

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 27th DAY OF SEPTEMBER 2022
AT THE COURTHOUSE, FILLMORE, UTAH

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

Pat Finlinson. County Attorney
Jamie Hair. Deputy Clerk

EXCUSED: Kayla Freeman Deputy Clerk
Marki Rowley. County Clerk

ALSO PRESENT: Pat Manis. County Assessor
Sheri Dearden..... County Treasurer
Adam Richins..... County Planning and Zoning
Kevin Morris and Kaylene Kennington County Tourism
Bonnie Smith County Auditor
Brooks Jackson and Brenden Turner County Recreation
Pat Bennett, Lindsay Mitchell, and Richard Jacobson..... County Sheriff’s Office
Rick Bublitz and Klint Penny..... County Maintenance
Richard Beckstrand County IT Supervisor
Sierra Dickens County Recorder
Daren Bushman Piute County Commissioner
Travis Kyhl and Jenna Draper Six County Association of Governments
Matt Ward Millard Chronicle Progress
Patrick Mullen..... Utah Association of Counties (UAC)
Matt Kolste..... IPP
Craig Mach ARES Strategic Mining, INC
Alan Dewsnup, Darlene Dewsup, Karl Camp, Dennis Alldredge, Ashley Eliason, Derrick
Eliason, and Johny Munoz 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 Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF SEPTEMBER 6, 2022 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 6, 2022 were presented for consideration and approval. Commissioner Wright made a motion to approve the minutes of September 6, 2022, as presented.

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

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 6, 2022

There were none.

RATIFY THE APPOINTMENT OF COMMISSIONER WRIGHT AND PLANNER RICHINS TO ACT AS THE COUNTY REPRESENTATIVES ON THE COOPERATIVE AGENCY FOR THE CLEAR SPOT WIND FARM

Commissioner Draper made a motion to ratify the appointment of Commissioner Wright and Planner Richins to act as the County Representatives on the Cooperative Agency for the Clear Spot Wind Farm.

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

RATIFY THE APPROVAL TO ALLOW CHILDREN AND FAMILIES TO LIVE ON SITE AT THE RV PARK LOCATED ON IPA PROPERTY AS OUTLINED IN THE CONDITIONAL USE PERMIT (CUP)

Commissioner Wright questioned whether a committee to evaluate the cost of this is needed in order to follow the conditional use permit (CUP). Attorney Finlinson said that this is not dependant on that CUP status.

Commissioner Wright made a motion to ratify the approval to allow children and families to live on site at the RV park located on IPA property as outlined in the CUP.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-09-27, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING A REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE TO THE UTAH

COUNTIES INDEMNITY POOL (UCIP) ANNUAL MEETING

Attorney Finlinson said that the County has to appoint these representatives every year.

Commissioner Draper made a motion to approve Resolution 22-09-27, a resolution of the Board of County Commissioners of Millard County, Utah, appointing Commissioner Wright representative and Commissioner Draper as the alternate representative to the UCIP annual meeting.

Commissioner Wright SECONDED the motion. Deputy Clerk Hair 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 A CELL PHONE ALLOWANCE FOR SAM STEVENS - ROAD DEPARTMENT

Commissioner Wright said that Sam Stevens is the Assistant Road Supervisor and that position is allotted a cell phone allowance of \$40.00.

Commissioner Wright made a motion to approve a cell phone allowance in the amount of \$40.00 for Sam Stevens in the Road Department.

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

DISCUSSION AND POSSIBLE APPROVAL OF SECURE RURAL SCHOOLS (SRS) TITLE ELECTIONS/DISTRIBUTIONS

Treasurer Dearden said that this was discussed during the last Commission meeting and then explained that it needs to be disbursed. She suggested to allot eighty five percent to Title I, eight percent to Title II, and seven percent to Title III.

Commissioner Draper made a motion to allot eighty five percent to Title I, eight percent to Title II, and seven percent to Title III.

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

DISCUSSION AND POSSIBLE APPROVAL OF TOURISM DIRECTOR EXTENSION

Commissioner Warnick explained that this is a monthly reoccurring agenda item and Commissioner Draper emphasized that this is a benefit to the County to allow for unfinished projects to be completed.

