

Beaver County
Waste Management Special Service District #5
Thursday, February 12, 2026, 6:00 PM
Milford Landfill, 7300 S 800 E
Milford, UT 84751

Members Present: Chairman Nolan Davis, Board Members Robin Bradshaw, Troy Black, John Carter, Kade Blackner, Jack McMullin, Commissioner Brandon Yardley, Attorney Von Christiansen

Staff: Manager Mike Neilsen, Secretary Kaylee Acklin

Visitors: Wiley and Tiffany Hughes

Call to Order

Chairman Nolan Davis called the meeting to order at 6:00 p.m.

Consent Issues

- a. Consent issues including financial reports, approval of bills and payroll, approval of minutes

*MOTION: Board Member John Carter moved to approve the consent issues as presented.
Motion was seconded by Board Member Kade Blackner. All were in favor, motion carried.*

New Business

- a. **Franchise Agreement – Discussion with Wiley Hughes**

Attorney Von Christiansen reviewed the legal background regarding the District's authority under Utah Code §19-6-503 and Beaver County Code 4-1-5, which grants Waste Management Service District No. 5 the authority to award exclusive rights for the collection and transportation of residential and commercial solid waste within Beaver County.

Resolution 2018-2 grants Hughes & Sons the exclusive right to collect and transport residential and commercial solid waste within Beaver County, subject to specified conditions, including:

- Fair market value pricing
- Consumer Price Index (CPI) adjustments
- Board approval of rate changes

The agreement allows individuals and businesses to haul their own waste but requires contracted waste hauling to be conducted through Hughes & Sons.

Concerns Raised by Wiley Hughes

Wiley expressed concerns regarding:

- Multiple outside waste hauling companies servicing the large solar project and other related industrial projects within Beaver County.
- Companies allegedly hauling waste to Price, Utah, rather than using the local landfill.
- Roll-off containers placed at solar and geothermal project sites by outside companies.
- The financial impact of losing the solar project, which he indicated is three to four times larger than a prior project Hughes & Sons serviced.

Wiley stated he pays \$7,000 per month in franchise fees and feels enforcement has not protected the exclusivity outlined in the agreement. He requested the Board consider a reduction in his franchise fee due to the loss of the solar project.

Legal Review and Enforcement Issues

Attorney Von Christiansen outlined two primary enforcement challenges:

1. Notice

To prosecute violations, the County must prove that violators had notice of the exclusive franchise agreement.

- Historically, CUP (Conditional Use Permit) and building permit applicants were not formally provided written notice.
- Moving forward, written notice will be issued to all CUP and building permit applicants.
- Documentation will be maintained to establish proof of notice.

2. Jurisdiction and Disposal Issues

- Questions were raised regarding whether the landfill has capacity to accept all waste from the solar project.
- If waste is transported outside the County, jurisdictional complications may arise.
- Prosecution under current circumstances would likely be unsuccessful.

Attorney Von Christiansen stated enforcement would be stronger moving forward once formal written notice procedures are implemented.

Fair Market Value Discussion

Board members discussed:

- How “fair market value” is determined.
- CPI-based rate adjustments.
- Whether rate complaints had been formally filed (none were presented).
- Differences between roll-off pricing structures and recycling rebates.
- Allegations of daily rental charges were clarified by Wiley as a misunderstanding (monthly rental fee applies only if not dumped within 30 days).

Recycling and Metal Disposal

Discussion included:

- Metal and recyclable materials hauled by third parties.
- Rebate incentives offered by outside recyclers.
- Whether recyclables fall under “solid waste” jurisdiction.
- Clarification that solid waste cannot be buried on private property without a permitted landfill.
- Stockpiling recyclable materials is permitted.

The Board acknowledged recyclables may be treated differently from solid waste under the agreement.

Franchise Fee Reduction Request

Wiley formally requested consideration of a reduction in his \$7,000 monthly franchise fee due to the loss of the solar project.

Board Discussion:

- Concern about budget impact if fees are reduced.
- Recognition that the franchise fee has been paid since 2013 (formal agreement since 2018).
- Acknowledgment that the solar project has only impacted recent months.
- No decision was made at this meeting.

The Board agreed further financial review is required before any action.

Proposed Actions Moving Forward

1. **Implement Written Notice Requirement** for all CUP and building permit applicants.
2. **Consider Sending Formal Letters** to companies potentially violating the franchise agreement.
3. **Review Franchise Fee Reduction Request** after examining financial impacts.
4. **Address Clarifications in Upcoming Franchise Renewal** (September), including potential language regarding landfill capacity and enforceability.

Conclusion

Attorney Von Christiansen advised that enforcement of past violations would be difficult but stated future enforcement would be viable once formal notice procedures are in place.

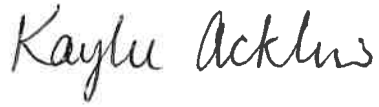
No formal motions were adopted regarding franchise fee adjustments.

Adjournment

With no further business, the meeting was adjourned.

Meeting Adjourned 7:10 p.m.

Approved by Waste Management Board Members March 19, 2026

A handwritten signature in black ink that reads "Kaylee Acklin". The script is cursive and fluid, with the first name "Kaylee" and last name "Acklin" clearly distinguishable.

Kaylee Acklin, District Secretary