

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 21<sup>st</sup> DAY OF APRIL 2026  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Trevor Johnson..... Chairperson  
Bill Wright..... Commissioner  
  
Elise Harris..... Interim County Attorney  
Marki Rowley..... County Clerk  
Kayla Freeman..... Deputy County Clerk  
  
EXCUSED: Vicki Lyman..... Commissioner  
  
ALSO PRESENT: Kristine Camp..... County Treasurer  
Vickie Bennett..... County Chief Deputy Auditor  
Sierra Dickens..... County Recorder  
Hollie Miller..... Interim County Assessor  
Jacob Nielson..... County HR Director  
Patrick Bennett and Jerid Bennett..... County Sheriff’s Office  
Jacki Johnson..... Fillmore City Pool  
Adam Richins..... County Planner  
David Nixon..... Sand Rock Ridge Riders  
Bill Lister..... West County Maintenance  
Rachel West..... County Tourism Director  
Taylor Larson Todd Cusick..... CMC Rock  
Dennis Alldredge, Terri Hoover, Trisha Foster,  
Dane Stephenson, Richard Carter, Mark Stephenson,  
Cindy Butler, Justin Ashby, Ron Larsen, Steve O’Camb  
Kevin Morris, Scott Barney, and Marie Nye..... 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 APRIL 7, 2026 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 7, 2026 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Wright made a motion to approve the minutes of April 7, 2026 as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM APRIL 7, 2026

There were none.

#### DISCUSSION AND POSSIBLE APPROVAL OF A MONTHLY FEE OF \$10.00 FOR COOKIEYES APPLICATION FOR THE COUNTY'S WEBSITE TO BECOME COMPLIANT WITH THE DATA PRIVACY PROTECTION REQUIREMENTS

Clerk Rowley explained that the County's website needs to comply with data privacy protection requirements related to tracking website traffic. She said that she initially used a trial version of CookieYes, but needs to upgrade to the basic plan with a monthly fee in the amount of \$10.00 which will allow more public access.

Commissioner Wright made a motion to approve the monthly fee of \$10.00 for the CookieYes application.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF THE KALEB SANDERS CONTRACT

Tourism Director West presented the Kaleb Sanders contract for approval. She informed the Commission that the agreement includes cancellation fees related to the performance and specifies that any legal action must be filed in a court located in Tennessee.

Commissioner Wright made a motion to approve the Kaleb Sanders Contract.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 26-04-21, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 20-05-19 (ADOPTING A REVISED FEE SCHEDULE FOR THE MILLARD COUNTY RECORDER'S OFFICE) BY AMENDING CERTAIN FEES IN THE RECORDER'S

## OFFICE

Recorder Dickens explained the changes that need to be made to the fee schedule charged by the County Recorder's Office, effective May 6, 2026, in accordance with recent state legislation.

Commissioner Wright made a motion to approve Resolution 26-04-21, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 20-05-19 by amending certain fees in the Recorder's Office.

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

**PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON ZONING ORDINANCE MAP AMENDMENT APPLICATION #Z-2026-015, TO CHANGE THE ZONING OF APPROXIMATELY 640.00 ACRES OF LAND LOCATED APPROXIMATELY 11000 N 400 W (HOLDEN) FROM AGRICULTURE (AG) TO HEAVY INDUSTRIAL (HI). CATTLE CO., OWNER / CMC ROCK LLC, APPLICANT.**

Commissioner Wright made a motion to enter into a public hearing for the purpose of receiving public comment on Application #Z-2026-015, changing the zoning of approximately 640.00 acres of land located approximately 11000 N 400 W (HOLDEN) from agriculture (AG) to heavy industrial (HI).

Commissioner Johnson stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:15 a.m..

Present were: Treasurer Camp, Chief Deputy Auditor Bennett, Recorder Dickens, Assessor Miller, Director Nielson, Cpt. Bennett, Lt. Bennett, Jacki Johnson, Planner Richins, David Nixon, Bill Lister, Tourism Director West, Taylor Larson, Todd Cusick, Dennis Alldredge, Terri Hoover, Trisha Foster, Dane Stephenson, Richard Carter, Mark Stephenson, Cindy Butler, Justin Ashby, Ron Larsen, Steve O'Camb, Kevin Morris, Scott Barney, and Marie Nye

Todd Kusick and Taylor Larson presented their application and explained their project and request.

