

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 16th DAY OF APRIL, 2024  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Vicki Lyman..... Chairperson  
Bill Wright..... Commissioner  
  
Pat Finlinson..... County Attorney  
Marki Rowley..... County Clerk

EXCUSED: Trevor Johnson..... Commissioner  
Kayla Freeman..... Deputy County Clerk

ALSO PRESENT: Kristine Camp..... Interim County Treasurer  
Bonnie Smith..... County Auditor  
Sierra Dickens..... County Recorder  
Lora Fitch..... Interim County Assessor  
Jacob Nielson..... County HR Director  
Richard Jacobson, Patrick Bennett, Jerid Bennett, and  
Shane Brunson..... County Sheriff’s Office  
Adam Richins..... County Planner  
Dean Anderson, Garth Lake, Todd Anderson,  
and Scott Anderson..... Drainage District 4  
Devan Shields and Ben Coray..... Sunrise Engineering  
Brandon Wingett..... County Road Supervisor  
Shim Callister..... Oak City Town Mayor  
Dennis Alldredge, Barry Anderson, Cherrie Anderson, Jeff Weaver, and  
Traci Callister..... 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 Lyman to the public and Commission members.

OPENING STATEMENTS

Commissioner Wright said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### APPROVAL OF APRIL 2, 2024 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 2, 2024 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Wright made a motion to approve the minutes of April 2, 2024, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM APRIL 2, 2024

There was none.

#### DISCUSSION AND POSSIBLE APPROVAL OF WRITING OFF OUTSTANDING BALANCE AT LANDFILL

Commissioner Wright explained that there is an outstanding balance at the Landfill after bills have been sent to collections agencies and suggested that the County writes off the balance.

Commissioner Wright made a motion to write off the outstanding balance at the Landfill.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR MASSAGE ME-A-GON - OWNER, MEAGAN STANWORTH

A business license application was presented for Massage Me-A-Gan - Owner, Meagan Stanworth, a massage business. After review of the application and finding all signatures in order, Commissioner Wright made a motion to approve a business license for Massage Me-A-Gan - Owner, Meagan Stanworth.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF MAG CHLORIDE CONTRACT WITH DELTA CITY

Attorney Finlinson explained that the magnesium chloride contract with Delta City has been approved by Delta City. He said that it now requires approval from the County.

Auditor Smith asked what the hourly rates were.

Commissioner Lyman said that the hourly rate for the water truck, trailer, and grader is \$140.00 and the hourly rate for the equipment operator is actual hours plus \$23.50 in benefits.

Commissioner Wright made a motion to approve the mag chloride contract with Delta City.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A SOLE SOURCE VENDOR FOR A CHIP SPREADER FOR THE ROAD DEPARTMENT

Commissioner Lyman explained that they are saving over a hundred thousand dollars if they buy the used chip spreader at \$300,000.00.

Commissioner Wright made a motion to approve Geneva Rock Products Inc. as the sole source vendor for a chip spreader for the Road Department.

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

#### DISCUSSION AND POSSIBLE APPOINTMENT OF HEARING OFFICER FOR LAND USE DECISION APPEAL

Attorney Finlinson explained that the County does not currently employ a permanent land use appeals officer. He explained that Brent Batemen has helped in the past, on a case-by-case basis, but has not responded lately. Attorney Finlinson said that Dale Eyre, who used to be a Sevier County Attorney, is willing to help and suggested that he be appointed as a hearing officer, pending agreeable terms, for specific land use appeals.

Auditor Smith suggested moving funds from special projects to cover the cost of appeals as they arise.

Commissioner Wright made a motion to provisionally appoint Dale Eyre as the County's Hearing Officer, for specific land use decision appeals.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF FUNDING PROPOSAL FOR DRAINAGE DISTRICT ENGINEERING STUDY

Attorney Finlinson explained that they cannot discuss the subdivision during this discussion.

Todd Anderson said that he is here to discuss funds to complete a general plan that Sunrise Engineering will create. He said that getting a general plan in place will help better define the scope of the easements in place and will help support the County's position on protecting agriculture.

Attorney Finlinson said that he has talked with Planner Richins about County zoning and subdivision ordinances in order to better accommodate the drainage districts. He said that proper scope information is required and that he recommends the County help fund the engineering study with Sunrise Engineering.

Commissioner Wright asked what the study will cover and what evidence will be shown for their work.

Devin Shields responded that they will focus on survey work in order to develop topographical maps and models of the drains and the surrounding areas. He explained that this would provide concrete, independent evidence on what must be maintained apart from a developer's recommendation. He said that a master plan will include updated mapping that will be available for anyone wanting to make changes based on mitigation requirements.

