

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 21st DAY OF JANUARY 2025
AT THE COURTHOUSE, FILLMORE, UTAH

- PRESENT: Trevor Johnson..... Chairperson
Vicki Lyman..... Commissioner
Bill Wright..... Commissioner
- Elise Harris..... County Attorney
Marki Rowley..... County Clerk
- EXCUSED: Kayla Freeman Deputy Clerk
- ALSO PRESENT: Kristine Camp County Treasurer
Bonnie Smith. County Auditor
Sierra Dickens. County Recorder
Shane Brunson, Jerid Bennett, and Linsday Mitchell,. . . County Sheriff’s Office
Adam Richins County Planner
Stetson West, Kevin Bunnell,
and Mike Wardle. Department of Wildlife Resources (DWR)
Rachel West and Kevin Morris. Tourism Department
Dennis Alldredge, Fred Tolbert, Kenneth Skeem,
Shane Church, Sadie Church, Tim Carling, Joyce Barney, and
Wayne Jackson..... 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 Johnson to the public and Commission members.

OPENING STATEMENTS

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

APPROVAL OF JANUARY 7, 2025 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 7, 2025 were

presented for consideration and approval. Following review, Commissioner Wright made a motion to approve the minutes of January 7, 2025, as presented.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 7, 2025

There were none.

IGP WAIVERS

Two IGP waivers for volleyball, each in the amount of \$40.00, were submitted for approval.

Commissioner Wright made a motion to approve the two IGP waivers in the amount of \$40.00 each for volleyball.

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

DISCLOSURE STATEMENTS

The following Elected Officials and/or Chief Deputies presented a conflict disclosure titled 17-16a-13:

- Chief Deputy Recorder Sarah Lombard
- Commissioner Bill Wright
- Commissioner Trevor Johnson
- Chief Deputy Sheriff/ Captain Patrick Bennett
- Treasurer Kristine Camp
- Chief Deputy Treasurer Madison James
- Commissioner Vicki Lyman
- Justice Court Judge Cyndee Probert
- Sheriff Richard Jacobson
- Interim Attorney Elise Harris
- Chief Deputy Attorney Kaela Jackson

The following employees presented other conflict disclosures:

- Brandon Winget - Road Department
- Cheryl Flynn - Ambulance
- Jamie Monroe - Ambulance
- Lindsay Mitchell - Sheriff's Office
- Michelle George - Treasurer's Office
- Madison James - Treasurer's Office
- Cyndee Probert - Justice Court
- Jennie Jensen - Sheriff's Office

DISCUSSION AND POSSIBLE APPROVAL OF BUSINESS LICENSE FOR PEAK FIELD SOLUTIONS LLC, OWNER-WHITT M. SORENSON

A business license application was presented for Peak Field Solutions, LLC, Owner - Whitt M. Sorenson, a crop consulting and advisement business. After review of the application and finding all signatures in order, Commissioner Wright made a motion to approve a business license for Peak Field Solutions, LLC, Owner - Whitt M. Sorenson.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 25-01-21, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, UTAH DIVIDING THE EXECUTIVE FUNCTIONS OF THE COUNTY COMMISSION TO INDIVIDUAL COMMISSIONERS

Clerk Rowley presented the updated list of Commission Duties based on the discussion from the previous Commission meeting. See Attachment A.

Following review, Commissioner Wright made a motion to approve Resolution 25-01-21, dividing the executive functions of the County Commission to individual commissioners, as discussed.

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

DISCUSSION AND POSSIBLE APPROVAL OF QUIT CLAIM DEEDS TO ADJUST BOUNDARY LINES WITH ADJOINING OWNERS OF PARCEL NO. O-1471

Recorder Dickens presented a map illustrating the proposed changes to land boundaries, explaining that these adjustments are part of a cleanup effort following a Board of Equalization (BOE) meeting in September 2024. She clarified how the boundaries will be corrected and outlined the process by which the County will deed its portion of the contested land, resolving any overlaps.