Commissioner Draper made a motion to extend the Tourism Director position for one month. Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF FILLMORE ROAD BARN PROJECT CONSTRUCTION EXPENSES

Commissioner Wright explained that this new purchase is for the extension of asphalt out in the yard with a four foot barrier between the door made of cement which includes a salt additive so it will not chip. Purchases for capital projects require Commission approval, which did not happen with this specific purchase. He said that this is a change in the project list that was previously discussed.

Commissioner Warnick asked for a list of everything else is needed to complete this project. Commissioner Wright said a list was created a few months ago and was approved; however this purchase was not included in that list.

Auditor Smith read through the list that was previously approved and said that Supervisor Winget explained the cement barrier needs approval. She said that the restrooms, plumbing, and asphalt still need to be discussed and approved as well.

Attorney Finlinson said that the guiding principal is “transparency” not “efficiency” so if there is a change to a construction project, it needs to be approved by Commission before any purchasing or work is done, regardless of circumstances.

Attorney Finlinson said a record needs to be made of why that addition was poured before Commission approval was granted.

Commissioner Wright said that the cement skirt was added, as they are pushing against a time frame and there was really good weather and needed to be done before the weather turned cold. This was necessary to prevent future problems.

Commissioner Wright made a motion to approve the Fillmore Road Barn project construction expenses of a cement barrier and asphalt up to \$75,000.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN ENHANCED EMPLOYEE ASSISTANCE PROGRAM INCLUDING ADDITIONAL BID INFORMATION FOR CONSIDERATION IN COMPLIANCE WITH HB 23

Auditor Smith said that Bloomquest Hale submitted a bid previously and Lexipol and Partridge Group have now put in bids. A side-by-side comparison was presented by Auditor Smith so the Commission can make an informed decision. See Exhibit A

Commissioner Draper said that this coverage is available to first responders who have no other source of insurance.

Commissioner Wright asked if this results in double coverage.

Auditor Smith said that this is in addition to the long term disability insurance already provided.

Sheriff Jacobson said that the frequency of employees seeking mental health help has increased and this is a real need. He said that they have been paying for these services on a budget

line item as well and there may be some funding that can be shifted to this. The State has secured some grant funding that can be run through DPS and they will be looking into that. Further more, he said Lexipol's program is as robust as any online program, but he does not have any experience with telehealth. Presently, employees meet one on one. He is pleased and excited that something is being put in place for this and would use Lexipol for other items such as policy.

Captain Pat Bennett said that he met with Lexipol and said that the availability of on call support groups is really beneficial to the employees as opposed to waiting to set up meetings in person. Lexipol has been discussing other policy services and provides a discount.

Auditor Smith said the grants are a one time help with funding and about \$700.00 has been used on the line item that the Sheriff mentioned.

Commissioner Wright would like to implement this January 1, 2023 so that the 2022 budgets do not have to be reopened.

Commissioner Draper asked if funds are available in this year's budget because holding off for three months may not be a good idea.

Sheriff Jacobson briefly went through line items in his budget. He thinks they can cover it, but can not identify exactly where that may come from at this point.

Commissioner Draper said that he does not think it is wise to wait three months in order to put this in place and gave an example of the dust storm incident where first responders needed this benefit.

Commissioner Wright made a motion to approve an enhanced employee assistance program, contracted with Lexipol in compliance with HB 23.

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

DISCUSSION REGARDING THE SIX COUNTY REGIONAL AGRICULTURE PROJECT - PIUTE COUNTY COMMISSIONER BUSHMAN and JENNA DRAPER

Jenna Draper presented a handout and then Piute County Commissioner Bushman gave a brief history of the regional opportunities group. He said that they have found small family agriculture to be in trouble due to corporate agriculture taking over. Commissioner Bushman stated that they have looked at models to improve success of small family agriculture. One model is the food-to-consumer model. The Farm Bureau has also looked into the same model and ran into the same road block, which is the inability to get anything processed in Utah. He reported that analysis by the State found that seven hundred and seventy five additional head of cattle per day is needed in order to meet current demands. Currently, meat is being processed out of state and then shipped back to Utah.

Commissioner Bushman said that there is a lot of interest but several roadblocks arose when starting a processing operation:

- Cost
- Location; everyone wants a local process but not next to their property. Residential encroachment has dramatically reduced the amount of processing plants in Utah.
- Waste water processing because existing infrastructure does not want to handle their wastewater.

Commissioner Bushman said that Sparks, NV created a space specifically for this purpose and they are looking into doing that in our region. He said that they are not disclosing the location yet, but believe they have one.

