

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF AUGUST, 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 County Clerk

ALSO PRESENT: Debra Arnold Interim County Treasurer
Klint Penney..... East Millard Maintenance Supervisor
Bonnie Smith. County Auditor
Sierra Dickens. County Recorder
Jacob Nielson..... County HR Director
Adam Richins County Planner
Pat Bennett, Jerid Bennett, and Richard Jacobson..... County Sheriff's Office
Matt Kolste and Dennis Alldredge..... Citizens
Caleb Patton..... Cal-Maine Foods, Inc.
Sarah Richins, Britney Boardman, and Samantha Christensen Girls State
Kalen Taylor USU Extension

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

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

DISCUSSION AND POSSIBLE AMENDMENT OF THE APPROVED MINUTES FROM JULY 11, 2023

Following discussion of minor corrections presented by Clerk Rowley and Auditor Smith, Commissioner Johnson made a motion to approve the minutes of July 11, 2023, as amended.

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

APPROVAL OF JULY 18, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 18, 2023 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Lyman made a motion to approve the minutes of July 18, 2023, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JULY 18, 2023

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF CHANGING THE DATE OF THE SEPTEMBER 5, 2023 COMMISSION MEETING

Due to the 2023 Primary Election, Clerk Rowley proposed moving the September 5, 2023 Commission meeting to September 12, 2023.

Commissioner Johnson made a motion to approve moving the September 5, 2023 Commission meeting to September 12, 2023.

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

MONTHLY FINANCIAL REVIEW

This item was stricken from the agenda.

DISCUSSION AND POSSIBLE APPROVAL OF IGP WAIVERS

Commissioner Johnson presented two IGP waiver applications in the amount of \$50.00 each.

Commissioner Johnson made a motion to approve the two IGP waivers applications in the amount of \$50.00 each.

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

GIRLS STATE REPORT

Sarah Richins introduced Britney Boardman and Samantha Christensen, who have recently

attended Girls State 2023. They reported on what they learned about how state and local governments are run.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 23-08-01, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING AND RESTATING THE MILLARD COUNTY PROCUREMENT CODE BY CLARIFYING PROCEDURE FOR AWARDING BIDS AND EXEMPTIONS FROM COMPETITIVE BIDDING

Attorney Finlinson briefly explained the amendments that this ordinance would put into effect so that the Commission will have a better understanding of the updated procurement code.

Commissioner Johnson made a motion to adopt Ordinance 23-08-01, an ordinance of the Board of County Commissioners of Millard County, Utah, amending and restating the Millard County Procurement Code by clarifying procedure for awarding bids and exemptions from competitive bidding.

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 APPROVAL OF CELL PHONE ALLOWANCE FOR TJ WOOD

Supervisor Penney explained the need for a monthly cell phone allowance in the amount of \$40.00 for TJ Wood.

Commissioner Lyman made a motion to approve a monthly cell phone allowance in the amount of \$40.00 for TJ Wood.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON C-2 CONDITIONAL USE PERMIT AMENDMENT APPLICATION #Z-2023-036 TO ALLOW THE ADDITION OF TWO (2) ADDITIONAL LAYER BARNES TO THE EXISTING EGG PRODUCTION COMPLEX. CAL-MAINE FOODS, INC., OWNER/APPLICANT.

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comment on the C-2 conditional use permit amendment, Application #Z-2023-036 to allow the addition of two (2) additional layer barns to the existing egg production complex. Cal-Maine Foods, Inc., owner/applicant.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:30 a.m..

Present were: Planner Richins, Caleb Patton, Sheriff Jacobson, Supervisor Penney, Auditor Bennett, HR Director Nielson, Interim Treasurer Arnold, Recorder Dickens, Captain Bennett, Sergeant Bennett, Matt Kolste, Dennis Alldredge, and Kalen Taylor.

Planner Richins presented and explained the application. He reported that the Planning Commission sends a favorable recommendation.

