

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 30th DAY OF SEPTEMBER 2008  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper Chairman  
Kathy Y. Walker Commissioner  
Daron P. Smith Commissioner

Richard Waddingham County Attorney  
Norma Brunson County Clerk

ALSO PRESENT: Sharon Ross and Robert Law Citizens  
Bruce Parker Millard County Consultant PDS  
Krista Kisch and Shelly Teuscher First Wind  
Klint Penney East Millard Maintenance Supervisor  
Sheryl Dekker Millard County Planner  
Lorena Viveiros Good Shepherd Dairy

EXCUSED: Janice Robins Deputy County Clerk

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN  
PROVIDED TO

each member of the governing body, the local news media and posted in three  
public places or on the Millard County website, as required by law, the  
following proceedings were had:

COORDINATION SESSION

The Commissioners scheduled events for the remaining months of 2008.

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner  
Cooper to the public and Commission members.

OPENING STATEMENTS

Commissioner Cooper asked if anyone had an opening statement to give.  
Commissioner Smith said the invocation. Commissioner Cooper read a thought  
by Bud Hendrickson. Everyone stood and said the Pledge of Allegiance to the

Flag.

## FOLLOW UP ACTION ITEMS FROM MINUTES OF SEPTEMBER 16, 2008

There were none.

## APPROVAL OF SEPTEMBER 16, 2008 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 16, 2008 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Walker made a motion to approve the minutes of September 16, 2008, as corrected. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

## TAX OVERRIDE REPORT REVIEW-MILLARD COUNTY TREASURER JOHN HANSEN

Treasurer Hansen gave the Commissioners a printout of the overrides from January 1, 2008- September 22, 2008. He briefly explained the purpose of the report is to show the action taken when moneys for the taxes have been accessed on the system and put out and the full penalty and interest are not collected. The total overrides were \$3,550.64  
Included in the total is \$2,334.97 from Rolling Stock  
\$424.38 from John Corbett  
\$791.29 from all other sources (\$456.63- penalties & \$334.66 taxes & interest)

See Exhibit A for full report.

Treasurer Hansen said a Notice of Final Settlement from the State Property Tax Division on the singular wireless tax appeal for 2006 was received. The tax amount is \$25.29 to be divided between four taxing districts. He proposed that in regards to state assessed taxes less than \$50.00 the County should write them off. The County will take the same position of not billing for less than \$50.00. The Commissioners agreed to this proposal.

## UPDATE ON THE MILFORD WIND CORRIDOR PROJECT-PHASE I

Krista Kirsch said Milford Wind had meet with Bruce Parker and Attorney Waddingham to go over the agreements and any conditions the County may have before the building permit is issued. She reported the wind project should

be on schedule. A public meeting was held in Delta as part of the permitting process with the BLM. The public comment period ends October 6, 2008. It is four to five weeks away before construction begins.

Bruce Parker said they are waiting for a legal description to attach to the map before recording the signed Conditional Use Permit (“CUP”). Agreements and other items for the Milford Wind Corridor Phase I, LLC that still needs to be put in place are:

Voluntary Assistance Agreement

Road Maintenance Agreement

Site Reclamation Plan

Building Permit Issues, Private Property Owner Noticing, Site and Federal Permits, Pre-construction meeting, Processing Fees and Charges, and other issues related to electric transmission Right-of-Way (Major)

## SHARON ROSS AND ROBERT LAW-DISCUSSION ON BUSINESS LICENSES

### REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR DIAMOND BAR TRADING COMPANY -OWNER SHARON ROSS

Sharon Ross said that she originally had a (1996) County business license #228 in the name of S&H Enterprises for the sale of firearms, manufactured and reloaded ammunition and sporting goods. In 1999 the name was changed to Country Crafted Creations when she added the sale of soaps and sundries. In 2002 at the time she renewed her Alcohol Tobacco and Firearms (“AT&F”) license she changed the name of that license to Diamond Bar Trading Company. An application for a County business license under Diamond Bar Trading Company was submitted and denied due to a zoning issue. Ms. Ross still has a license under the name of Country Crafted Creations. When her AT&F license became due in 2008 she desired to have her firearm business under the name of Diamond Bar Trading Company and her sundries under the name of Country Crafted Creations. She had submitted a new application under the name of Diamond Bar Trading Company for the Commissioners’ consideration today. She asked why there would be an additional landfill fee for the second license and was told that it was the County’s policy regarding cottage businesses.

Commissioner Smith made a motion to approve a business license for Diamond Bar Trading Company. Diamond Bar Trading Company will be given the license number 228 and Country Crafted Creations will be given the new number.

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

## REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR DELTA MUFFLER-OWNER JOHN PECK

Sheryl Dekker, Millard County Planner asked for some direction in regards to the zoning regulations regarding the business license application for Delta Muffler-Owner John Peck. The Commissioners, Attorney and Planner discussed the zoning issues regarding a cottage business.

Commissioner Walker made a motion to deny the business license application for Delta Muffler-Owner John Peck based on the location of the proposed business doesn't fit the zoning regulations for a cottage business. Mr. Peck will be told he may apply for a zone change.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. Mr. Peck will be notified of the Commissioners' decision.

