

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF JUNE, 2022
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Evelyn Warnick..... Chairperson
Dean Draper..... Commissioner
Bill Wright..... Commissioner

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

EXCUSED: Marki Rowley. County Clerk

ALSO PRESENT: Bonnie Smith County Auditor
Sierra Dickens County Recorder
Sheri Dearden County Treasurer
Pat Bennett, Lindsey Mitchell, Richard Jacobson,
and Ben McDonald. County Sheriff’s Office
Adam Richins County Planner
Dennis Alldredge Fillmore City
Matt Ward Millard County Chronicle Progress
Kyle Wilson Senator Romney’s Office
Jay Brown. TriTel Networks
Jacom Chamberlain, Lisa Chamberlain, and Chuck Chamberlain OSH Cut
McKay Christensen. Red Sky
Dean Anderson, Terilyn Anderson, Jackie Ludwig, Roger Bliss,
and Elaine Bliss 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 Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick asked if anyone had an opening statement to give. Commissioner

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

APPROVAL OF MAY 17, 2022 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 17, 2022 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Wright made a motion to approve the minutes of May 17, 2022, as corrected.

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

FOLLOW UP ACTION ITEMS FROM MAY 17, 2022

There were none.

INTERIM SUCCESSORS

Interim Successors were presented to the Commissioners for the following: Assessor, Auditor, Clerk, Recorder, Treasurer, Delta Office, IT, East Maintenance, East Recreation, Golf Course, and Sheriff's Offices.

DISCUSSION AND POSSIBLE APPROVAL REGARDING THE JUNETEENTH HOLIDAY

June 19th is now a State and Federal Holiday. Auditor Smith, using President's Day as an example, found that it would cost \$8,721.00 to fund the holiday in addition to paid benefits for those required to work the holiday. Total cost to the County for a paid holiday is \$26,782.00.

After discussion, it was decided that it would be adopted as policy, funded by holiday pay. This will be brought back for approval through a Resolution.

Commissioner Wright made a motion to approve adopting the Juneteenth Holiday.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-06-07, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, FOR THE PURPOSE OF RETAINING LYN LOYD CRESWELL'S SERVICES AS AN APPOINTED APPEAL HEARING OFFICER/ADMINISTRATIVE LAW JUDGE (ALJ)

This was discussed during the May 17, 2022 Commission Meeting.

Commissioner Draper made a motion to approve Resolution 22-06-07, a resolution of the Board of County Commissioners of Millard County, Utah, for the purpose of retaining Lyn Loyd Creswell's services as an Appointed Appeal Hearing Officer/Administrative Law Judge (ALJ).

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

DISCUSSION AND POSSIBLE APPROVAL OF THE 2022 FINAL TAX SALE

Auditor Smith reported that there were six parcels up for sale. The first three were sold in limited access auctions and the other three went back to the County.

Commissioner Draper made a motion to approve the 2022 Final Tax Sale.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE 2022 TAX RATE

The County Auditor's Office is not ready to adopt the new tax rate. They are still working through executed agreements. Auditor Smith did clarify that there is still time to adopt the 2022 tax rate by the June 21, 2022 Commission Meeting. Auditor Smith and Treasurer Dearden gave a brief explanation on how the tax rate is prepared and answered questions from the Commissioners.

DISCUSSION AND POSSIBLE APPROVAL OF A JUDGMENT LEVY FOR REFUNDED 2021 TAXES FROM CENTRALLY ASSESSED PROPERTY AT&T

A current list of entities eligible for a judgement levy was presented by Auditor Smith and Treasurer Dearden. A judgment levy is utilized by the County to recoup funds when a centrally assessed company/tax payer has been refunded by the County. The only refund eligible for this year, in the amount of \$12,109.91, is to AT&T. Treasurer Dearden recommended that it would not be worth it to go through the judgement levy process and that the \$12,109.91 loss can easily be absorbed in the current budget. A judgement levy requires a public hearing and the issue to be placed on ballot. The Expense for this action is greater than the \$12,109.91 owed.

Commissioner Draper made a motion to not approve the Judgment Levy for Refunded 2021 Taxes from Centrally Assessed Property AT&T.

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

DISCUSSION AND POSSIBLE APPROVAL OF AMENDED APPLICATION #Z-2021-051 FOR A PLAT SUBDIVISION LOCATED AT APPROXIMATELY 1000 E 2000 S, DELTA. KAY L. HANSEN, APPLICANT

Planner Richins explained that in the County there are two separate processes to subdivide land; those being plat, which requires Commission approval, and non plat, which does not. For this current plat, an amended application is needed. The new plans meet all the minimum requirements

according to code.

