

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF JULY, 2025
AT THE COURTHOUSE, FILLMORE, UTAH

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

Elise Harris..... Interim County Attorney
Marki Rowley..... County Clerk
Kayla Freeman..... Deputy County Clerk

ALSO PRESENT: Kristine Camp..... County Treasurer
Bonnie Smith..... County Auditor
Sierra Dickens..... County Recorder
Rachel West and Kevin Morris..... County Tourism Department
Jacob Nielson..... County HR Director
Patrick Bennett, Richard Jacobson, and Jerid Bennett... County Sheriff's Office
Adam Richins..... County Planner
Copeland Anderson..... County Fire Warden
Dennis Alldredge, Jason May, Lohe Livingston, Shane Steere,
Ron Larsen, and Buford Ray Conley..... 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 Wright said the invocation .Everyone stood and said the Pledge of Allegiance to the Flag.

Commissioner Wright gave a statement about the function and operational importance of the government. He quoted Thomas Jefferson on the importance of good government.

APPROVAL OF JUNE 17, 2025 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 17, 2025 were presented for consideration and approval. Following review, Commissioner Lyman made a motion to approve the minutes of June 17, 2025 as presented.

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

FOLLOW UP ACTION ITEMS FROM JUNE 17, 2025

There were none.

INTERIM SUCCESSORS

The following offices submitted interim successors:

- Sheriff's Office
- Assessor's Office
- East Recreation Department
- Attorney's Office

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR J AND M OUTFITTERS, LLC - JESUS GUERRERO

A business license application was presented for J and M Outfitters, LLC - Jesus Guerrero, a hunting guide business. After review of the application and finding all signatures in order, Commissioner Wright made a motion to approve a business license for J and M Outfitters, LLC - Jesus Guerrero.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR WORKFORCE SCREENING SOLUTIONS, LLC - RACHEL OWENS

A business license application was presented for Workforce Screening Solutions, LLC - Rachel Owens, a drug screening business. After review of the application and finding all signatures in order, Commissioner Lyman made a motion to approve a business license for Workforce Screening Solutions, LLC - Rachel Owens.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR RUFF AND SCRUB - CHEYENNE WRIGHT

This item was tabled.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR HORSE AND HOUND ALIGNMENT AND VETERINARY CARE, PLLC - KATRINA JAMES

A business license application was presented for Horse and Hound Alignment and Veterinary Care, PLLC - Katrina James, a mobile veterinary business. After review of the application and finding all signatures in order, Commissioner Wright made a motion to approve a business license for Horse and Hound Alignment and Veterinary Care, PLLC - Katrina James.

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

DISCUSSION AND POSSIBLE APPROVAL OF BUSINESS LICENSE FOR WILD JACKALOPE CREATIONS, LLC - KATRINA JAMES

A business license application was presented for Wild Jackalope Creations, LLC - Katrina James, a crafted and up-cycled mixed media items business. After review of the application and finding all signatures in order, Commissioner Wright made a motion to approve a business license for Wild Jackalope Creations, LLC - Katrina James.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE 2025 TAX SALE

Auditor Smith presented the finalized 2025 Tax Sale for approval and reported that one buyer is refusing to pay for Auction #3753162. She requested approval to accept the next highest bid.

Interim Attorney Harris explained that the item will need to be added to the next Commission agenda for formal approval

Commissioner Wright made a motion to approve the 2025 tax sale with the exception of Auction #3753162.

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

MONTHLY FINANCIAL REVIEW

Auditor Smith and Treasurer Camp presented the May monthly financial review.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 25-07-01, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TRANSFERRING BUDGETED CAPITAL FUNDS FROM CAPITAL EQUIPMENT TO THE PUBLIC SAFETY COMPLEX AND A RECORDING SYSTEM UPGRADE FOR THE COMMISSION CHAMBERS

Commissioner Johnson explained the two projects that require funds.

Auditor Smith requested \$7,500.00 for the air conditioning project in the Attorney's Office and up to \$34,000.00 for replacing the recording equipment in the Commission Board Room.

Commissioner Wright made a motion to approve Resolution 25-07-01, a resolution of the Board of County Commissioners of Millard County, Utah, transferring budgeted Capital Funds from capital equipment for the public safety complex and a recording system upgrade for the commission chambers.

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 RESOLUTION 25-07-01A, A RESOLUTION OF THE MILLARD COUNTY COMMISSION OF MILLARD COUNTY, UTAH, ADOPTING THE 2020 UPDATE TO THE SIX COUNTY REGION PRE-DISASTER MITIGATION PLAN

Commissioner Johnson explained that the County has not yet adopted the 2020 update to the Pre-Disaster Mitigation Plan.