Commissioner Bushman said that the initial infrastructure is already in place and a feasibility study is being created, Central Utah Agri-park. He also said that five of the six counties they have presented this to have signed onto the MOU to join in this scenario. He said that every County has to look at this as a region because not every county has the location, utilities and infrastructure available. The proposed site is already protected from residential encroachment. They are asking Millard County to join in.

Commissioner Draper asked whether other counties have committed SB95 money. Commissioner Bushman said that this is just an agreement to work with us and they are not asking for funding at this point; however, some counties are looking at the SB95 to fund this.

Commissioner Draper said that there is a need for this in Central Utah and asked how they plan to prevent larger meat processing companies from coming in and monopolizing this. Commissioner Bushman said that this is a big concern that they are trying to manage and stated that there may be restrictions on size and numbers of animals, per day, to make it unattractive to bigger companies. This concern will be addressed in the feasibility study. They do not want to create an additional choke hold on the market by creating more corporate entities. He said that most likely this will be handled in the planning and zoning portion of the study.

Commissioner Warnick asked about SB95 funds that the County has available. Commissioner Draper replied that the County has \$200,000.00 available through SB95 that has to be used each year.

Commissioner Draper clarified that the example of Sparks, Nevada was actually in Storey County, Nevada and that Millard County has looked to start a similar program.

Jenna Draper said that the application process begins October 17, 2022. She said that they will be going to the State first before seeking funding from the counties.

Commissioner Wright asked if there are any other products besides meat processing that would be used in these areas. Commissioner Bushman went through a few ideas like compressed feed that is already being exported out of many of the counties, or post processing facilities like smoking or packaging, or things of that nature; anything that revolves around AG processing.

Jenna Draper said that the preliminary water study has been done on the site and it showed enough water rights available to the agri parks's needs.

It was decided to add the discussion and approval of this agenda item to the October 4, 2022 Commission agenda.

DISCUSSION AND POSSIBLE APPROVAL OF APPLICATION #Z-2022-034 FOR A PLAT SUBDIVISION LOCATED AT APPROXIMATELY 1230 W TO 1800 W 4500 S, DELTA. KENNETH A. SKEEM, APPLICANT

Planner Richins briefly went through the subdivision process. This particular piece is zoned one acre AG. The application is to create six separate building lots along 4500 South. The road is existing, but it has not been dedicated. He said that this application complies with County standards and is allowed within the AG zone. There are a few typos in the existing plat that he brought

forward. Recorder Dickens explained the typos that need to be fixed.

Commissioner Draper asked Planner Richins to expound on how this meets County requirements. Planner Richins said that this application falls under an administrative decision not legislative decision, as it falls within existing rules and County Code guidelines. It does not require a public hearing, therefore the application is entitled to be considered by the Commission and if it complies, it is entitled to what the rules allow.

Commissioner Wright made a motion to approve Application #Z-2022-034 for a plat subdivision with the discussed corrections located at approximately 1230 W to 1800 W 4500 S, Delta. Kenneth A. Skeem, applicant .

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE POSSIBLE ADOPTION OF THE MILLARD COUNTY EQUESTRIAN POLICY FOR FAIRGROUNDS, ARENA FACILITIES AND EQUIPMENT

Commissioner Draper made a motion to enter into a public hearing for the purpose of receiving public comment on the possible adoption of the Millard County Equestrian policy for the fairgrounds, arena facilities, and equipment.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 1:10 a.m..

Present were: Assessor Manis, Treasurer Dearden, Planner Richins, Supervisor Morris, Brooks Jackson, Supervisor Turner, Captain Bennett, Sheriff Jacobson, Supervisor Bublitz, Klint Penny, Recorder Dickens, Lindsay Mitchell, Karl Camp, Matt Ward, Alan Dewsnup, Darlene Dewsup, Patrick Mullen, Dennis Alldredge, Ashley Eliason, Derrick Eliason, Johny Munoz, Matt Kolste, and Craig Mach.

Attorney Finlinson said that numerous policies and fee schedules attached to the County Equestrian facilities have overlapped and caused a lot of confusion. This discussion is to establish one central equestrian policy for the County. One change was to adjust the timing of the race track from 9 a.m. to 10 a.m.

Brooks Jackson said that this has been going on for a lot of years and they have met with several people on this previously. Commissioner Warnick said it is necessary to put in place now so there is no question going forward.

There were no other comments made.