Commissioner Johnson read a message from Kalen Taylor. See Attachment A.

There were no other comments made.

Commissioner Wright made a motion to close the public hearing.

Commissioner Johnson stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:23 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 26-04-21, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, CHANGING THE ZONING OF APPROXIMATELY 640.00 ACRES OF LAND LOCATED APPROXIMATELY 11000 N 400 W (HOLDEN) FROM AGRICULTURE (AG) TO HEAVY INDUSTRIAL (HI)

Commissioner Johnson asked how much of the acreage could be used for gravel.

Mr. Kusick explained the areas available for use and presented a map for the Commissioners to review, noting that more than eighty percent of the property could be utilized.

Commissioners Johnson and Wright asked questions regarding product hauling and the routes planned for use.

Mr. Kusick explained that the operation is not restricted to a single project, and that both Creekstone and Joule could utilize the materials. He presented a map showing the proposed haul routes and noted that he has met with the County Road Department to discuss the roads and potential maintenance needs.

Commissioner Wright stated that these considerations should be included as part of the conditional use agreement.

Commissioner Wright asked how much water would be required and stated that water usage should also be included as part of the conditional use agreement. He also requested that an official document outlining the agreement between CNC and Joule regarding water rights be formally recorded.

Mr. Kusick indicated that this requirement was anticipated.

Commissioner Johnson referenced McCornick Road and noted that any road maintenance work would likely involve not only materials, but also some labor provided by the company.

Commissioner Wright added that a detailed cup would help address and cover all of these issues.

Commissioner Wright made a motion to adopt Ordinance 26-04-21, an ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of approximately 640.00 acres of land located approximately 11000 N 400 W (Holden) from Agriculture (AG) to Heavy Industrial (HI).

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

DISCUSSION AND POSSIBLE APPROVAL OF MASTER AGREEMENT NO. 25RO11040800-018 AMENDMENT BETWEEN MILLARD COUNTY AND USDA UPDATING GENERAL TERMS AND CONDITIONS

Interim Attorney Harris explained that the amendment updates the general terms and conditions of the Master Agreement with the United States Department of Agriculture (USDA) to

reflect recent updates made by the USDA. She stated that she had no concerns with the agreement.

Commissioner Wright made a motion to approve the Master Agreement No. 25RO11040800-018 Amendment.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF AGREEMENT NO. 26RO11040800011, A COOPERATIVE AGREEMENT FOR CERTAIN ROAD MAINTENANCE BETWEEN MILLARD COUNTY AND USDA

Interim Attorney Harris explained that this is a cooperative agreement between the County and the USDA specifically for maintenance work on Pahvant Mountain Road.

HR Director Nielson stated that, after speaking with Road Supervisor Winget, no concerns were expressed.

Commissioner Wright made a motion to approve agreement No. 26RO11040800011 between Millard County and the USDA.

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

#### RATIFICATION OF LETTER OF SUPPORT FOR THE CREEKSTONE DATA CENTER PROJECT

Maria Nye asked why the County had written a letter of support.

Commissioner Wright explained the purpose of the letter and its contents.

Cindy Butler requested that Commissioner Wright read the letter into the record. See Attachment B.

Ms. Nye then asked who authored the letter.

Commissioner Wright explained that it was prepared by the Commission and Planner Richins, noting that it was not a form letter. He also clarified the source of the grant funding.

Commissioner Johnson asked why there was opposition to these types of projects.

Ms. Nye and Ms. Butler expressed their concerns regarding Creekstone and the potential for future harm.