Commissioner Wright asked if there is a backup plan for the County if the issue cannot be solved.

Attorney Finlinson responded that, in respect to protecting the drainage districts throughout the County, it is completely solvable if they have something concrete that they can work from.

Commissioner Lyman asked what the lidar studies could tell them.

Mr. Shields answered that there is lidar data available that they will use, but will confirm the data at specific points with the field surveys, which will hasten the general plan time line.

Attorney Finlinson said that the lidar data will also save about \$50,000.00 by not having to go out into the field at every location.

Commissioner Wright suggested that funds from special projects be used.

Commissioner Wright made a motion to approve the funding proposal for the drainage district engineering study.

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

## DRAINAGE DISTRICT DISCUSSION

Dean Anderson asked what the process would be if they wanted to change the rules to allow for solar power.

Attorney Finlinson said that it always starts at the Planning and Zoning Commission.

Garth Lake brought up the issue of levying more taxes for their districts if needed and the possible kickback from it.

Commissioner Wright explained the process on how to increase tax levees if needed.

## PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON ZONING ORDINANCE MAP AMENDMENT APPLICATION # Z-2024-04 REQUESTING TO CHANGE

THE ZONING OF APPROXIMATELY 8.43 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 450 NORTH MAIN STREET OAK CITY FROM AGRICULTURE-20 (AG-20) TO RESIDENTIAL (R-1). BARRY ANDERSON, APPLICANT

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on zoning ordinance map amendment application #Z-2024-04, requesting to change the zoning of approximately 8.43 acres of property located at approximately 450 North Main Street Oak City from Agriculture-20 (AG-20) to Residential (R-1). Barry Anderson, Applicant.

Commissioner Lyman stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:41 a.m.

Present were: Jeff Weaver, Planner Richins, Devin Shields, Sheriff Jacobson, Deputy Bennett, Captain Bennett, Deputy Brunson, Auditor Smith, Interim Treasurer Camp, Road Supervisor Winget, HR Director Nielson, Recorder Dickens, John Higgins, Dennis Alldredge, Dean Anderson, Garth Lake, Scott Anderson, Barry Anderson, Cherrie Anderson, Todd Anderson, Traci Callister, Shim Callister, and Ben Coray.

Planner Richins said that the parcel is partially zoned R-1 and AG-20, and that the request is to zone it all R-1. He said that it does have the recommendation of the Planning and Zoning Commission. He explained one of the main concerns is the Oak City well on the property and if rezoning would jeopardize the well.

Barry Anderson said that this was originally his grandparents' property. He said that there are four trustees left and instead of selling, they split the property and are now trying to fix the zoning issues. He said that the property already zoned R-1 contains the well. The rest is zoned Ag-20.

Commissioner Lyman asked if they have well permits to dig wells.

Mr. Anderson said that he does not currently have well permits but knows that they can purchase water rights and confirmed that there is no other water source on the land. He said their purpose here is to be able to legally split the property equally, so that in the future they can be sold easier as needed.

Planner Richins showed a map of the parcel and pointed out where the town's well is located.

Oak City Mayor Shim Callister presented a map to the commission. He pointed out where the well is on his map and where Oak City wants to move the well in order to dig it deeper. He explained the protection zones and restrictions around the well. He said that he would like the people who potentially purchase the property to be aware of the Town of Oak City's concerns.

Mr. Anderson responded that they have cows and other things deemed harmful on the property already, specifically septic tanks on the other parcels belonging to the homes that are grandfathered in, as they were built prior to May 1990.

There were no other comments made.

Commissioner Wright made a motion to close the public hearing.

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

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 24-4-16. AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF APPROXIMATELY 8.43 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 450 NORTH MAIN STREET OAK CITY FROM AGRICULTURE-20 (AG-20) TO RESIDENTIAL (R-1)

Planner Richins explained that the well protection zones are independent of any other zoning district and that the State Health Department would be involved regardless of any rezoning changes surrounding the well.

The commissioners each voiced their concern with what cannot be done on the property and that buyers may not be aware of this before they purchase. Planner Richins said that there could be notations added to plat maps so that realtors and potential buyers are aware of the restrictions surrounding the well.

Commissioner Wright said that he would move to approve this, but noted the concerns of the town are legit concerns.

Commissioner Wright made a motion to adopt Ordinance 24-4-16, an ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of approximately 8.43 acres of property located at approximately 450 North Main Street Oak City from Agriculture-20 (AG-20) to Residential (R-1).

