

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF FEBRUARY 2010
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson
Kathy Y. Walker. Commissioner
Bart A. Whatcott. Commissioner

Richard Waddingham County Attorney
Norma Brunson County Clerk
Marki Rowley. Deputy County Clerk

ALSO PRESENT: Bryan Harris First Wind
Sheryl Dekker Planning and Zoning
Dean Draper Chronicle Progress
Lindsay Mitchell Sheriff's Office
Wayne Jackson Citizen
Shelly Teuscher First Wind
Brandy Grace. County Auditor
John Hansen County Treasurer
Brandon Bartholomew Citizen
John Cooper Citizen
Pat Manis Citizen

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, 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 Smith to the public and Commission members.

OPENING STATEMENTS

Commissioner Smith said that he would like to extend the county's condolence to Commissioner Walker for the loss of her mother. "Our hearts, thoughts and prayers are with her and her family." Commissioner Smith asked if anyone had an opening statement to give. Commissioner Whatcott said that he went on a Western Carribean cruise and what he saw there made him appreciate what he has here. He feels that we as Americans are really blessed to have what we have. "Don't ever take what we have for granted." Commissioner Whatcott said the invocation. Everyone

stood and said the Pledge of Allegiance to the Flag.

RATIFY THE MOTION TO WAIVE ALL COSTS ASSOCIATED WITH THE USE OF THE FAIR BUILDING FOR AN UPCOMING FUND-RAISER FOR DEPUTY JOSIE GREATHOUSE FOX

Commissioner Walker made a motion to ratify the approval to waive all costs associated with the use of the fair building for an upcoming fund-raiser for Deputy Josie Greathouse Fox. Due to the fact that it is being sponsored by public entities.

Commissioner Whatcott **SECONDED** the motion with comment. "The Commissioners really appreciate the volunteer work of the people who have put this together and made it possible to pay respect in reverence to Josie Greathouse Fox and her family." The voting was unanimous and the motion carried.

REVIEW AND POSSIBLE APPROVAL OF A TIME EXTENSION OF MILLARD COUNTY CONDITIONAL USE PERMIT (CUP) #Z-2008-008, WIND ENERGY SYSTEM (MAJOR) ISSUED TO MILFORD WIND CORRIDOR PHASE II, LLC ("MILFORD WIND II"), AS PROVIDED FOR IN THE CONDITIONAL USE PERMIT.

Attorney Waddingham read a letter from Peter Sullivan, First Wind, requesting an extension for Phase II effective February 1, 2010 to August 1, 2010. Specifically, the letter stated that extenuating circumstances exist as a result of additional wildlife studies and the delay in issuance of the BLM Right of Way Grant and Notice to Proceed as well as the circumstances related to construction financing and contracting.

Attorney Waddingham and County Planner Sheryl Dekker both recommended an extension of the CUP and the Board of County Commissioners found that there were extenuating circumstances beyond the control of Milford Wind Corridor that warrants an extension of time to obtain a building permit under the conditional use permit.

Commissioner Smith asked if there is a fee associated with the conditional use permit extension. County Planner Sheryl Dekker said that at this time there is not a fee, but she feels like in the future the county should implement a fee for an extension and or an amendment. She also wanted to clarify that this extension will expire August 1, 2010. Milford Wind would need to have a building permit in place and be prepared to begin construction before August 1, 2010.

Commissioner Walker asked if there was a limit as to how many extensions can be granted according to the CUP. Attorney Waddingham said that CUP specifically lists that there can only be two, after the second extension the conditional use permit would become void. This is Milford Wind's second extension.

Commissioner Whatcott made a motion to extend the Millard County Conditional Use Permit #Z-2008-008, Wind Energy System (Major) issued to Milford Wind Corridor Phase II, LLC, effective February 1, 2010 until August 1, 2010.

Commissioner Walker **SECONDED** the motion. The voting was unanimous and the motion carried.

REVIEW AND POSSIBLE APPROVAL OF ADDITIONAL COMPANIES AS CO-HOLDERS OF
CONDITIONAL USE PERMIT#Z-2008-012, ELECTRIC TRANSMISSION RIGHT OF WAY
(MAJOR), MILFORD WIND PHASE I.

Brian Harris, First Wind, said that the original permit dealing with the power line is in the name of Milford Wind Corridor Phase I. As they are working on Milford Wind Corridor Phase II they are finding that the company working on Phase II of the project needs to have an ownership interest in the power line as well as the permit for the power line. Milford Wind is asking that this be extended to Milford Wind Corridor Phase II as well as to Phases III, IV and V. They are asking that the commissioners sign and approve the addendum to allow for this request.

