

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 11th DAY OF APRIL 2023
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bill Wright..... Chairperson
Vicki Lyman..... Commissioner
Trevor Johnson..... Commissioner

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

ALSO PRESENT: Sierra Dickens..... County Recorder
Jacob Nielson..... County HR Director
Bonnie Smith and Vickie Bennett. County Auditor’s Office
Adam Richins..... County Planner
Pat Manis. County Assessor
Kevin Morris. County Tourism Director
Sheri Dearden..... County Treasurer
Dennis Alldredge, Matt Kolste, Mike Petersen, James Gifford, Tim Petersen,
Ed Wilcox, and Alison Wilcox, Citizens
Eva Timothy..... USU Extension
Tyler Timmons..... SCAOG
Dent Kirkland and John Niles Delta City
Russ Finlinson Leamington City

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Wright to the public and Commission members.

OPENING STATEMENTS

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

APPROVAL OF MARCH 21, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 21, 2023 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Johnson made a motion to approve the minutes of March 21, 2023, as corrected.

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

FOLLOW UP ACTION ITEMS FROM MARCH 21, 2023

Attorney Finlinson explained the water rights litigation out of Garrison, Utah. He said that because the County owns such a small amount of water rights, the County should not take any action.

DISCUSSION AND POSSIBLE APPROVAL OF IGP WAIVERS

Commissioner Johnson presented three IGP waivers for a total of \$120.00 for approval.

Commissioner Johnson made a motion to approve the IGP Waivers.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR FOUR J'S EATERY, LLC - OWNER JESSICA DRINKWINE

A business license application was presented for Four J's Eatery, LLC, Owner - Jessica Drinkwine. After review of the application and finding all signatures in order, Commissioner Johnson made a motion to approve a business license Four J's Eatery, LLC, Owner - Jessica Drinkwine.

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

DISCUSSION AND POSSIBLE APPROVAL OF MONTHLY CELL PHONE ALLOWANCE FOR JACOB NIELSON

Commissioner Wright welcomed Jacob Nielson as the new HR Director.

Commissioner Johnson made a motion to approve a cell phone stipend in the amount of \$60.00 for Jacob Nielson.

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

DISCUSSION AND POSSIBLE AWARDING OF THE TOURISM MARKETING REQUEST FOR PROPOSAL (RFP)

Director Morris said that his department sent a more specific proposal to four businesses.

Based off of those responses, he recommends that the County accept the proposal from Avalaunch, with VistaWorks as the backup.

Commissioner Johnson made a motion to award the RFP to Avalaunch, with VistaWorks as the backup.

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

DISCUSSION AND POSSIBLE AWARDED OF THE MAGNESIUM CHLORIDE BID

Commissioner Wright explained that only one bid was received and opened during the last Commission meeting.

Auditor Smith explained that another bid was received before the deadline, but was sent to the wrong email.

Commissioner Wright said that the Road Supervisor is comfortable with the bid from Dust Busters and that he is familiar with their work.

Commissioner Johnson made a motion to award the bid to Dust Busters at \$106.70 per ton. Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF CIB LIST PRIORITIZATION - TYLER TIMMONS

Mr. Timmons presented the CIB list for the Commission to prioritize. He explained that this list allows the towns to apply for assistance on their projects, but does not automatically mean that they will receive funds.

Leamington Mayor Finlinson explained the culinary water system improvements that are needed.

Delta City Mayor Niles presented plans for water system improvements to accommodate city growth.

Mr. Timmons explained that there are options for towns to apply for expedited funds.

Commissioner Wright presented his priority recommendations, to which the Commission finalized changes.

Commissioner Lyman made a motion to accept the CIB list prioritization as discussed. Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion

carried.

DISCUSSION AND POSSIBLE APPROVAL OF THE PUBLIC LAND COUNSEL (PLC) REQUEST FOR FUNDS

Commissioner Lyman explained that the majority of the counties in the State, each contribute \$2,000.00 to support the advocacy of grazing on federal lands.

Commissioner Johnson expressed his reluctance to provide these funds where it may not have a direct benefit to the County.

Commissioner Wright explained that he did not receive any new information and that he is also not comfortable with approving these funds.