Commissioner Draper made a motion to approve the amended application #Z-2021-051 for a plat subdivision located at approximately 1000 E 2000 S, Delta. Kay L. Hansen, pplicant.

Commissioner Wright 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.

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

There was none.

PUBLIC HEARING FOR THE PURPOSE OF POSSIBLE ZONING ORDINANCE MAP AMENDMENT APPLICATION #Z-2022-015 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 25.00 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3120 EAST MAIN STREET (HWY 50) DELTA FROM HIGHWAY COMMERCIAL (HC)/ AGRICULTURE 20 (AG20) TO LIGHT INDUSTRIAL (LI). OSH CUT, APPLICANT. DAVID JOHNSON, OWNER

Commissioner Warnick made a motion to enter into a public hearing for the purpose of receiving public comment on the possible Zoning Ordinance Map Amendment Application # Z-2022-015 requesting to change the zoning of approximately 25.00 acres of property located at approximately 3120 East Main Street (HWY 50) Delta from Highway Commercial (HC)/Agriculture 20 (AG20) to Light Industrial (LI). OSH Cut, Applicant. David Johnson, Owner.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:00 a.m.

Present were: Auditor Smith, Recorder Dickens, Treasurer Dearden, Capt. Pat Bennett, Lindsey Mitchell, Planner Richins, Dennis Alldredge, Matt Ward, Kyle Wilson, Jay Brown, Jacom Chamberlain, Lisa Chamberlain, and Chuck Chamberlain, McKay Christensen, Dean Anderson, Terilyn Anderson, Jackie Ludwig, Roger Bliss, and Elaine Bliss

Planner Richins explained the application. Currently, there is a strip of land along the highway east of Delta that is zoned as highway commercial. It is surrounded by properties zoned AG20. The request is to take 25 acres and rezone it to light industrial. There is also a parallel application for the rezoning of the same parcel of land to become zoned as a non plat, subdivision, which is dependant on this decision.

McKay Christensen, from Red Sky Technologies, representing the construction/business side of the issue, stated that they wanted to stay close to the city and the highway, but given the site location, there will be limited road wear which is good for the County. They intend to tie into the main highway with State approval. Concerning water and dust, their intention is to be good neighbors, with limited impact during and after the building phase. Simply, they are looking to provide jobs and opportunities for roughly 200 people.

Roger Bliss has owned the property adjacent to the proposed land zone changes for over 30 years. He expressed concerns that the dust issues would increase and affect his land and the safety of drivers on that road. Another concern is the amount high speed traffic that currently is on that road, including semis and coal trucks. Bringing more traffic would make the roads more unsafe. Another concern is the amount of water to be used and the wells that would be needed if it were to be rezoned as industrial. This could cause neighboring wells to dry up which would cause increased financial burdens upon neighboring farms. While Mr. Bliss is not against progress, he stated that there are better places for this project that would put this site closer to the city where they could connect to urban water sources, rather than agricultural sources.

Planner Richins explained the table of uses of light industrial zoned land and the new businesses that could then become eligible for building with the proposed rezoning.

Elaine Bliss also lives adjacent to the proposed land. She is also concerned about the dust that would result as the removal of plants and grass and the possible accidents that could be caused by the dust storms, which are common in the County, especially out in the desert. She is also concerned about the amount of traffic that would increase with this project. She also expressed her opinion that while she is not against the project, there are other sites closer to the city that would better serve this project.

Dean Anderson, who owns 600 acres on the west and south side of this proposed project site, expressed concerns this project would have on his agricultural land. He quoted County Code concerning land uses and whether the proposed changes would impact the surrounding agricultural land uses and the County goals. He stated that this project detrimentally impacts surrounding land and is contrary to the County goals and objectives to protecting private property rights and agricultural land rights; therefore, should not be approved. He stated that the processes and uses

of the surrounding agricultural land and the industrial business that would come to the proposed industrial zoned land are not compatible. The water drainage systems surrounding this area would also be compromised by this project. This would also limit the future opportunities the farmers would have, according to County codes. He expressed his opinion that it would be better to grow out from the cities rather than starting in the middle of the agricultural lands.

Commissioner Draper commended Mr. Anderson for his work and understanding of the situation and for his representation of agricultural issues.

Mr. Christensen responded to the concerns held by the citizens stating that the project managers are trying to place the site as close to the city as possible and they are striving to conform to county codes. He stated that there is no other site possible and that there would not be another site that did not solely include agriculturally zoned land; where this proposed site currently does contain non agricultural land.

Mr. Bliss questioned whether the project leaders had looked to purchase land along Highway 6. It was confirmed that piece of land is already under contract. Mr. Bliss affirmed that there has to be a better choice.