Attorney Harris explained the fees that would be established in accordance with the County Code.

Commissioner Lyman made a motion to approve the quit claim deeds to adjust boundary lines with the adjoining owners of Parcel O-1471.

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

It was decided that the Commission would delay signing the documents that require a fee until the payment is received. However, they agreed to sign the documents that do not have an accompanying fee.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 25-01-21A, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, UTAH ESTABLISHING A COUNTY CELL PHONE STIPEND POLICY

Commissioner Johnson explained that all full-time employees could receive a \$30.00 cell phone stipend, provided they sign the agreement.

Commissioner Wright made a motion to approve Resolution 25-01-21A, establishing a County Cell Phone Stipend Policy.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF AN ELECTED OFFICIAL TO SERVE ON THE 2025 UTAH ASSOCIATION OF COUNTIES (UAC) BOARD OF DIRECTORS

Commissioner Wright made a motion to appoint Commissioner Lyman to serve on the 2025 UAC Board of Directors.

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

DISCUSSION AND POSSIBLE APPROVAL OF PURCHASING CARDS FOR TYSEN INGRAM AND JIM GILES - ROAD DEPARTMENT

Commissioner Johnson explained that Tysen Ingram is a foreman in the shop for the Road Department and that Jim Giles is a heavy equipment operator and would need a purchasing card.

Auditor Smith clarified that the foreman position has historically been issued a purchasing card.

Commissioner Lyman said that it had been suggested to increase the card limit to \$2,000.00, but she has not received any information regarding the need for Mr. Giles to have a card.

Commissioner Wright also questioned why Mr. Giles would require a card.

It was decided that Commissioner Lyman will speak with Supervisor Wingett to discuss whether there is a need for Mr. Giles to have a credit card.

Commissioner Wright made a motion to approve a purchasing card for Tyson Ingram in the amount of \$2,000.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF A SOLE SOURCE PURCHASE FOR A USED 2014 ALTEC BUCKET LIFT TRUCK

Commissioner Lyman explained that the Maintenance Department requires a new bucket truck. She noted that, since it would be a used truck, it would be difficult to find comparable options, and purchasing a used truck would be more cost-effective than buying a new one.

Auditor Smith explained that the budget had allocated funds for a new bucket truck, but purchasing the used truck in the amount of \$67,500.00 would provide significant savings to the County.

Commissioner Johnson asked for confirmation that this is a necessity rather than a desire. The discussion was then tabled until later in the meeting to allow time for gathering more information.

Later, Auditor Smith explained that the truck is essential to the Maintenance Department's operations and also addresses a safety concern.

Commissioner Wright made a motion to approve the sole source purchase of a used 2014 Altec bucket lift truck.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON APPLICATION # Z-2024-059 AMENDING TITLE 10, CHAPTER 25 OF, THE MILLARD COUNTY ZONING ORDINANCE TO COMPLY WITH NEW STATE REQUIREMENTS FOR INTERNAL ACCESSORY DWELLING UNITS. CHANGES INCLUDE NEW DEFINITIONS AND DESIGNATIONS IN THE TABLE OF USES AND USE DEFINITIONS FOR INTERNAL ACCESSORY DWELLING UNITS IN EACH ZONING DISTRICT

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on Application #Z-2024-059.

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

Present were: Fred Tolbert, Stetson West, Mike Wardle, Deputy Brunson, Kevin Bunnell, Recorder Dickens, Director West, Sergeant Bennett, Kenneth Skeem, Lindsay Mitchell, Treasurer Camp, Dennis Aldredge, Auditor Smith, Shane Church, Planner Richins, and Sadie Church.

Planner Richins explained the details of the application and provided an overview of accessory dwelling units. He also noted that new state legislation requires the County to update its code for each zoning district to include new definitions and designations in the table of uses and use definitions for accessory dwelling units. He affirmed that a building permit is still required for accessory dwelling units.

There were no other comments made.