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 11:14 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-09-27A, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSION ADOPTING THE MILLARD COUNTY EQUESTRIAN POLICY FOR FAIRGROUNDS, ARENA FACILITIES AND EQUIPMENT

Attorney Finlinson said that this includes a repealer, which means that any prior resolution, policy, and/or schedule related to the equestrian facilities will be repealed and this new policy will replace them.

Commissioner Draper asked about rentals being made by 5:00 the day before the requested rental date. It was clarified to read no later than 5:00 p.m. the day before.

Commissioner Wright said that there will be a separate contract for the race track. Supervisor Turner said that a major event will require additional notice. A discussion was had on reserving event rentals.

Sheriff Jacobson said that there are public safety items relevant to events, as well and asked for advanced notice for public safety as well.

It was decided to put this item on the next agenda.

DISCUSSION AND POSSIBLE AMENDMENT TO THE EQUESTRIAN PARK RULES AND REGULATIONS FOR USE OF PROPERTY OR BUILDINGS UNDER THE MILLARD COUNTY FACILITIES USE AND RENTAL POLICY, BY AMENDING THE FEE SCHEDULES FOR RENTING EQUESTRIAN PARK FACILITIES; AND ESTABLISHING PROCEDURES FOR USE OF THE EQUESTRIAN PARK FACILITY FOR EQUESTRIAN, SOCCER AND OTHER EVENTS

This item was stricken from the agenda.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A ZONING ORDINANCE MAP AMENDMENT APPLICATION #Z-2022-030 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 40.0 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1800 W 4000 N FILLMORE FROM AGRICULTURE (AG) TO AGRICULTURE 20 (AG 20). AUSTIN JOHNSON, APPLICANT

Commissioner Draper made a motion to enter into a public hearing for the purpose of receiving public comment on a zoning ordinance map amendment Application #Z-2022-030.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:29 a.m..

Present were: Assessor Manis, Treasurer Dearden, Planner Richins, Supervisor Morris, Brooks Jackson, Supervisor Turner, Captain Bennett, Sheriff Jacobson, Supervisor Bublitz, Recorder Dickens, Lindsay Mitchell, Matt Ward, Alan Dewsnup, Darlene Dewsup, Patrick Mullen, Dennis Alldredge, Ashley Eliason, Derrick Eliason, Johny Munoz, Matt Kolste, and Craig Mach.

Planner Richins said that the applicant owns large parcels of property currently zoned AG

he would like to add some processing areas; specifically for wheat and grain which is not approved in this zone. They are requesting to rezone the land to AG 20 in order to allow them to do agriculture processing.

There were no other comments made.

Commissioner Draper made a motion to close the public hearing.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:34 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 22-09-27, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF APPROXIMATELY 40.0 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1800 W 4000 N FILLMORE FROM AGRICULTURE (AG) TO AGRICULTURE 20 (AG 20)

Commissioner Draper made a motion to adopt Ordinance 22-09-27, an ordinance of the Millard County Commission changing the zoning of approximately fourty acres of property located at approximately 1800 W 4000 N Fillmore from AG to AG 20.

Commissioner Wright SECONDED the motion. Deputy Clerk Hair 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.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A ZONING ORDINANCE MAP AMENDMENT APPLICATION #Z-2022-031 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 16.14 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2 MILES EAST OF OAK CITY ON DRY CREEK ROAD FROM AGRICULTURE 20 (AG-20) TO AGRICULTURE (AG). DAVID LYMAN, APPLICANT

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on a zoning ordinance map amendment Application #Z-2022-031.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:40 a.m..

Present were: Assessor Manis, Treasurer Dearden, Planner Richins, Supervisor Morris, Brooks Jackson, Supervisor Turner, Captain Bennett, Sheriff Jacobson, Supervisor Bublitz, Recorder Dickens, Lindsay Mitchell, Matt Ward, Alan Dewsnup, Darlene Dewsup, Patrick Mullen, Dennis Alldredge, Ashley Eliason, Derrick Eliason, Johny Munoz, Matt Kolste, and Craig Mach.

Planner Richins pulled up the map of the property in question and said that the request is to change the 16.4 acres piece currently zoned AG 20 to AG which must be in 1 acre pieces. The Planning and Zoning Commission previously said that this was inconsistent with surrounding properties and gave an unfavorable recommendation.

There were no other comments made.