There were no other comments made by the public.

Commissioner Wright made a motion to close the public hearing.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 12:05 p.m.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 22-06-07, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF APPROXIMATELY 25.00 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3120 EAST MAIN STREET (HWY 50) DELTA FROM HIGHWAY COMMERCIAL (HC) /AGRICULTURE 20 (AG20) TO LIGHT INDUSTRIAL (LI)

Commissioner Draper had a few clarifying questions for Mr. Christensen.

Mr. Christensen confirmed that the other 53 acres will still belong to the current owner. He said that they did look at other sites during the past 8 months, but this was the only one that fit their time-line. He affirmed that while the entirety of the plot would not be paved, the roads and parking would be and one of the back plots would be gravel. Lights and hours of operation would be full time, but no external operations require lighting. They have also not gotten to the stage of the operations that would include the State concerning updating of roads.

Mr. Christensen confirmed that they are not concerned with the agricultural bi-products of farming. This decision is time sensitive and the purchase of the property is conditional on the Commissioners' decision.

Mr. Christensen stated that no major complications or contractual problems would arise if the decision was put off for two weeks, but that if the decision came back as negative, there would be problems concerning the two businesses primed to move to this proposed site.

There have been conversations with Delta City for water rights, and they would prefer to connect into Delta City water, but they are planning on drilling one well in addition to using the well currently on the desired land. It is not expected to be a large water project.

There is an agreement for easement along the back side of the remaining property that would allow a rear access point.

Mr Anderson explained that some wells in the area have to go down more than 400 feet in order to reach good water.

There will be conditional use permits required; if violated, they can be revoked and misdemeanor charges could be brought up depending on the severity.

Attorney Finlinson clarified that the process is administrative then judicial. Planner Richins confirmed that other than water, lighting will also be managed through conditional use permits.

Commissioner Draper confirmed that the application shows that they have applied for existing water rights and is not an expansion on the usage. One thing that could be discussed concerning agricultural issues is the creation of an agricultural protection zone. The other factor in this discussion is that the greatest export of Utah is their children, and being able to retain them in our area. The jobs in connection to this project ranges from skilled to unskilled and is an opportunity that needs to be seriously considered. He recommended postponing the decision until the next Commission meeting.

Commissioner Warnick questioned whether two weeks would be enough to go through the agricultural protection zone process.

Commissioner Wright also questioned whether it is needed in order to pursue economic development and if there is water available to make the agricultural land usable. Mr. Anderson stated that he has the water to cover his farm land and the land not farmed does not come with water.

Planner Richins gave a brief explanation of the agricultural protection zone application process, but stated that it is a longer process than two weeks.

Commissioner Wright made a motion to adopt Ordinance 22-06-07, an Ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of approximately 25.00 acres of property located a approximately 3120 East Main Street (HWY 50) Delta from highway commercial (HC)/agriculture 20 (AG20) to light industrial (LI)

Commissioner Draper SECONDED the motion, but strongly suggested that an agricultural protection zone process be started and that in the future this be in place before such issues as this arise. Deputy Clerk Freeman called for a roll call vote. Commissioner Wright voted YES. Commissioner Draper voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

OTHER BUSINESS

Captain Bennett of the Millard County Sheriff's Office and Jay Brown, president of TriTel Networks, presented a letter to the commissioners that requests an increase of funds to cover the extra labor needed to complete the camera upgrade project. This project is funded out of Capital Funds. The contract does allow overages upon the Commission's approval.

Auditor Smith confirmed \$160,000.00 is in the public safety budget, with some of the funds already allocated to specific projects; including this one. She confirmed that there is unused money in the budget within the same line item as this project, that could cover the added costs.

Commissioner Draper made a motion to approve the increased cost in the amount of \$15,500.00 to be paid to TriTel Network.

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

Attorney Finlinson reported that the County will receive \$18,000.00 to \$24,000.00 to be used for opioid settlements.

Planner Richins was invited to explain the situation regarding the industrial zone north of Delta. Conditional permits were implemented to provide housing areas for the workers living on site drilling the salt caverns. One of the companies decided not to locate on site and are looking for offsite housing. They contacted the County hoping to utilize County land nearby.

Commissioner Wright stated that they needed to explore their options and then bring requests to the Commission.

Commissioner Warnick stated that they could come to the next commission meeting with their requests.

PUBLIC INPUT

Kyle Wilson with Senator Romney's office introduced himself.

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

Commissioner Draper is considering attending National Association of Counties (NACo) Conference in July, 2022.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 1:05 p.m.

Attest: _____

Approved: _____