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON ZONING ORDINANCE MAP AMENDMENT APPLICATION # Z-2024-05 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 9.34 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3400 SOUTH 4100 W DELTA (DESERET) FROM AGRICULTURE (AG) TO HIGHWAY COMMERCIAL (HC). SAM EDWARDS, APPLICANT

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on zoning ordinance map amendment application # Z-2024-04, requesting to change the zoning of approximately 9.34 acres of property located at approximately 3400 South 4100 West Delta (Deseret) from Agriculture (AG) to Highway Commercial (HC). Sam Edwards, Applicant

Commissioner Lyman stepped from the chair and SECONDED the motion. The voting was unanimous, and the motion carried. The public hearing began at 11:19 a.m.

Present were: Jeff Weaver, Adam Richins, Devin Shields, Sheriff Jacobson, Deputy Bennett,

Captain Bennett, Deputy Brunson, Auditor Smith, Interim Treasurer Camp, Road Supervisor Winget, HR Director Nielson, Recorder Dickens, John Higgins, Dennis Alldredge, and Ben Coray.

Jeff Weaver explained that he is representing himself as well as other adjacent property owners. He read a letter written March 6, 2024, in opposition to the proposed zoning change. He then addressed some of the concerns he has about this proposed zoning change.

Planner Richins said that he received a request from the owner to withdraw this application. He was told they would like to revise the application.

There were no other comments made.

Commissioner Wright made a motion to close the public hearing.

Commissioner Lyman stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:25 a.m.

#### DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 24-4-16A, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF APPROXIMATELY 9.34 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3400 SOUTH 4100 WEST DELTA (DESERET) FROM AGRICULTURE (AG) TO HIGHWAY COMMERCIAL (HC)

This item was struck from the agenda due to the applicant withdrawing its application.

Commissioner Wright said that he would not have approved this even if it was not withdrawn as he feels that the applicant has not done its due diligence in preparing the application.

Commissioner Lyman said that she attended the meeting where this request was initially discussed at, and said that the public was not in favor of it.

Commissioner Wright made a motion to move to the next agenda items.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF NOTCH PEAK REPEATER CO-LOCATION MOU

Sheriff Jacobson said that the tower already on site will stay intact and a new one will be added. They have worked with BLM to accommodate a lease that would allow for a co-location. He explained that they are already utilizing both facilities and the on-site tower and that the new tower will be about fifty yards away. Utah Communication Authority (UCA) is willing to cover the costs entirely if the County provides road improvements to get the needed equipment there and that the maintenance of the road will be ongoing. Sheriff Jacobson said that he has a letter from the BLM

authorizing the road alterations.

Commissioner Wright asked who the beneficiaries of this project would be.

Sheriff Jacobson said that this will save hours of communications with other agencies once this is intact and that having eight hundred megahertz is a huge benefit statewide, to the County, and to all those who currently use that wavelength for communication and utilize the current tower.

Commissioner Lyman asked for confirmation that the County will be only responsible for maintaining the road.

Sheriff Jacobson confirmed that is the only expectation.

Commissioner Wright asked about the cost of the road improvements and maintenance.

Supervisor Winget said that they do not know exact road improvement costs but that they have gone over different scenarios of what may need to be done. He said the estimated cost is \$15,000.00 to \$20,000.00. Maintenance of the road is already a requirement based on the class of the road.

Sheriff Jacobson said that by having UCA cover the cost of building the new tower, the County will save roughly \$300,000.00.

Sheriff Jacobson Explained that one of the things that covid brought was an awareness of the west desert and the up kick in tourism which warrants a better road to be able to rescue or offer medical help. Updating this road for this new tower will help with this unforeseen need.

Attorney Finlinson said that the State wants an easement on record but will work that out with the other agencies. The road is already classified as a Class B road; therefore, the County is already responsible for maintaining it.

Commissioner Wright made a motion to approve the Notch Peak Repeater co-location MOU.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-04-16, A RESOLUTION OF THE MILLARD COUNTY COMMISSION ADOPTING A MERIT BANDING POLICY

HR Director Nielson explained that the intent is to provide a performance, merit based, employee owned, benefit that will be strictly based on the performance of the employee. He said that funds were already allocated and approved in the 2024 budget. He also explained that it allows the employees to have some say in their pay increases rather than just relying upon the step increase system and that hopefully this will improve performance.

Commissioner Wright said that he feels this will lead the County down the right path and will encourage employees to do better moving forward.

Commissioner Wright made a motion to approve Resolution 24-04-16, a resolution of the Board of County Commissioners of Millard County, Utah, adopting a merit banding policy.