Attorney Waddingham read the provisions of the addendum agreement.

Commissioner Smith asked if each of the entities will be submitting property tax payments based on its percent as different entities or if they all will be submitting as one entity. Ms. Tuescher said that she thinks that the payment comes from Milford Wind but she will double check and let the commissioners know for sure.

Attorney Waddingham, Shelly Tuescher and Brian Harris worked on the language of the addendum and made some changes. Later, Attorney Waddingham read what changes were made to the addendum.

Commissioner Walker made a motion to approve the addendum to Conditional Use Permit #Z-2008-012, and authorize nonsubstantive changes by the attorneys upon approval of Bruce Parker, Planning Consultant.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. **Need Copy**

DISCUSSION AND POSSIBLE APPROVAL FOR AN AMBULANCE ABATEMENT -
LINDSAY MITCHELL

Lindsay Mitchell presented an abatement application for Jaime Mills on a transfer for her daughter Sienna Mills from Fillmore Hospital to Primary Children's Hospital. The insurance paid about half of the bill leaving her to pay \$2,793.68. Ms. Mills is currently unemployed and attending school. The commissioners reviewed the application and all the information Ms. Mills provided.

Commissioner Walker made a motion to abate 35 % of Jaime Mills' ambulance bill and set up a payment plan that she would be able to afford.

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

Lindsay Mitchell presented an abatement application for Mike Peters. His son Justin Peters was transferred from Delta Hospital to Primary Children's Hospital. The insurance paid all but \$264 of the bill. Mr. Peters is currently unemployed but is receiving unemployment and child support.

The commissioners reviewed the application and all the information Mr. Peters provided.

Commissioner Whatcott made a motion to set up monthly payments and to deny the request of the abatement for Mr. Peters.

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

DISCUSSION AND POSSIBLE APPOINTMENT FOR THE MILLARD COUNTY ASSESSOR POSITION

Commissioner Smith said that he received a letter from the Millard County Republican Party Chair Peter Greathouse stating that they have gone through the process of interviewing and submitting three names to the County Commission. Commissioner Smith read the letter which stated the names in order of preference: Pat Manis, John Cooper and Brandon Bartholemew. The Commissioners interviewed each of the candidates as follows: Brandon Bartholomew, John Cooper and Pat Manis.

Each candidate gave a brief statement as to what he has to offer if he becomes the Assessor. Each Commissioner asked specific questions to each candidate and were given responses.

After interviewing all the candidates the commissioners wanted additional time to consider this matter before making a decision. They will let each candidate know of their decision. *The interviews have been recorded as part of a public meeting and are available for review at the Millard County Clerk's Office.*

Commissioner Walker made a motion to recess for lunch.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:01 p.m..

NOON LUNCH BREAK

Commissioner Walker made a motion to reconvene the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:39 p.m..

PUBLIC INPUT

There was none.

APPROVAL OF JANUARY 19, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 19, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of January 19, 2010, as corrected.

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

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Commissioner Whatcott reported that he met with East Millard's Recreation Director Tresa Cranny, Josh Cranney, the Fillmore baseball coaches and Fillmore City Councilman Mike Holt regarding the baseball parks. The County is using some of the East Millard Recreation Capital Fund to make improvements to the ball fields that are leased from the LDS Church.

The Fillmore coaches and or Ms. Cranney have already been contacted by several people inquiring about holding a Cal Ripkin baseball tournament in Fillmore.

Fillmore City is going to fully fund fixing up the North Park to get it ready to host baseball leagues in the future.

Commissioner Whatcott also met with Millard County Ag Agent Trent Wilde who advised him that he is putting on a seminar to help farmers and ranchers county wide who have expired pesticide licenses.

USU Extension seems to be running very well right now. Mr. Wilde is doing a great job and deserves to be complimented. A number of farmers have said that they appreciate him coming around and seeing them.

Some issues were expressed about getting help to dairymen and others who may have illegal immigrants working on their dairies. They are having the state look into it to see what they can do. Commissioner Whatcott said that he would look into it as well so that the people can work here legally.

Commissioner Whatcott received a phone call from Congressman Chaffetz's office. They are wanting to come down and go over some of the Wilderness Study Areas (WSA) of the West Desert and to discuss the Red Rock issues. They would like to see first hand where the WSA boundaries are. Wade Garret would like to meet as soon as possible to go over Millard County's issues. Then later this spring Wade Garret and the commissioners along with Congressman Chaffetz will go up to the West Desert to go through the boundary areas and will then discuss what areas they want to close up.