Commissioner Wright made a motion to approve Resolution 25-07-01A, a resolution of the Board of County Commissioners of Millard County, Utah, adopting the 2020 Update to the Six County Region Pre-disaster Mitigation Plan.

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.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING AN INCREASE TO THE TRANSIENT ROOM TAX FROM 4.25% TO 4.5% PURSUANT TO UTAH CODE ANN. § 59-12-301

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on increasing the transient room tax from 4.25% to 4.5% pursuant to Utah Code Ann. § 59-12-30.

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

Present were: Treasurer Camp, Auditor Smith, Captain Bennett, Lieutenant Bennett, Recorder Dickens, HR Director Nielson, Kevin Morris, Tourism Director West, Copeland Anderson, Dennis Alldredge, Jason May, Lohe Livingston, Shane Steere, and Ron Larsen.

Tourism Director West explained that this hotel tax increase would allow the County to apply for grants for outdoor recreation and search and rescue.

There were no other comments.

Commissioner Lyman 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 10:32 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 25-07-01, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING TITLE 3, CHAPTER 2, TRANSIENT ROOM TAX OF THE MILLARD COUNTY CODE, INCREASING THE TRANSIENT ROOM TAX FROM 4.25% TO 4.5%

Auditor Smith reported that the transient room tax generates approximately \$275,000.00 annually.

Tourism Director West added that the State receives a percentage of this tax.

HR Director Nielson noted that the change would take effect on October 1, 2025.

Commissioner Lyman made a motion to adopt Ordinance 25-07-01, an ordinance of the Board of County Commissioners of Millard County, Utah, Amending Title 3, Chapter 2, Transient Room Tax of the Millard County Code increasing to the transient room tax from 4.25% to 4.5% pursuant to Utah Code ANN. § 59-12-30.

Commissioner Wright 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.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Johnson expressed his appreciation to the Tourism Department for their hard work in making the County Rodeo and Fair a success.

Commissioner Johnson explained that he would like the Commission to consider combining the two West Cemetery Districts, Delta/Sutherland/Oasis and Deseret/Hinckley. He stated that he has spoken with representatives from both districts and outlined the potential benefits of a consolidation and a proposed time line.

DISCUSSION REGARDING A COOPERATOR WILDFIRE SYSTEM AGREEMENT - DNR FORESTRY FIRE AND STATE LANDS (FFSL)

This item was tabled.

DISCUSSION AND POSSIBLE APPROVAL OF CROSS ACCESS EASEMENT WITH UDOT - MIKE PETERSEN

Mike Petersen was not present for the discussion.

Dennis Alldredge provided information regarding the location of the property purchased by Mr. Petersen.

Commissioner Johnson explained that the adjacent property is owned by the County and that Mr. Petersen is requesting to build an easement access road off Flowell Road. The proposed road would run between the County-owned property and Mr. Petersen's property, which has been annexed into Fillmore City.

The Commission determined that additional information is needed and agreed to postpone any decision until Mr. Petersen can provide further details. The discussion was rescheduled for the next Commission meeting agenda.

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

HR Director Nielson explained that an oil distributor vehicle is ready to be declared surplus and requested the transfer of a surplus Sheriff's Office truck to the Planning and Zoning Department.

Commissioner Lyman made a motion to approve the transfers as discussed.

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

OTHER BUSINESS CONTINUED

Interim Attorney Harris reported that UAC is looking to launch a voluntary participation program to provide legal services to those county attorney's offices who would like the additional resource and support. It would require a fee of \$10,000.00 per year.

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.

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.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE C-2 CONDITIONAL USE PERMIT AMENDMENT APPLICATION #Z-2025-035 FOR DATA CENTER AND ELECTRICAL GENERATING FACILITY LOCATED AT APPROXIMATELY 4500 E & HWY 50 DELTA. FIBERNET MERCURY DELTA, LLC, APPLICANT.

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on the conditional use permit (CUP) amendment, Application #Z-2025-035, for the data center and electrical generating facility located at approximately 4500 E & Hwy 50 Delta. Fibernet Mercury Delta, LLC, applicant.

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

Present were: Treasurer Camp, Auditor Smith, Sheriff Jacobson, Captain Bennett, Lieutenant Bennett, Recorder Dickens, HR Director Nielson, Kevin Morris, Tourism Director West, Planner Richins, Copeland Anderson, Dennis Alldredge, Jason May, Lohe Livingston, Shane Steere, Ron Larsen, and Buford Ray Conley.

Mr. May, representing Fibernet Delta, LLC, appeared before the Commission to present the company's application for a CUP. He stated that Fibernet Delta had reviewed the proposed conditions and is in full agreement with all requirements outlined in the CUP. He emphasized the company's intent to comply with all regulatory standards and to maintain transparency throughout the development process.