Caleb Patton, representing Cal-Maine Foods, Inc., explained that the additional buildings are in line with current productions.

Sheriff Jacobson questioned if there would be an increase in employment.

Mr. Patton explained that there will be no new staffing needs with the addition of these two new buildings.

Sheriff Jacobson explained that the location of this business creates a lot of traffic on the same road that is impacted by the IPA project, and that he was interested if there was going to be increased traffic due to this building increase.

Commissioner Lyman made a motion to close the public hearing.

Commissioner Johnson **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:35 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF C-2 CONDITIONAL USE PERMIT AMENDMENT APPLICATION #Z-2023-036 TO ALLOW THE ADDITION OF TWO (2) ADDITIONAL LAYER BARNES TO THE EXISTING EGG PRODUCTION COMPLEX. CAL-MAINE FOODS, INC., OWNER/APPLICANT

Commissioner Lyman expressed her support, but questioned if impact alleviation measures should be added to the conditional use permit, similar to those implemented in connection with the IPA project.

Planner Richins explained that this is a land use permit and the State Code concerning impact is already narrowly defined. He further explained that the impact alleviation measures associated with the IPA project are due to the unprecedented impacts the project is having on the surrounding communities and are only needed while the project is ongoing.

Commissioner Wright suggested that the company provide alternate travel routes for employees to help alleviate traffic concerns and to make sure that employees are educated concerning traffic laws.

Sheriff Jacobson explained that there are resources that his office is willing to introduce to the company.

Commissioner Johnson added his approval of these measures.

Commissioner Johnson made a motion to approve the C-2 conditional use permit amendment application #Z-2023-036 to allow the addition of two (2) additional layer barns to the existing egg

production complex. Cal-Maine Foods, Inc., owner/applicant.

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

DISCUSSION AND POSSIBLE APPROVAL OF WHEELER MACHINERY AS A SOLE SOURCE PROVIDER

Chief Deputy Auditor Bennett briefly explained that two invoices from Wheeler Machinery, over the amount of \$15,000.00 each, did not go through the normal bid procedure.

Commissioner Johnson explained why the two invoices were billed as they were and that Wheeler Machinery is the only provider for CAT parts in the State of Utah.

Commissioner Johnson made a motion to approve Wheeler Machinery as a sole source provider of CAT parts for the purpose of paying these two invoices.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Johnson expressed his desire to send a public letter to citizens addressing County efforts to manage the effects of tax increases.

Commissioner Lyman suggested increasing County fees for recreation use.

HR Director Nielson explained that there will be an operational assessment conducted of the County to see how the it can be more efficiently run.

Commissioner Wright expressed his support of both a public letter and an operational assessment.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Clerk Rowley reported that Ricky Dean Moody was appointed to serve on the Hinckley/Deseret Cemetery District Board.

Commissioner Johnson made a motion to approve the appointment of Rick Dean Moody to serve on the Hinckley/Deseret Cemetery District 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.

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

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.

MEETING OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF MILLARD COUNTY FOR PURPOSE OF DETERMINING UTAH SOLAR 1 CDA PROJECT PROCESS AND PROCEDURE

Commissioner Johnson made a motion to open a meeting of the Board of Directors of the Redevelopment Agency (RDA). The RDA meeting began at 11:04 a.m.

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

Commissioner Wright briefly explained a few issues that need to be addressed by the RDA, before it was decided that a more in depth discussion with Deputy Attorney Denton Peterson is needed.

Commissioner Lyman made a motion to return to the regular Commission meeting.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting closed at approximately 11:12 p.m..

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

Commissioner Johnson made a motion to go into a closed executive session for the purpose of discussing pending and/or threatened litigation.

Commissioner Lyman SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Auditor Smith, Planner Richins, and Interim Treasurer Arnold.

After the closed executive session the regular meeting reconvened at 12:11 p.m.

WHERE UPON THE MEETING ADJOURNED

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

Attest: _____

Approved: _____