Commissioner Walker has been busy this week, unfortunately, with the passing of her mother.

Wednesday, January 27, Commissioner Smith attended the Mayor's Meeting. There were four mayors in attendance who all enjoyed the meeting and the good discussion.

He also attended the Economic Development meeting in Beaver that same day along with Economic Development Director Linda Gilmore, Auditor Brandy Grace and Treasurer John Hansen. They talked about economic development areas in relationship to renewable energy and tax benefits the state gives in trying to develop those kinds of sites. There are not a lot of benefits to a county in those site projects because there is not a lot of value left or that is assessable in the long run. They also talked about centrally assessed properties. Also in attendance were representatives from Iron County and Beaver County.

Thursday, January 28, Commissioner Smith attended the Utah Association of Counties (UAC) Legislative Committee meeting. He then spent some time with the governor, Mike Styler, Ted Wilson and John Harja discussing the West Desert water issue. The Nevada Supreme Court ruling turned out to be favorable for the county. The Court ruled that the Nevada State Engineer would have to start over and the Southern Nevada Water Authority would have to reapply and start the process anew. Hearing about the court case the governor has postponed all negotiations until Nevada follows its own processes.

Friday, January 29, Commissioner Smith attended the UAC Legislative day where he had the opportunity to visit with Senator Dennis Stowell and Representative Bill Wright on a number of bills that are before the house and senate.

Monday, February 1, Commissioner Smith attended a meeting with a group of contractors in the county. Discussion was about the building official service that the county provides to citizens of the county and some of the cities.

He also attended the Road Department's maintenance meeting that morning.

Commissioner Smith wanted to clarify that the commissioners received the letter from Peter Greathouse on Friday, January 29 stating the names of the three candidates chosen by the Republican Party for the assessor position. The commissioners have 45 days from the date the Assessor's Office became vacant (December 31, 2009) to make a decision as to who will become the new County Assessor. *A copy of this letter is attached to the minutes.*

OTHER BUSINESS

Commissioner Walker received a request from the Golf Pro Tom Mullen asking for a \$40 cell phone allowance for the Green Superintendent Brett Spenser. This would save the county money by replacing the telephone that was in the maintenance shop.

Commissioner Walker received a 2010 contribution request from James Huggard from Panarama RC&D in the amount of \$100 to help with projects they are working on in Millard County. They have been working with Ken Skeem from Oasis and are continuing to work with the Piute ATV Committee and other organizations to promote awareness of noxious weed issues during the Rocky Mountain Jamboree. They do projects every year to help citizens within the six county area.

Commissioner Walker made a motion to contribute \$100 for the year 2010 to Panarama RC&D for projects being done in Millard County.

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

Commissioner Walker will inform Mr. Huggard of the Commissioners decision.

APPROVING THE AMOUNT OF THE TREASURER'S GENERAL FIDELITY BOND OR THEFT OR CRIME INSURANCE AS PRESCRIBED BY THE STATE MONEY MANAGEMENT

COUNCIL

Treasurer Hansen said that according to the State Money Management Act and the Utah Code the minimum bond amount is to be determined by the amount of public funds normally in the treasurer's possession or control, budgeted gross revenue for previous years for all funds collected or handled. The Treasurer is classified under the category to be between \$10,000,000 and \$25,000,000 and must not be less than \$500,000 or 4% of the total revenue. Based on last year's budget, it calculates to be \$751,543.66.

Commissioner Walker made a motion to approve the amount of the Treasurer's General Fidelity Bond or Theft or Crime Insurance as prescribed by the State Money Management Act to be not less than \$752,000.

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

APPROVAL OF A FIDELITY BOND OR THEFT OR CRIME INSURANCE ON ALL COUNTY OFFICIALS AS A GROUP, RATHER THAN INDIVIDUALLY, BY PRESCRIBING THE AMOUNT OF SAID GROUP FIDELITY BOND OR THEFT OR CRIME INSURANCE FOR ALL COUNTY OFFICIALS (EXCEPT THE MILLARD COUNTY TREASURER) AND APPROVING THE PREMIUM FOR SAID BOND OF INSURANCE FOR ALL COUNTY OFFICIALS

Attorney Waddingham explained that he received a printout from UCIP which states that public officials liability is \$2,000,000 per occurrence.

Commissioner Walker made a motion to approve the amount of \$2,000,000 per occurrence for the fidelity bond or crime insurance on public officials, as a group, and approve the annual premium.

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

Treasurer Hansen said that he needs the insurance to show that the treasurer's bond is included in the policy.

