

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 1st DAY OF MARCH 2022  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Evelyn Warnick. . . . . Chairperson  
Dean Draper. . . . . Commissioner  
Bill Wright. . . . . Commissioner  
  
Pat Finlinson. . . . . County Attorney  
Marki Rowley. . . . . County Clerk

ALSO PRESENT: Steele Weston, David Weston, Clayton Anderson. . . . . Citizens  
Sheri Dearden . . . . . County Treasurer  
Bonnie Smith . . . . . County Auditor  
Adam Richins . . . . . County Planner/Building Inspector

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 Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick asked if anyone had an opening statement to give. David Weston said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

Commissioner Warnick excused Attorney Finlinson who is feeling under the weather today. She said that we as a Country recognize what is happening on the other side of the world with tender hearts.

APPROVAL OF FEBRUARY 1, 2022 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 1, 2022 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of February 1, 2022, as corrected.

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

## APPROVAL OF FEBRUARY 22, 2022 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 22, 2022 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Wright made a motion to approve the minutes of February 22, 2022, as corrected.

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

## FOLLOW UP ACTION ITEMS FROM FEBRUARY 22, 2022

Commissioner Draper said that in response to some of the allegations made by Mr. Styler and Mr. Peterson at the February 1, 2022 meeting, it was explained to them that Millard County has employed Durham Jones Pinegar who are now part of a larger firm known as Dentons. They were employed by the County to help with the Conditional Use Permit (CUP) and are the premier law firm in the State of Utah.

Commissioner Draper said that the second question brought by these gentlemen was in regards to the tax lawyers' expertise. He said that the County uses the firm of Peter Schofield, which is the exact same firm that was employed from the beginning of IPP. He said that there is a continuity on the tax lawyers and the County had the best expertise available to work on the CUP.

## DISCUSSION AND POSSIBLE APPROVAL OF A COMMUNICATION LINK TO GO THROUGH OAK CITY TV TRANSLATOR TOWER - CLAYTON ANDERSON COMMERCIAL BUSINESS RADIO

Clayton Anderson said that his company does a lot of communications within the County and discussed options of getting communication to the DMAD site from the power plant. He said that based on the link analysis there may be communication possibilities through the TV translator located somewhere near Oak City to allow for three to five years and up to ten years, depending on how long it will be needed. He said that the alternatives he is presenting are based on the decommissioning stack which is approximately 700 ft tall. He said that there is enough room at that station to house two - two foot wide dishes to be located on the corner of the tower and to have a small battery bank and the radio located inside the tower.

Mr. Anderson said that the equipment will be owned by the power plant and would be licensed frequencies which will not interfere with what frequencies are already there.

Mr. Anderson said that Fool Creek Wireless - Lyman Brothers will be billed a "use fee" payable to the Forest Service in the amount of \$2,600.00 a year. He said that a new proposed fee to allow communication management and site visits will be billed to the facility manager (Millard County) at \$1,400.00 per site. He said that Commercial Business Radio will contribute to this fee and the power plant, as a tenant, will also be billed a portion of this fee.

Mr. Anderson said that another option would be to put in a larger tower at the DMAD site and leave it on their closed network in a locked box with limited access. He said that he has security concerns with this option and would prefer not to go outside of what they can physically secure.

Commissioner Draper questioned decommissioning the towers. Mr. Anderson said that he does not know the time line for the stacks to be decommissioned. He then explained that there is a reclamation of the power plant to decommission certain parts of it; one being the stack. He said that he would love to see the smoke stack enduring and become a monument to all the people who have worked there and all that the power plant has contributed to the County. He said that it may be costly to keep it safe and the power plant doesn't think that will be a possibility; however, they have done monuments in the past.

Commissioner Draper said that when the power plant's amended CUP was granted, they had sought permission to take all the coal units down, which was not granted. Therefore, they will not be able to do that without a permit, which they could apply for after round 2026. He said that if they were to get it for three to five years it might be simultaneous, but decommissioning has a legal factor not just a physical factor - legal action. He said that he understands that it will not come down until the year 2029. He then questioned if they happen to decommission it on July 1, 2025 when they switch to the gas plant, would that preclude them from having the equipment on the tower.

Commissioner Draper said that if there are no legal requirements that they have to have everything shut down even with an antenna on it, that might solve the problem because they might have the new pipeline in before then. Mr. Anderson said that this makes sense and he will take that information back for further discussion.

Commissioner Draper questioned the height and the location if they were to create a larger tower at the DMAD site. Mr. Anderson said that it would need to be higher than 150 ft tall in order to get out of the river bottom and would be adjacent to the building. He said that they are still proposing that option as a possibility; however, they will need to know the decommission time lines and requirements. He said that the loss of power on the top of the stack would limit the resources that could be put out. Commissioner Draper said that this information needs to be known before the other option is pursued.

Mr. Anderson said that they are proposing an out-of-state agency to put together an estimate of what it will take. Commissioner Draper said that his understanding is that the tower is good until at least July 1, 2025.

Mr. Anderson said that he will continue to work with them on this. He said that their time line is about a year out and if they need to relay through another location they will come back to the Commission.

Commissioner Warnick asked Mr. Anderson to keep in touch with the Commission on this and said that the Commission is always open to make things work more smoothly.

The Commission thanked Mr. Anderson for his services.