No action was taken.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-04-11, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TRANSFERRING FUNDS FROM DEPARTMENT TO DEPARTMENT WITHIN THE SAME FUND. SPECIAL PROJECTS TO LATCF TO FUND MORE EXTENSIVE BUDGETING SOFTWARE.

Commissioner Wright explained the need of this software in the Auditor's Office.

Auditor Smith further explained the software and how it would benefit her office and the Commission, other elected officials, and department heads.

Commissioner Lyman expressed her support for this software for the Auditor's Office.

HR Director Nielson explained that this would help with department accountability from an HR prospective.

Commissioner Johnson made a motion to approve Resolution 23-04-11, a resolution of the Board of County Commissioners of Millard County, Utah, transferring funds from department to department within the same fund. Special projects to LATCF to fund more extensive budgeting software.

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

DISCUSSION AND POSSIBLE TERMINATION OF HUMAN RESOURCES (HR) MORATORIUM

Commissioner Wright recommended that the moratorium be terminated.

Commissioner Johnson made a motion to terminate the HR moratorium.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-04-11A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, CHANGING THE STATUS OF THE HR DIRECTOR POSITION FROM HOURLY TO FLSA EXEMPT

Commissioner Wright explained the Commission's decision to move this position to FLSA exempt, as it is the best fit for the County and the HR Director.

Attorney Finlinson explained that this is just the first step and that Director Nielson will need to send in writing his desire to not accept time accounting and accrual.

Commissioner Johnson made a motion to approve Resolution 23-04-11A, a resolution of the Board of County Commissioners of Millard County, Utah, changing the status of the HR Director position from hourly to FLSA exempt.

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

DISCUSSION AND POSSIBLE APPROVAL OF AMENDED RESOLUTION 23-03-21, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH OPENING THE 2023 MILLARD COUNTY BUDGET FOR THE PURPOSE OF TRANSFERRING MONEY BETWEEN FUNDS OR APPROPRIATING UNAPPROPRIATED FUND BALANCES

Attorney Finlinson explained that there was a line missing on the original attachment.

Commissioner Lyman made a motion to approve amended Resolution 23-03-21, a resolution of the Board of County Commissioners of Millard County, Utah opening the 2023 Millard County Budget for the purpose of transferring money between funds or appropriating unappropriated fund balances.

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

DISCUSSION AND POSSIBLE APPROVAL TO IMPROVE THE ARMORY KITCHEN THROUGH A CAPITAL GAINS FUNDING SOURCE - EVA TIMOTHY

Mrs. Timothy requested permission from the Commission to submit a request to Fillmore City for permission to make improvements to the Armory kitchen by installing a stove. She explained how it would benefit community food preservation classes and 4H culinary groups.

Commissioner Johnson made a motion to improve the armory kitchen.

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

REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2023-017 FOR A PLAT SUBDIVISION LOCATED AT APPROXIMATELY 2200 W 850 N FILLMORE. DEVAN WILCOX, APPLICANT

Planner Richins explained Application #Z-2023-017 and presented a map of the location. He explained the differences between a plat and a non plat subdivision. He said that it is currently zoned as agriculture, but it does allow for the development of homes.

Mr. Wilcox explained that he will retain the lots except for the three his children plan to purchase and build on. He also clarified that he has enough water shares for the three planned homes.

Commissioner Lyman made a motion to approve Application #Z-2023-017 for a plat subdivision located at approximately 2200 W 850 N Fillmore. Devan Wilcox, applicant.

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

REVIEW AND POSSIBLE APPROVAL OF APPLICATION #Z-2023-012 FOR A PLAT SUBDIVISION LOCATED AT APPROXIMATELY 1600 SOUTH FRONTAGE ROAD FILLMORE. MIKE PETERSON, APPLICANT

Planner Richins presented Application #Z-2023-012. He explained that it is zoned residential.

Mr. Peterson explained his project and the water and electrical systems that will be utilized.

Commissioner Lyman made a motion to approve Application #Z-2023-012 for a plat subdivision located at approximately 1600 South Frontage Road Fillmore. Mike Peterson, applicant.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A C-2 CONDITIONAL USE PERMIT (CUP) APPLICATION #Z-2023-016 TO CONDUCT SURFACE MINING AT APPROXIMATELY 6000 S HIGHWAY 50, DELTA. STEVEN COOPER, APPLICANT

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comment on a C-2 CUP Application #Z-2023-016 to conduct surface mining at approximately 6000 S Highway 50, Delta. Steven Cooper, applicant..