Mr. Conley noted that they have already secured a customer for the first data center, indicating that the project is progressing with immediate demand and market interest.

Commissioner Lyman expressed some hesitation in moving forward with full approval at this stage, citing concerns regarding the potential impact on neighboring residents. She highlighted community member Kyle Ashby's specific request for the construction of a berm along the property line to provide visual and noise protection for nearby homes. Commissioner Lyman stressed the importance of addressing these types of concerns to ensure that development proceeds in a way that is considerate of existing residents.

Mr. May explained that while they understand the intent behind the berm request,

constructing one could create complications with other permitting processes, particularly those involving air flow and ventilation. He noted that any obstruction to airflow could hinder compliance with environmental or operational regulations.

Mr. Conley added that the company is taking all community feedback seriously and will continue to explore alternatives that balance operational needs with the concerns of local residents. He expressed a willingness to work collaboratively with the County and community members to find a solution that meets everyone's needs.

Commissioner Johnson expressed support for allowing the project to proceed, noting that construction activity will begin on the east side of the property. He recommended that the CUP be revisited when development is proposed for the west side, where more direct impact on nearby residences may occur. This approach would allow for continued progress while also providing an opportunity to re-evaluate conditions based on future plans and community input.

Planner Richins provided clarification on the current status of the permit, explaining that the identified conditions have been properly addressed within the existing CUP. He also emphasized that the County retains the authority to amend the CUP at any time, should new circumstances arise or further mitigation measures be deemed necessary.

Planner Richins read a statement by Kyle Ashby supporting the inclusion of a berm as a condition of the CUP, emphasizing the need to protect nearby residents.

Sheriff Jacobson addressed concerns related to increased traffic and noted that he has been in communication with Mr. Livingston and the Utah Department of Transportation (UDOT) to discuss possible solutions.

Mr. Livingston explained that steps are being taken to ensure compliance with state regulations and that they are currently developing a traffic control plan. He said that they anticipate 1,000 construction workers to work on the project.

Commissioner Lyman 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 11:30 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF THE C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2025-035 FOR DATA CENTER AND ELECTRICAL GENERATING FACILITY LOCATED AT APPROXIMATELY 4500 E & HWY 50 DELTA. FIBERNET MERCURY DELTA, LLC, APPLICANT.

Commissioner Johnson stated that while he appreciates the concerns raised by citizens, he believes the County cannot deny the potential benefits of a large-scale project based solely on a few individual opinions.

Commissioner Wright also expressed support for property rights, stating that if someone owns property, they have the right to use it for its intended purpose. He emphasized the importance of supporting those rights while also considering any potential infringement on the rights of others. He noted that this balance is the fundamental role of the Planning and Zoning Committee, to ensure that everyone's rights are respected.

Planner Richins explained that the Planning and Zoning Committee did their best to address all foreseeable impacts during the review process. He noted that twenty one initial conditions were included in the CUP and emphasized that additional conditions can be added in the future if necessary. The County still has a great deal of control as the project moves forward.

Commissioner Wright expressed appreciation for the efforts of the Planning and Zoning Committee and Planner Richins. He commended their ability to anticipate potential issues and stated that he has confidence in their work and in Planner Richins' expertise.

Commissioner Johnson asked Sheriff Jacobson if extra patrols would be needed.

Sheriff Jacobson responded that the project will have an impact, with traffic being the primary concern. He noted that the full extent of the impact won't be known until the project is underway but acknowledged that the site's central location within the county is advantageous compared to projects located on the outskirts. He added that the project will affect Highway 50 traffic and that he is working closely with the Highway Patrol to manage the situation.

Planner Richins specifically addressed the CUP conditions related to traffic management, mitigation, and safety concerns.

Commissioner Wright mentioned that the Kern River gas supply will eventually be depleted.

Planner Richins responded that a new pipeline is planned for construction to address future supply needs.

Commissioner Wright made a motion to approve the conditional use permit Application #Z-2025-035, for the data center and electrical generating facility located at approximately 4500 E & Hwy 50 Delta. Fibernet Mercury Delta, LLC, applicant, with the proposed conditions.

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

OTHER BUSINESS CONTINUED

Interim Attorney Harris referenced an email regarding the Magna project.

Planner Richins clarified that everything proposed falls within the parameters of the County approval already granted and that no further approvals from the Commission are necessary.

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 pending and/or threatened litigation.

Commissioner Wright SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were all three commissioners and Interim Attorney Harris.

After the closed executive session the regular meeting reconvened at 12:03 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright made a motion to adjourn the meeting.

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

The meeting adjourned at 12:04 p.m..

Attest: _____

Approved: _____