Commissioner Draper made a motion to close the public hearing.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:44 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 22-09-27A, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF APPROXIMATELY 16.14 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2 MILES EAST OF OAK CITY ON DRY CREEK ROAD FROM AGRICULTURE 20 (AG-20) TO AGRICULTURE (AG)

Planner Richins said that the zoning has changed periodically, but the current zoning has been in place for a long time. The cutoff was May 1, 1991. Parcels created after that date need approval. The applicant is trying to utilize this piece for it to become a legal plot of record. He said that they have discussed other options with the applicant that can be considered. To make that 1 acre zone in the middle of two twenty acre zones is considered spot zoning and is unfavorable. Planner Richins explained potential paths forward for the owner if this is not approved today.

Commissioner Draper said that this situation has come up multiple times since he has been a commissioner. Exceptions have been made and denied in the past. It is a problem for the purchaser to find out that they can not do anything with it. Sometimes they are constrained to what the law is.

Commissioner Warnick is not opposed to this but does not like the 1 acre lot and would like this to go back to Planning and Zoning.

Commissioner Wright would like to see a different pathway to move forward on this.

Commissioner Wright made a motion to deny Ordinance 22-09-27A, an ordinance of the Millard County Commission changing the zoning of approximately 16.14 acres of property located at approximately 2 miles East of Oak City on Dry Creek Road from AG-20 to AG.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A ZONING ORDINANCE MAP AMENDMENT APPLICATION #Z-2022-032 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 37.4 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4375 W 4500 S DELTA (DESERET) FROM AGRICULTURE 20 (AG-20) TO RESIDENTIAL (R-1). DERRICK and ASHLEY ELIASON, APPLICANTS

Commissioner Draper made a motion to enter into a public hearing for the purpose of receiving public comment a zoning ordinance map amendment Application #Z-2022-032.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:52 a.m.

Present were: Assessor Manis, Treasurer Dearden, Planner Richins, Supervisor Morris, Brooks Jackson, Supervisor Turner, Captain Bennett, Sheriff Jacobson, Supervisor Bublitz, Recorder Dickens, Lindsay Mitchell, Matt Ward, Alan Dewsnup, Darlene Dewsup, Patrick Mullen, Dennis Alldredge, Ashley Eliason, Derrick Eliason, Johny Munos, Matt Kolste, and Craig Mach.

Ashley Eliason gave a brief background of their situation and stated that they are hoping to get it changed to residential in order for their family to use it. She explained that it has not been farmed for over twenty years, and currently has bees on it.

Derrick Eliason said that if his kids did want to build later on, there is already utilities along the road.

Mrs. Eliason said that there are already houses on either side of this property.

There were no other comments made.

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 11:55 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 22-09-27B, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF APPROXIMATELY 37.4 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4375 W 4500 S DELTA (DESERET) FROM AGRICULTURE 20 (AG-20) TO RESIDENTIAL (R-1)

Planner Richins said that there was a considerable discussion about the location of this property in Planning and Zoning. Though it is not being currently farmed, it has been historically. Planner Richins referred to the map and explained the parcel and its location.

Commissioner Draper said that the general plan encourages the building of dwellings take place next to towns or cities; in this case it does. The Planning and Zoning meeting brought up the concern of removing agriculture zoned land.

Commissioner Wright said this theoretically follows the same process as annexation.

Commissioner Warnick confirmed that they could still farm a portion of this if approved today.

Commissioner Wright made a motion to adopt Ordinance 22-09-27B, an ordinance of the Millard County Commission changing the zoning of approximately 37.4 acres of property located at approximately 4375 W 4500 S Delta (Deseret) from AG-20 to R-1.

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

There the Commission took a short recess at 12:05 p.m.

The meeting reconvened at 12:10 p.m.

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 22-09-27D, AN INDUCEMENT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH WITH RESPECT TO FINANCING CERTAIN MANUFACTURING FACILITIES THROUGH THE ISSUANCE BY MILLARD COUNTY, UTAH OF INDUSTRIAL REVENUE BONDS FOR THE BENEFIT OF ARES STRATEGIC MINING, INC

Patrick Mullen, Craig Mock, James Walker, and Victoria Griffin from ARES Strategic Mining Inc. introduced themselves.

Mr. Mullen briefly described the funding process that they are working through and he said that they went before the State Board and were granted an allocation, since the last Commission approval. The final step is to come back to the Commission for a resolution.