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:28 a.m..

Present were: Recorder Dickens, Leamington Mayor Finlinson, Tyler Timmons, Director Morris, Auditor Smith, Matt Kolste, Dent Kirlkand, Delta City Mayor Niles, Treasurer Dearden, Ed Wilcox, Alison Wilcox, Planner Richins, and Assessor Manis.

Planner Richins presented the application. He explained how the CUP would allow the applicant to conduct surface mining operations. There are additional State recommendations and conditions to be consistent with other surface mining operations and the possibility that it expands. He presented the Planning Commission's additional conditions for their favorable recommendation.

Commissioner Wright stepped from the chair and made a motion to close the public hearing.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:36 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF A C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2023-016 TO CONDUCT SURFACE MINING AT APPROXIMATELY 6000 S HIGHWAY 50, DELTA

Planner Richins said that operations would be on the west side of the road.

Commissioner Lyman expressed her concerns with the wind tracking sand across the road due to the operation.

Planner Richins explained that if it was necessary, then the applicant would be notified to rectify the situation.

Planner Richins explained the nuisance conditions that would be a part of the CUP.

Commissioner Johnson made a motion to approve a C-2 CUP Application #Z-2023-016 to conduct surface mining at approximately 6000 S Highway 50, Delta, with the additional conditions.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Attorney Finlinson presented a request from Materion Natural Resources Inc. for an updated equipment lease agreement for a Caterpillar 330BL Track Excavator that is being used for flood mitigation, indemnifying Materion from any consequences that may occur as a result of County usage.

Commissioner Johnson made a motion to approve the updated equipment lease agreement.

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

carried.

Attorney Finlinson explained that there is a County owned piece of property located in Delta that one of the adjoining property owner's would like to purchase. He explained to the applicant that it will require a public meeting and Commission approval.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Lyman asked if the Commission has to approve appointments to the Housing Authority Board.

Commissioner Wright said that it needs to be advertised and approved by the Commission.

Commissioner Wright said that there is an opening on the County Economic Development Board (MEDA) and that there was only one interested applicant, Kelly Carter.

Commissioner Johnson made a motion to appoint Kelly Carter to MEDA Board.

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

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

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND/OR ACTION FOR DISCUSSION AND POSSIBLE REVIEW OF APPLICATIONS FOR RELIGIOUS AND CHARITABLE EXEMPTION

Commissioner Johnson made a motion to enter into a BOE.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 11:48 a.m..

Chief Deputy Auditor Bennett presented a tax exemption application from the Greater Delta Historical Land Restoration Association for the restoration of the Historic Van's Hall. She said that it falls under the "other purpose" categorization, which means it is up to the Commission to decide whether or not they can receive this exemption. The Auditor's Office cannot automatically grant the exemption.

Attorney Finlinson said that the difficulty with this application is that the building is not

strictly a museum and could serve multiple purposes.

Chief Deputy Auditor Bennet explained that they will need to reapply annually for their exemption status.

Assessor Manis explained that any profit made would be put back into the restoration and upkeep of the building.

Commissioner Johnson made a motion to abate 100% of the property taxes Greater Delta Historical Land Restoration Association for the restoration of the Historic Van's Hall, Account 0054222, parcel number D-846.

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

Commissioner Lyman made a motion to close the BOE.

Commissioner Wright stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:59 a.m..

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

Commissioner Lyman made a motion to go into a closed executive session for the purpose of discussing litigation.

Commissioner Johnson SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Assessor Manis, Treasurer Dearden, Director Nielson, Planner Richins, and Auditor Smith.

After the closed executive session the regular meeting reconvened at 12:17 p.m..

DISCUSSION AND POSSIBLE APPROVAL OF SETTLEMENT OF CENTRALLY ASSESSED APPEALS FOR ENEL (COVE FORT) LLC (2018-2021) AND FIRST WIND ENERGY MILFORD UTAH (2020)

Commissioner Lyman made a motion to approve the settlement proposals of the centrally assessed appeals for ENEL LLC and First Wind Energy.

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

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright adjourned the meeting at 12:18 p.m..

Attest: _____

Approved: _____