TRANSFERS OF UNENCUMBERED OR UNEXPENDED

APPROPRIATIONS BALANCES BETWEEN BUDGET DEPARTMENTS WITHIN FUNDS.

Attorney Finlinson clarified that there are three levels of transfers and that transferring money within funds does not require a public hearing.

Auditor Smith presented the list of fund transfers for discussion.

Commissioner Johnson made a motion to approve Resolution 23-11-14A, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing transfers of unencumbered or unexpended appropriations balances between budget departments within funds as discussed.

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.

IGP WAIVER

Commissioner Johnson presented one IGP waiver in the amount of \$50.00.

Commissioner Johnson made a motion to approve the IGP waiver in the amount of \$50.00.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT THE LANDFILL FEES FOR THE RV PARKS

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on landfill fees for the RV Parks.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:46 a.m..

Present were: Recorder Dickens, Matthew Kesler, HR Director Nielson, Mark Maxfield, Auditor Smith, Kalen Taylor, Dean Draper, Terry Monroe, Brett Bunker, Andy Nickle, and Dennis Alldredge.

Commissioner Wright explained that it has been difficult to establish a standard set of fees for RV parks.

Commissioner Johnson further explained how the County currently charges landfill fees. The proposed solution would be a standard \$5.00 fee per month, per spot at every park.

Matthew Kesler, owner of a RV park within the County, said that he was not treated consistently and requested an audit of the past five years and for a refund of fees that he feels he was over billed. He said \$5.00 per site is fair, but that he is concerned for the slow seasons.

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 10:51 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-11-14C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH ESTABLISHING LANDFILL FEES FOR THE RV PARKS

Commissioner Johnson explained that the \$5.00 fee is less than what the average residents pays at \$13.00 a month and a \$5.00 year round fee would average out through out the year.

Mr. Kesler responded that he has fifteen sites; seven are un usable for RVs; therefore, he requested that they only be charged for usable sites.

Commissioner Wright explained that it is hard to retroactively fix a problem and this solves the inconsistency problems. He recognized that Mr. Kesler brought this issue to the Commission's attention and thanked him for that, but also reminded him that he has not had to pay fees for the last few months while they have worked to solve the problems. He explained that if more measures need to be put in place then the Commission can reassess the situation. He said that the number of usable sites will be self reported by the RV parks.

Attorney Finlinson explained that an ordinance will be needed in the future, revising a previous resolution.

Commissioner Johnson made a motion to approve Resolution 23-11-14C, a resolution of the Board of County Commissioners of Millard County, Utah, Adopting a Landfill Fee Schedule for RV Parks in Millard County.

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

DISCUSSION CONCERNING COUNTY WATER RIGHTS - TERRY MONROE

Terry Monroe, from the Sevier River/Southern Regional Office of the Utah Division of Water Rights, introduced himself and explained that he is here simply to provide updates on the situation with the ground water in Pahvant Valley and what the Division is working on. He also gave a brief historical explanation on the ground water issue and the actions that have been taken. He said that the problem has gotten worse. He explained that a new study will be conducted and that he plans to hold a public meeting within the County to present the results of this study.

Attorney Finlinson asked if the most recent studies have challenged the 1960 study.

Mr. Monroe responded that, its not so much challenged, but rather updated the

information and that new technologies have provided new data.

Commissioner Lyman asked about water metering and about possible funding. Mr. Monroe explained that water metering is a very hot topic currently.

Mr. Monroe expressed his desire to come more frequently to the County to provide updates on situations.

PUBLIC INPUT

There was none.

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

Commissioner Lyman said that she heard on the Utah radio channel that the BLM is considering making three areas wilderness study areas. She said that if anybody would like to comment, you can go to the radio's website and leave a comment.

Auditor Smith stated that the Commission will have to open the budget for Recreation in order to address utility funds.

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

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 Wright adjourned the meeting at 11:25 a.m..

Attest: _____

Approved: _____