Mr. Walker went over the bonds and said that they are going to be used at their factory outside of Delta and went over possible products. He stated that it is anticipated to be online sometime next year.

Commissioner Draper asked if this resolution is more for support because Juab County is sponsoring the bonds.

Mr. Walker said that the manufacturing base that they found is actually in Millard County. Juab County is shown as being the sponsor because of the original difficulty of locating industrial land.

Commissioner Draper said that the financial amount is over what is allotted.

Mrs. Griffin explained the finances from the bonds and said the remaining funds that are needed will be financed with equity from the ARES' parent company

Fred Williams, the Bond Counsel, called into the meeting and explained the bond rules. The Private Activity Bond (PAB) committee allocates funds to those who want tax exempt bond funding. In this case, there will be two series; tax exempt bonds which are limited and taxable bonds which are not limited.

Commissioner Draper said that any expenses incurred by Millard County will be paid by ARES. Mr. Williams confirmed that.

Attorney Finlinson said that is the application with PAB. Juab County was initially the applicant, not Millard County. The location was moved to Millard County when no suitable place was found in Juab County. He said that the concern now is timing and how Juab County's name on the application may impact the bond issuance going forward.

Mr. Walker said that there is no impact by having Juab County as the applicant. A name change in the application will be done provided that this is approved today.

Treasurer Dearden asked if the closing date of the third Saturday in December is still on track. Mr Walker confirmed. Attorney Finlinson confirmed that PAB should be able to review that for the County before the closing date. He also confirmed that ARES will not be connecting into Delta City for a water source and that they will be using their own sources of water.

Commissioner Draper asked what systems are in place for used water. Mr. Walker said they have waste water circulation.

Commissioner Draper said that the County is no longer concerned about transportation to the site since the access to the site has since been cleared out. Planner Richins said that a CUP will be necessary. Attorney Finlinson said that a lot of the logistics can be figured out during the CUP process.

Commissioner Draper asked about the projected longevity of the mine. Mr. Walker said that

the potential longevity is a couple decades.

Commissioner Warnick asked how many people this will employ. Mrs. Griffin stated that they anticipate hiring fifty employees.

Commissioner Wright asked Treasurer Dearden if Millard County has dealt with a situation like this, using bonds to fund a project. She said that this is a new experience for the County.

Attorney Finlinson said that this inducement resolution is not a binding contract and that in the future the commissioners still have the ability to not issue any bonds, it solely enables ARES to take the next step and to start the financing process on their end.

Mr. Williams explained that they would come back to the Commission for approval of bonds in the future, which the County is under no obligation to issue those bonds. These bonds do not create any liability for the County. The County is needed to issue this under the Federal Tax Law.

Commissioner Draper confirmed his understanding that ARES was going to share financials with the County to review before issuing bonds, but questioned if there is a deadline to see those. Mrs. Griffin said that they can provide those immediately after the meeting.

Commissioner Draper made a motion to approve an Inducement Resolution of the Board of County Commissioners of Millard County, Utah with respect to financing certain manufacturing facilities through the issuance by Millard County, Utah of industrial revenue bonds for the benefit of ARES Strategic Mining, Inc..

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A ZONING ORDINANCE MAP AMENDMENT APPLICATION #Z-2022-033 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 8.0 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1185 N HIGHWAY 6 DELTA FROM HIGHWAY COMMERCIAL (HC) / RESIDENTIAL (R-1). PATRICK SMITH, APPLICANT

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on a zoning ordinance map amendment application #Z-2022-033.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 12:40 p.m..

Present were: Matt Ward, Captain Bennett, Lindsay Mitchell, Supervisor Beckstrand, Dennis Alldredge, Assessor Manis, Auditor Smith, Supervisor Morris, Planner Richins, Supervisor Higgins, and Treasurer Dearden.

Adam Richins pulled the map up on the screen and explained the parcel. He read the code regarding lots in two or more zoning districts. He said that the applicant is greatly limited in what they are allowed to put there. The applicant would like to make it all HC so its all compatible.

Mr. Patrick Smith called in and said that the zoning on the back little piece is different than the main portion of the lot and they are requesting to change it to HC.

There were no other comments made.

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 12:45 p.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 22-09-27C, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION CHANGING THE ZONING OF APPROXIMATELY 8.0 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1185 N HIGHWAY 6 DELTA FROM HIGHWAY COMMERCIAL (HC) / RESIDENTIAL (R-1)

Commissioner Draper said that the bulk is already HC and it would be best to zone it all as HC.