## DISCUSSION REGARDING THE COUNTY PARTICIPATION IN THE DISCOUNTED LAGOON TICKET PROGRAM

Clerk Rowley said that the Lagoon discount ticket program is different this year. She said that all ticket purchases will be made online through Lagoon instead of purchasing a ticket from her office. She said that if the Commission approves continuing participation with the discounted Lagoon ticket program, the County employees will be given a promotional code to use for the discount. She said that the cost has increased to \$69.95 per ticket and there will be no minimum

purchase requirements.

The commissioners were all in favor of the County's continuation of participating in the discounted Lagoon ticket program for its employees. The code will be found on the employee only portion of the County's website along with a disclaimer for the employee to adhere to.

## PUBLIC INPUT

David Weston and Steele Weston both expressed concern with the proposed County ordinance regarding RV parks and it limiting stays to 14 days. Both requested that the County reject the ordinance as it is written due to their opinion that it is arbitrary and facetious and does not have any substantiated evidence to meet good standards.

Mr. David Weston said that the law which grants commissions and other divisions in their planning decision making, in any of these actions, require findings indicating the decision being proposed, meets good cause standing, justifying the standards of the decision. He said that if no justification is found it would just be arbitrary and capricious. He said that the minutes of the Millard County Planning Commission had no showing that it would improve the economic welfare or be injurious to the County or that it is in conformance of goals and policy of the general plan. He also noted that 14 days is more restrictive than any RV ordinance in the Country. He said that it was suggested to somehow meet the standard compounded by the Forest Service National Parks which is irrelevant. He explained that those entities have long lines of people seeking refuge in those areas; therefore, requires limits to accommodate all persons. He said that this is not the case in Millard County. He said that he researched and found that generally the stays for RV tenants or customers in RV park standards is roughly 180 day stays, which typically run from May to October. He shared statistics of this same thing in other states and surrounding counties.

Mr. David Weston explained what he thinks good cause is and said that he did not see an in-depth discussion meet the criteria of good cause. He suggested that the Planning and Zoning Commission find the purpose of improvement to the citizens etc.. He said that the County's website shows encouragement of recreation and tourism, as does the State of Utah's website. He said that RV parks are not destruction of neighborhoods. The travelers come and stay for longer periods of 2 weeks to be able to explore the area. He said that it is ironic to limit it to 14 days while encouraging people to come stay and visit our County. He said that there are three RV parks located in the County and all are already at full capacity. He said that he believes that these parks would be grand fathered in, if this ordinance is passed. He said that he is against this ordinance and believes that it has been put forth at an improper purpose. He said that this body's duty is to reject this ordinance passage as it is written.

Mr. Steele Weston said that the Planning and Zoning minutes show that Attorney Denton Peterson asked that 14 days be the standard determining a permanent stay in the County and that he claimed that this is to rotate millions of people to be able to visit the parks. Mr. Weston questioned why this same standard would be applied in Millard County. He said that he has lived in Millard County for thirteen years and has still not seen all of the County. He questioned why we would want to restrict this to visitors who want to come and explore our County and asked about the economic impact of a residents' 14 day stay. He said that there are great places to eat and support locally owned business in the County and questioned why RV campgrounds would be taken out of

agriculture zoning and how they would negatively affect agriculture (AG) in the County. He said that AG zones promote areas for campgrounds and are places for people to travel outside of the city. RV guests are well educated, successful, active and healthy. He said that RV campgrounds are not disruptive to neighborhoods and are usually very well taken care of.

Mr. Weston said that this ordinance was drawn up ten days after an application for an RV park was proposed. He said that it looks like a random set was written up following Forest Service guidelines. He feels that it is rushed and is only there to prevent natural order and process of this.

Commissioner Warnick said that this ordinance was set aside due to the Commission having questions. Commissioner Draper said that no public hearings have been set as of yet and they are still working on it.

## OTHER BUSINESS

There was none.

## DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Wright suggested that appointees be notified if they are selected, as well as all of the other applicants if they are not selected to serve. It was determined that it would be the responsibility of the Commission over the Board to notify the applicants, with the help of the commission secretary.

Commissioner Wright also wanted clarification on who would be the contact to those who were not chosen for employment. It was suggested to discuss the policy on this with the Elected Officials and Departments at the next department head meeting.

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

There was none.

## DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Clerk Rowley informed the Commission that she has offered the soon to be vacant position in her office to Kayla Freeman, which she accepted and will start work on March 21, 2022.

Commissioner Warnick said that they received four applications for the Tourism Director position and will set up interviews for the end of an upcoming commission meeting.

Commissioner Draper said that Rocky Mountain Power contacted him requesting to have quarterly meetings with the Commission to give updates on what is going on. After discussion, it was decided that Commissioner Draper will report back to Rocky Mountain Power and direct them to contact Commissioner Warnick for setting up these meetings.

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

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Auditor Smith said that policy needs to be followed regarding purchases. She said that the agreement, signed by all employees, states that purchases not allowed will be reimbursed by the employee. She said that employees are trusted with a credit card to make approved purchases.

Auditor Smith said that a template from the State Auditor’s Office is used for this, which may not be fully understood by the employees. She said that Attorney Finlinson thought that a letter from the Commission would be appropriate to potentially clear up any confusion.

Auditor Smith said that IRS standards are being complied with which states that gift cards are taxable and cannot be purchased with credit cards. (Bonnie language)

It was suggested that the Commission draft a letter to be sent to employees regarding credit cards.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 11:03 a.m..

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

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