Commissioner Wright explained that the Commission does not control every activity within the County, noting that established processes and legal requirements must be followed. He stated that, since those requirements have been met, there is no legal basis to deny such projects. He also noted that there are already data centers in the State. He explained that these data centers in Millard County are different than those throughout the State as they have secured their own water rights and

will generate their own power, and therefore are not drawing water or power from other residents in the County. He emphasized that the County will not infringe upon private property rights, stating that doing so would not reflect good governance but that they have worked diligently to establish boundaries and development plans related to data center projects.

Commissioner Wright made a motion to ratify the letter of support for the Creekstone Data Center Project.

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

#### DISCUSSION REGARDING TAKING OVER THE STAGING AREA FOR THE SAND ROCK RIDGE RIDERS ATV CLUB IF IT WERE TO DISSOLVE AND DISCUSSION REGARDING CERTAIN ROAD IMPROVEMENTS PROVIDING ACCESS TO THE STAGING AREA

David Nixon, President of the Sand Rock Ridge Riders ATV Club, spoke about the club's 25th anniversary, noting that it is not likely to dissolve. He stated that the club has over 150 members across three states.

Interim Attorney Harris noted that if an agreement was provided to the County, it would require another discussion. She clarified that the current request is only for a general statement of willingness, and that no formal document is in place at this time.

Commissioner Johnson asked about grants and road maintenance.

Mr. Nixon explained his vision for the site and the projects he is currently working on.

Tourism Director West noted that the access road would require mag chloride if it was a maintained class B road. She said that Tourism funds could be used, estimating a potential cost in the amount of \$5,000.00 per year, though she noted that she had not yet fully researched the matter and that funding would likely be needed long-term.

Commissioner Johnson stated that the road would need to be constructed first.

Mr. Nixon stated that he is pursuing grant funding with matching funds to construct the road, which is approximately half a mile in length.

Commissioner Wright questioned why an agreement from the County to take over the staging area is necessary for the club to continue functioning and whether the County should take over the project. He stated that it is not a priority or a high-level government service, emphasizing that while the County is willing to support the club, it is not willing to assume full responsibility if the club were to dissolve. He characterized the County's role as a partnership rather than an eventual takeover.

Mr. Nixon said that the club is working on obtaining a conservation easement and that the County may want to review it.

Interim Attorney Harris explained that the State is asking whether the County would be willing to assume responsibility for the easement, depending on its terms.

Mr. Nixon stated that if the County is not willing to take it over if needed, he would seek another entity.

Mr. Nixon further explained that, as part of the next steps in securing grant funding to build the road, he would like it to become a County road. He noted that three different property owners currently own portions of the road and are willing to dedicate their sections to the County.

Recorder Dickens stated that County records do not currently reflect the ownership as described.

Mr. Nixon responded that the owners are still willing to dedicate their portions so the road can become one continuous County road.

Interim Attorney Harris briefly explained the different way property can become a County road. She stated the County would need to have a conversation, with the Road Department, a Commissioner, and the Recorder's Office to determine appropriate course forward.

Commissioner Wright said that additional discussion is needed, noting that the matter is more complex than it initially appears, but expressed willingness to continue working on it.

Mr. Alldredge commented that the road is frequently used and could potentially qualify as a communal public road, serving as a valuable asset to the community beyond ATV use alone.

It was suggested that Commissioner Lyman, the Tourism Office, Road Department, Attorney's Office, Recorder's Office, and representatives from the Sand Rock Ridge Riders ATV Club meet to determine the appropriate road classification and development plan.

#### DISCUSSION AND POSSIBLE ACTION REGARDING THE WEED BOARD

Commissioner Johnson stated that the County is required to have a board in place.

Interim Attorney Harris reported that Commissioner Lyman has been looking into the status of the board.

Clerk Rowley noted that the current board membership needs to be updated to ensure it is compliant and reflects active members. Now that it has been confirmed the board is required, the County can move forward with bringing it into compliance. This will include re-advertising for board positions in order to appoint new members.

#### DISCUSSION AND POSSIBLE AWARDDING OF ELECTION SECURITY CAMERA SYSTEM BID

Clerk Rowley explained that this agenda item was not necessary as according to the County Procurement Policy she is able to go with the lowest bid as long as it is within her budget.