Commissioner Draper made a motion to adopt Ordinance 22-09-27C, an ordinance of the Millard County Commission changing the zoning of approximately 8.0 acres of property located at approximately 1185 N Highway 6 Delta from HC / R-1.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON OPENING THE 2022 BUDGET. ALL FUNDS/BUDGETS MAY BE CONSIDERED AS NECESSARY

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on opening the 2022 budget.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 12:46 p.m..

Present were: Matt Ward, Captain Bennett, Lindsay Mitchell, Dennis Alldredge, Assessor Manis, Auditor Smith, Supervisor Morris, Planner Richins, Supervisor Higgins, and Treasurer Dearden.

Auditor Smith discussed budget items including indigent burial funds, the rodeo, Sheriff's Office equipment, the employee assistance program, and predator control. She gave ideas for possible funding. Special projects include: fire warden contribution, ambulance grants, and tourism.

Commissioner Draper addressed the predator control fox vouchers and said that if the voucher said 2020, they were actually in 2022.

Captain Bennett said that they do not have clear defined equipment needs at the moment so they would like to discuss this further before making budget changes.

There were no other comments made.

Commissioner Draper made a motion to close the public hearing.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 12:55 p.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-09-27B, A RESOLUTION OF THE MILLARD COUNTY COMMISSION OPENING AND AMENDING THE 2022 BUDGET

Commissioner Warnick explained the changes and projects that Tourism is working on, including the fact that the County has lost the fair director. She mentioned that they are looking at creating a full-time event coordinator position. She reasoned that other counties have this position and there is money in TRT for this position and would be paid the same as the Tourism Director.

Commissioner Warnick said that the rodeo is a volunteer position and they brought in a substantial amount more funds than what was paid by the County.

Commissioner Draper said that they also recruit talent at the NFR for our local rodeo.

Commissioner Draper made a motion to approve Resolution 22-09-27B, a resolution of the Millard County Commission opening and amending the 2022 budget as discussed.

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

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 22-09-27C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH CREATING A LOCAL CRIMINAL JUSTICE COORDINATING COUNCIL PURSUANT TO SECTION 17-55-201 OF UTAH CODE ANNOTATED

Attorney Finlinson said that legislation has required this and explained who needs to be on the council.

Commissioner Draper made a motion to approve Resolution 22-09-27C, a resolution of the Board of County Commissioners of Millard County, Utah creating a Local Criminal Justice Coordinating Council pursuant to Section 17-55-201 of Utah Code Annotated.

Commissioner Warnick stepped from the chair and SECONDED the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Wright voted NO. Commissioner Draper voted YES. Commissioner Warnick voted YES. The motion carried by majority vote.

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in August 2022. She said that detailed review was completed on September 16, 2022.

DISCUSSION AND POSSIBLE APPROVAL OF CREATING AN IMPACT COMMITTEE

Commissioner Wright said that this is due to the enlargement of IPP. There is an ordinance

that allows the County to put together a committee to study the impact. He said that it will need to have IPA's involvement and the Sheriff's Office.

Attorney Finlinson said that Matt Kolste may be a good person to reach out to.

Planner Richins said that this creation is in State Code and in the CUP; however, the formation process is not expressly covered under these.

Commissioner Draper said that an impact committee was in place when IPP first came in. Planner Richins said that if IPSC agrees to the impacts, then they become contracts or if they are not agreed upon it goes to an appeal process.

Commissioner Draper said that it has to show that it has a direct impact and gave the example of the impact that children living on site with their families and the direct impact it will have on the Sheriff's Office needing to hire more deputies. He confirmed that each taxing agency should be included on this.

Commissioner Draper said that he has the paperwork from when IPP first came in that will give a good process outline moving forward.

It was decided to bring this back to the next commission meeting.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Draper asked Auditor Smith if she received the monetary notice for indigent defense fund. She confirmed that she had. He also requested a meeting for the October 4th Commission Meeting with the Forest Service and the NRCS, to discuss the aftermath of the Halfway Hill fire. He said that there are two programs to get funding. It is being proposed that the County take up the emergency water shed assistance that Emergency Watershed Protection (EWP) provides (EWP). NRCS has another program as well. Attorney Finlinson explained that the catch basins will be up for discussion because once the danger has subsided there is an expectation to reclaim that land.