Commissioner Wright 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 10:36 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 25-01-21, AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING TITLE 10, CHAPTER 25 OF THE MILLARD COUNTY ZONING ORDINANCE CREATING DEFINITIONS AND DESIGNATIONS FOR INTERNAL ACCESSORY DWELLING UNITS

Commissioner Wright made a motion to adopt Ordinance 25-02-21, amending Title 10, Chapter 25 of the Millard County Zoning Ordinance creating definitions and designations for internal accessory dwelling units.

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

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

Kenneth Skeem presented his application and explained that there was a survey error in his previous application. He clarified that this application now reflects the correct plat subdivision details.

Planner Richins explained that it meets all requirements.

Commissioner Lyman made a motion to approve Application #Z-2022-034 for a plat subdivision.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 12-01-21B, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, UTAH APPROPRIATING ALL PROCEEDS FROM THE CAMPGROUND PATROL CONTRACT WITH USDA TO MILLARD COUNTY PEACE OFFICERS ASSOCIATION FOR 2023, 2024 AND 2025

Lindsay Mitchell explained that they were behind on appropriating the proceeds to the Association, but this action will bring them up to date and ensure they are caught up.

Commissioner Johnson asked for an explanation as to why the funds go to the Peace Officer Association rather than directly to the County.

Supervisor Mitchell explained that the Association supports law enforcement employees and their families, particularly when officers or their family members are involved in accidents, officer-involved shootings, illnesses, or other circumstances that cause financial hardship. She

clarified that the funds are not intended for procuring equipment but are meant to provide financial assistance to officers and their families facing hardships due to these incidents.

Auditor Smith explained that this is considered a donation, which requires approval due to the funds being directed to a non-county entity.

Commissioner Johnson asked for clarification on the process of officers receiving funds.

Supervisor Mitchell explained that, as the Financial Supervisor, she works with Shelton Spendlove, the President of the Association, and the Sheriff to review the situations and approve the distribution of funds.

Auditor Smith said that she would ensure everything is handled correctly in accordance with the proper procedures and code.

Commissioner Lyman made a motion to approve Resolution 12-01-21B, appropriating all proceeds from the Campground Patrol Contract with USDA to the Millard County Peace Officers Association for 2023, 2024 and 2025.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 25-01-21C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING THE CURRENT PIECE RATE PAY SCHEDULE FOR 2025

Auditor Smith explained that the pay increase was included in the budget, but the resolution was not approved before the budget was finalized. She clarified that they had paid two individuals according to the old pay schedule and that she is now requesting approval to increase the pay for those two individuals along with approving the resolution.

Commissioner Lyman made a motion to approve Resolution 25-01-21C, amending the current piece rate pay schedule for 2025.

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

DISCUSSION AND POSSIBLE APPROVAL OF SOLE SOURCE PROVIDER FOR A CUSTOM TOWER FROM COMMERCIAL BUSINESS RADIO

Deputy Brunson explained that Commercial Business Radio has historically been the sole source provider for the County's communication system, regarding the Notch Peak Tower Project. He emphasized the desire to continue using Commercial Business Radio as the sole source provider. He also mentioned that the cost for moving and updating the equipment is \$40,300.00 and provided details about who uses the tower.

Commissioner Wright asked what the County has paid thus far.

Deputy Brunson explained that because the County partnered with the Utah Communications Association (UCA) for the construction of the tower, the County has not had to pay anything up to this point.

Commissioner Wright made a motion to approve Commercial Business Radio as the sole source provider for a custom tower.

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

DISCUSSION AND POSSIBLE APPROVAL OF A FLEET MANAGEMENT SERVICES AGREEMENT WITH GAUGE AUTOMOTIVE INC.

Interim Attorney Harris explained that Gauge Automotive Inc. would be providing surplus and procurement services.

Auditor Smith verified that all their questions had been resolved, but asked Interim Attorney Harris for clarification.