## DISCUSSION AND POSSIBLE APPROVAL OF A MEDA GRANT APPLICATION - KEVIN MORRIS

Mr. Morris explained the MEDA grant application process, including the request requirements and the scoring rubric used for evaluation. He presented a list of proposed funding allocations from the Rural County Grant Budget. He further explained how the applicants were evaluated and categorized into three different funding tiers. A total of seventeen applications were received, with \$127,500.00 awarded overall.

Commissioner Wright made a motion to approve the MEDA grant recommendations.

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

## DISCUSSION AND POSSIBLE SIGNING OF LETTER SUPPORTING UTAH'S FREIGHT RAIL IN UPCOMING SURFACE TRANSPORTATION REAUTHORIZATION BILL

Interim Attorney Harris presented the letter for the Commission's review and signature, noting that she had no concerns with its content.

Commissioner Wright explained the contents of the letter and its intended purpose.

Commissioner Wright made a motion to send the letter of support for Utah's Freight Rail in the upcoming Surface Transportation Reauthorization Bill.

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

## DISCUSSION AND POSSIBLE RENEWAL OF THE EMERGENCY MANAGEMENT PERFORMANCE GRANT - SHERIFFS OFFICE

Captain Bennett explained that the grant requires annual renewal and that no issues were identified by the Auditor's Office. The total grant amount is \$46,000.00.

Chief Deputy Auditor Bennett added that the Auditor's Office had provided its recommendation.

Commissioner Wright made a motion to approve renewing the Emergency Management Performance Grant.

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

## DISCUSSION AND POSSIBLE APPROVAL OF THE COMMUNITY PARKS AND RECREATION STATE GRANT - WEST RECREATION

Chief Deputy Auditor Bennett explained that this grant is for the pickleball courts in

Delta and requires the County to submit an application. She noted that it has been vetted by the Auditor's Office, but relayed Auditor Smith's reservations, as the agreement carries a higher level of risk.

Commissioner Wright made a motion to approve the Community Parks and Recreation State Grant.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF STEP INTO SWIM GRANT - EAST RECREATION

Chief Deputy Auditor Bennett explained the grant and noted that it has been reviewed by the Auditor's Office. She said that it is a low-risk, high-reward opportunity and emphasized the importance of maintaining detailed records of fund usage and outcomes. She also stated that it may be reasonable to apply for additional funds, provided the same level of documentation and record-keeping is maintained.

Commissioner Wright made a motion to approve the Step Into Swim Grant.

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

#### PUBLIC INPUT

Rick Carter asked if there was any new information regarding the horse racetrack.

Commissioner Johnson responded that no changes will take place at this time, so the racetrack will remain as is for the time being.

#### OTHER BUSINESS

Bill Lister, from West Maintenance, provided updates on the west side county pool and presented two bids to address the hot water issue. He noted that both bids fall below the threshold required to go through the public bidding process; however, the project would require a transfer of funds to be ratified at a later date. He recommended proceeding with the \$14,000 bid for the two-tank system.

Commissioner Johnson stepped from the chair and made a motion to approve the bid in the amount of \$14,000 for the two-tank water heating system and transfer the required funds.

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

The approval will be ratified during the next commission meeting.

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

There was none.

#### 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

Clerk Rowley presented the FY27 Indigent Defense Council (IDC) Grant Agreement, noting that the application is due May 1, which is prior to the next Commission meeting. She requested that it be approved during this meeting and formally ratified at the May 12, 2026 meeting.

Commissioner Wright made a motion to approve the IDC Grant Agreement.

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

Interim Attorney Harris informed the Commission of the new K-9 compensation agreement, noting that it provides \$300.00 per pay period and does not require a budget hearing.

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

Commissioner Wright made a motion to go into a closed executive session to discuss pending and/or threatened litigation.

Commissioner Johnson stepped from the chair and SECONDED the motion. Present in the closed session were Commissioner Johnson, Commissioner Wright, and Interim Attorney Harris.

After the closed executive session the regular meeting reconvened at 12:18 p.m..

WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 12:19 p.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_