Commissioner Wright said that there have been requests for exemptions from cleanup fees. He said that anything that has to be buried continues to be assessed with a fee for cleanup. He wanted to make the commissioners aware and to keep consistency.

Auditor Smith presented an invoice from "Johns Service" in July for equipment repair. She explained that from time to time there are related parties in a transaction and this was to ensure that the Board was all in agreement. Commissioner Wright explained that the invoice shows that Supervisor Higgins has provided a service that Wheeler has also provided. He said that the Auditor's Office flagged the invoice because there was a question due to the description on the invoice that prompted them to question whether two businesses were being paid for the same repair and is requesting clarification.

Supervisor Higgins said that he has performed worked on the County equipment in the past,

but his business was unable to provide this service due to time constraints and other duties. He said that when equipment breaks down he often does the repairs himself and the repairs require working in conjunction with Wheelers in order to make the repairs.

Attorney Finlinson said that his advice was to disclose this to protect the County and the employee.

Commissioner Draper made a motion to authorize payment of the invoice for the repair of landfill equipment as discussed.

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

A brief discussion was had on the age of the landfill equipment and the County's ability to replace older equipment.

Treasurer Dearden said that the County is set to go to court in October regarding the 2020 assessment with Centurylink/Lumin but due to legislative changes, she said its not advantageous to go to court now because any benefit the County may get will be over turned by this new legislation. She explained that in the meantime all Wasatch Counties have agreed to a stipulation/settlement and Centurylink/Lumin wants to know if the County wants to enter into an agreement as well. Commissioner Draper questioned if this stipulation results in a refund. Treasurer Dearden confirmed that it results in a refund of \$8,200.00 per county. This would settle Centurylink/Lumin with Millard County from 2018 to 2022. She said that Centurylink/Lumin have agreed to waive interest if its paid by Dec 31, 2022.

Commissioner Wright made motion to approve the Centurylink/Lumin Stipulation.

Commissioner Draper 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.

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

Commissioner Draper said that he and Commissioner Warnick attended the USACCC Conference in Bryce Canyon last week to discuss items that impact rural counties. The situation concerning Criminal Justice Coordinating Councils (CJCC) was brought up because 4 counties donot have the people required to be on them and therefore cannot form them. The UAC Governing

Board was held as well.

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

Commissioner Draper made a motion to enter into a BOE.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 1:45 p.m.

Auditor Smith presented an appeal application for Gayle Cluff, serial number F-238 Assessor Manis explained that this one is a home under construction and recommends the County abate eighty three percent at \$339,066.00.

Commissioner Draper made a motion to appeal eighty percent of Gayle Cluff's property taxes for the building excluding the land.

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

An appeal application was presented for Moses Cook, serial number 5615-A-2. The applicant is claiming they are landlocked. Auditor Smith said that there is access on HWY 50 and 6.

Commissioner Wright made a motion deny the appeal the property taxes and stay with the assessed value.

The motion failed for lack of a second.

Assessor Manis said that this year's assessment does include a discount for obsolescence of the land and that this plat is unique. Commissioner Draper explained the characteristics of this specific area and its lack of usages.

Commissioner Draper made a motion to change the assessed value to last year's property value at \$75/acre.

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

An appeal application was presented for Sherwood Shores. There are three separate waterfront parcels; DOSS-32, DOSS-33, and DOSS-34. One of the parcels has a home and a garage. They are all listed as one value. Assessor Manis suggests the lots stay at original assessed value and explained his reasoning.

Commissioner Draper made a motion to keep the original assessed value on all three parcels.

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

An abatement application was presented for David Harrison who notified the Assessor's Office after the lean date that this is a primary residence. The issue being he is a veteran and it does

not go by lean date any more; therefore, the Auditor's Office is obligated to give him a veteran's abatement. Auditor Smith said that she is not allowed to make overrides in her system. She said that she is going to have to show it as an adjustment, so this is a notification of what that is.

Commissioner Wright made a motion to grant a veteran's abatement for David Harrison. Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

Auditor Smith presented a hardship abatement for parcel M 1583-1, owned by Brinley and Cody Kimball, along with their application and a letter of hardship.

Commissioner Draper made a motion to abate fifty percent of Brinley and Cody Kimball's property taxes.

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

Three other abatement applications were also listed, but they are automatically approvals due to they qualify under other programs.

The BOE closed at 2:29 p.m..

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 2:30 p.m..

Attest: _____

Approved: _____