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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-04-16A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 13-01-22 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE) BY CREATING AND ASSIGNING A GRADE FOR A DEPUTY AUDITOR III POSITION.

HR Director Nielson explained that he recommends creating this position in order to hire employees with a higher skill set. He said that after doing the assessment with the Auditor's Office, it was decided that deputy auditor III position is justified at a grade 14.

Commissioner Wright made a motion to approve Resolution 24-04-16A, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 13-01-22 by creating and assigning a grade for a Deputy Auditor III position.

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

DISCUSSION AND POSSIBLE APPROVAL OF ADDING A FULL-TIME POSITION AT THE LANDFILL

Attorney Finlinson explained that this is not an additional position, just an allocation of a position.

Auditor Smith said that there is money budgeted already.

HR Director Nielson explained that the workload has increased, and the department cannot keep up with it. He said that it makes more sense financially to have a full-time position rather than relying on overtime to complete the work.

Commissioner Wright said that they do not get much cooperation from the citizens to place their garbage in the correct places which has added to the workload. He said that this position will not eliminate overtime all together but will drastically reduce the need for it.

Auditor Smith said that the plan is to keep this within the current budget, but future funds will need to be discussed.

HR Director Nielson said that this will also provide better service to the citizens by offering more access at the landfill, which will now be open until 6:30 pm.

Commissioner Wright made a motion to allocate a full-time position at the Landfill.

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

#### DISCUSSION REGARDING THE JUNETEENTH HOLIDAY OFFICE CLOSURE DATE

Clerk Rowley explained that when the office closure approval was done at the end of last year, the County listed that the offices will be closed on June 19, 2024. She explained that according to the State Code, the Juneteenth holiday will be observed on Monday, June 17, 2024.

Commissioner Wright made a motion to follow the State Code and close the County offices on Monday, June 17, 2024 rather than June 19, 2024.

Commissioner Lyman stepped from the chair and SECONDED the motion.

#### PUBLIC INPUT

Oak City presented a letter of appreciation to the Commission for its donation to the Veterans Wall. See attached letter.

#### OTHER BUSINESS

Commissioner Wright said that it has been confirmed that leasing vehicles may not be the best financial option for the County. He said that he is glad to see that the County is finding out the information and may be able move to a system that will benefit the taxpayers better.

HR Nielson explained that with the economic changes, it is more cost effective to not enter leases. He said that they have done research to make the best possible decisions for the county fleet.

#### DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

All three current seat holders, as well as, one external applicant have expressed interest in serving on the Millard County Housing Authority Board. Attorney Finlinson said he would look into the process of appointment. This will be discussed at the next meeting.

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

Auditor Smith said that an application was received for Kelly Daugherty, Account #0047127, Parcel #D-1070-17. She explained that Ms. Daugherty's property was on the 2022 tax sale, but that she then made payments. Unfortunately, she did not keep going with payments on the new payment plan and the property is now on the tax sale again.

Commissioner Wright recommended that they grant her more time to pay the delinquent taxes.

Commissioner Wright made a motion to grant Ms. Daugherty more time to pay her delinquent taxes on Account #0047127, Parcel #D-1070-17.

Commissioner Lyman stepped from the chair and SECONDED the motion. The voting was unanimous, and the motion passed.

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

Attorney Finlinson said that they are dealing with a crisis of being down a public attorney. He explained that the court has a huge calendar and is struggling to find a replacement to take it on with the current pay.

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

Commissioner Wright made a motion to enter into a BOE.

Commissioner Lyman stepped from the chair and SECONDED the motion. The voting was unanimous, and the motion carried. The BOE began at 12:17 a.m.

Auditor Smith explained that under the state code, if it is due to a factual error, applicants have until March 31 of the next year to fix any mistakes on the previous year's account. She explained that the tax payer came in before the deadline and pointed out the mistake and the Assessor's Office agreed to the mistake. She said that for the record, it is for Parcel #8655-A- 6, Account #143355, Owner Silver Tree Inc.

Assessor Fitch pointed out that a factual error from the conversion process made a partially completed building assessed as fully built.

Commissioner Wright made a motion to approve correcting the error for Silver Tree Inc.

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

Commissioner Wright made a motion to close the BOE.

Commissioner Lyman stepped from the chair and SECONDED the motion. The voting was unanimous, and the motion carried. The BOE closed at 12:19 p.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 Wright made a motion to adjourn the meeting.

Commissioner Lyman stepped from the chair and SECONDED the motion. The voting was unanimous, and the meeting closed at 12:20 p.m.

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

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