Interim Attorney Harris explained that the code requirements stipulate that if the surplus value exceeds \$1,500.00, the Commission needs to acknowledge the disposition of each vehicle. She further clarified that the intent of the code would be met if they proceed with a fleet management service.

Commissioner Wright asked if this would prohibit future actions of the Commission regarding the management of the fleet.

Interim Attorney Harris explained that it is not an exclusive agreement, so it would not prevent the Commission from taking future actions regarding fleet management.

Commissioner Lyman made a motion to approve an agreement with Gauge Automotive Inc. for fleet management services.

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

PRESENTATION OF THE PAYMENT IN LIEU OF TAXES (PILT) DWR - KEVIN BUNNELL

Kevin Bunnell presented a check in the amount of \$9,307.00, along with a letter from DWR's former director. He explained that Riley Peck is the new DWR Director and has expressed interest in participating in the County's groundwater management plan.

Commissioner Wright asked how many acres are under DWR's jurisdiction. Mr. Bunnell responded that it is just over 18,000 acres.

Commissioner Wright asked who decides the rates and if they have been changed.

Mr. Bunnell explained that the State Legislature sets the rates, but he is not aware of any recent changes within the last decade.

Commissioner Johnson expressed his appreciation for their concern about the water situation in the County and for the DWR taking an interest in being part of the solution.

Commissioner Lyman reported hearing concerns from farmers regarding land under DWR's jurisdiction, the lack of water rights, and how water might be taken from non-DWR lands.

Mr. Bunnell clarified that DWR does have water rights and holds the most senior water rights in the County which are associated with spring water rights. He acknowledged that this is a sensitive topic and assured that he would proceed with that understanding.

Commissioner Wright asked if they are currently pumping water.

Mr. Bunnell explained that their rights are tied to spring water, but there has been no increase or rejuvenation of the flow from recent snow falls.

Commissioner Wright then asked how they would proceed if there is no water and whether they would drill for water.

Mr. Bunnell replied that they have explored this option and even attempted to drill a well a few years ago, but they found no water. He emphasized that this is why they are eager to be part of the solution to the County's water problem as it has impacted them as well.

Officer West explained that they manage a significant amount of land related to wildlife and expressed their deep appreciation to the Sheriff's Office for the support and assistance it provides. He then presented a letter of appreciation along with a beautiful painting to the Sheriff's Office.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Johnson noted that construction at IPP is nearing completion, and the County needs a strategy to enforce camping policies.

Commissioner Wright inquired whether Planning and Zoning had provided any recommendations.

Planner Richins explained that the matter had been discussed and a two-part plan had been presented. First, the Commission, as the County's legislative body, must decide to terminate the temporary policies and stop issuing new permits. Second, they need to establish a time line for ending the permits currently in effect. He noted that there are several dozen permits to address. From an enforcement perspective, tenants will be notified and given the option to apply for a more permanent use permit in a different residential area. If they do not obtain permanent

status and remain beyond the deadline at their current location, they will be issued a violation, which will escalate the matter to the legal system.

DISCUSSION AND POSSIBLE APPROVAL FOR THE SALE OR TRANSFER OF SURPLUS PROPERTY

There was none.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

All appointments were tabled to the next agenda.

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

There were none.

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

There was none.

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

Commissioner Wright 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 11:22 a.m.

Auditor Smith explained that there are valuation clarification on Parcels 7539 and 7728-1-2 that require approval.

Commissioner Wright made a motion to accept the suggested changes made by the Auditor's Office Parcels 7539 and 7728-1-2.

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

Commissioner Lyman made a motion to close the BOE.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:23 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

There was none.

PLANNING AND ZONING COMMISSION CANDIDATE INTERVIEWS

The following applicants were interviewed for the vacant seat on the Planning and Zoning Commission:

- Joyce Barney
- Shane Church
- Tim Carling
- Wayne Jackson
- Fred Tolbert

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright made a motion to adjourned the meeting.

Commissioner Lyman SECONDED the motion. The motion was unanimous and the meeting ended at 12:37 p.m.

Attest: _____

Approved: _____