AUDITOR'S REPORT

Auditor Brandy Grace presented the check edit of January 29, 2010 for the commissioners to review and sign.

Auditor Grace received a couple of invoices from Grace Global Corporation for a computer system at the care center in the amounts of \$2,223.50 and \$4,048.10. Commissioner Walker asked Auditor Grace to make copies of the invoices and she would show them to Jeff Christensen, Millard Care and Rehab, to determine the purpose for these invoices.

Auditor Grace received a purchasing worksheet completed by Klint Penney for a truck that

was purchased from Warner Motors in the amount of \$18,500. Mr. Penney attempted to make three telephone bids but other vendors were non responsive. Commissioner Walker said that Mr. Penney had contacted her regarding this issue several times.

Auditor Grace presented a form for the Commissioners to review and sign adding Deputy Chief Auditor Bonnie Gehre as a contact person for John Hancock Trustees, allowing her to access account information on the county's behalf.

Auditor Grace said that she would like to schedule a meeting with Commissioner Whatcott and Millard County Ag Agent Trent Wilde regarding the county funding for USU.

Commissioner Walker said that she received a bill in the amount of \$1,125.62 from Juab County for Lewis Young Robison and Birmingham, Inc. to cover Millard County's share of 25% for the social economic study that is being done in Snake Valley. Juab County will pay 25% and CIB will pay 50%.

Auditor Grace asked for the commissioners approval to put Millard County's Policy and Procedure Manual on the internet making it easier to update and to allow for easy access to all employees.

The commissioners gave their approval for Auditor Grace to put the policies and procedures manual on the county's web site.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Treasurer Hansen presented an abatement application for Fred and Rebecca Jackson. The commissioners reviewed the information the Jacksons provided.

Commissioner Walker made a motion to waive penalties and interest if the Jacksons were to set up a monthly payment schedule and pay off their 2009 taxes before their 2010 taxes are due.

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

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

Auditor Grace said that she received property tax exemption renewal forms for Quality for Animal Life, IHC Fillmore Community Medical Center and IHC Delta Community Medical Center stating that they have continued activity that qualifies them for continued exemption. The Commissioners will further review these properties at a future work meeting.

TREASURER'S REPORT

The Commissioners, Auditor Grace and Treasurer Hansen will review the delinquent tax list in a work session at the next Commission Meeting. No decisions will be made at this work session.

Treasurer Hansen gave the commissioners reports to review. The reports show the tax money that has been collected and distributed. The report for January 31, is a summary showing that at the end of the 2009 year all the money has been collected and distributed with the exception of multi-county assessing and collecting. Accounts are closed out for the prior year effective January 15, and everything is distributed for that entire year by January 31.

Treasurer Hansen said that he had received notice from the State Auditor's Office to withhold all county funds until the county's audit for 2008 is completed.

Auditor Grace said that when they were tying all the financials together for the 2008 audit they found that when updating an existing asset with a new dollar amount on the fixed asset ledgers, the financials did not reflect those changes. It turned out to be a computer system problem that has been resolved and the 2008 audit has been completed. They just need to email it to the state so the state will allow the funds to be released. Auditor Grace will contact Larsen and Rosenburger who does the county's audit and let them know that the commissioners would like to have them come down and present the audit.

Auditor Grace said that they have already started working on the 2009 audit. She has discussed with Larsen and Rosenburger that she would like to have the audit done on time.

The commissioners, the treasurer and the auditor discussed future meeting dates.

OTHER

Treasurer Hansen said that a representative from the Budget Motel called to see if the county would offer any assistance on the property taxes for the property. He was informed that he would need to fill out an abatement application and provide all the necessary information.

Treasurer Hansen said that Babe DeWolf contacted him asking about the information she needed to provide to the commissioners for a tax abatement. Treasurer Hansen informed her that she would need to submit all the required information before the commissioners would be able to make a decision.

Commissioner Whatcott said that Trent Wilde, Millard County Ag Agent, is working on a grasshopper agreement similar to Duchesne County's agreement. He will provide a copy of the Duchesne County agreement for Attorney Waddingham to review for Millard County's use.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

Commissioner Whatcott made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual.

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

After the closed executive session the regular meeting reconvened at 2:46 p.m..

Commissioner Whatcott made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual.

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

After the closed executive session the regular meeting reconvened at 4:08 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Whatcott made a motion to adjourn the meeting.

Commissioner Walker SECONDED the motion. The voting was unanimous and the meeting adjourned at 4:09 p.m..

Attest: _____

Approved: _____