## BID OPENING FOR ROOF ON PUBLIC SAFETY BUILDING-KLINT PENNEY, EAST MILLARD MAINTENANCE

Attorney Richard Waddingham opened the following roof bids from:

Quality Roofing \$210,00.00  
Salty Peak Construction \$308,427.00  
Tom's Roofing \$58,459.00 + \$170,857.00 = \$229,316.00  
Van Tassell \$319,426.00

Commissioner Smith made a motion to accept the bids for the roof on the public safety building. The bid amounts will be given to Klint Penney, East Millard Maintenance Supervisor who will review the bids and then report his decision back to the Commissioners based on best value for the County.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A ZONE CHANGE APPLICATION BY GOOD SHEPHERD FARMS, LLC, JOE AND HAZEL VIVEIROS AND RICK AND LORENA VIVEIROS, FROM (A) AGRICULTURAL TO (AI) AGRICULTURAL INDUSTRIAL FOR PROPERTY LOCATED AT 2599 S 1000 E, DELTA, UTAH AND MORE PARTICULARLY DESCRIBED AS: SERIAL # DO-4000-1: SW1/4 OF NW1/4 OF SECTION 29, T17S, R6W, (40 ACRES) AND SERIAL # DO-4000-2: SW1/4 OF NW1/4 OF NW1/4 OF

SECTION 29, T17S, R6W, SLB&M (10 ACRES) 50 ACRES TOTAL

Commissioner Smith made a motion to go into a public hearing for the purpose of receiving public comment on a zone change application by Good Shepherd Farms, LLC from (A) Agricultural to (AI) Agricultural Industrial for property located at 2599 S 1000 E, Delta, Utah 84624.

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

Commissioner Cooper called the public hearing to order at 11:10 a.m. Present were: Sheryl Dekker, Lorena Viveiros and Klint Penney. No one from the public gave comment.

Commissioner Walker made a motion to go out of a public hearing because there were no public comments.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing ended at 11:12 a.m.

Lorena Viveiros gave a brief overview of the Viveiros' dairy program. They recently purchased the John Silva Dairy and have plans to expand the operation. They are working on all the permits and would like the zoning change in order to carry out their plans.

Sheryl Dekker said that the zoning for 50 acres has been asked to be changed for this operation, and it should have been done with the previous owners.

**CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE 08-09-30, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING THE ZONING MAP OF MILLARD COUNTY TO RECLASSIFY CERTAIN PROPERTY (A) AGRICULTURAL TO (AI) AGRICULTURAL INDUSTRIAL FOR PROPERTY LOCATED AT 2599 S 1000 E, DELTA, UTAH AND MORE PARTICULARLY DESCRIBED AS: SERIAL # DO-4000-1: SW1/4 OF NW1/4 OF SECTION 29, T17S, R6W, (40 ACRES) AND SERIAL # DO-4000-2: SW1/4 OF NW1/4 OF NW1/4 OF SECTION 29, T17S, R6W, SLB&M (10 ACRES) 50 ACRES TOTAL**

Commissioner Smith made a motion to approve Ordinance No. 08-09-30, An Ordinance of the Millard County Commission Amending the Zoning Map of Millard County to Reclassify Certain Property from Agricultural to Agricultural Industrial located at SW1/4 of NW1/4 of SECTION 29, T17S, R6W, and SW1/4 of NW1/4 of NW1/4 of SECTION 29, T17S, R6W, SLB&M, 50 acres total.

Commissioner Walker SECONDED the motion. Clerk Norma Brunson called

for roll call vote. Commissioner Smith voted YES. Commissioner Walker voted YES. Commissioner Cooper voted YES. The voting was unanimous and the motion carried.

CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 08-09-30A, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION REPEALING TITLE 1, CHAPTER 8 OF THE MILLARD CODE, ENTITLED "PROPERTY DISPOSAL" AND REPLACING IT WITH A NEW TITLE 1, CHAPTER 8, ENTITLED "ACQUISITION, MANAGEMENT AND DISPOSAL" AND REPLACING IT WITH A NEW TITLE 1, CHAPTER 8, "ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL AND PERSONAL PROPERTY"

Commissioner Smith made a motion to table the approval of Ordinance No. 08-09-30A until October 7, 2008 at the request of Attorney Waddingham. Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried.

#### OTHER BUSINESS

Bruce Parker wanted to make the Commissioners aware of the update on the site reclamation plan. Attorney Richard Waddingham said that Milford Wind has estimated the cost of decommissioning to be about 5.4 million dollars. The BLM has bonded for the entire project which includes the private property. Milford Wind is willing to put up a \$100,000 letter of credit to protect the County. Right now the salvage value exceeds the cost of the decommissioned project by \$600,000. If the salvage value drops before the cost of decommissioning, the letter of credit should be adjusted to cover the shortfall plus \$100,000. The \$100,000 letter of credit is sufficient for today but that amount may not be sufficient in the future. An agreement will be made that if the salvage cost drops below the cost of the decommissioning the project, the letter of credit will be adjusted. Milford Wind will give the County an annual estimation report of the project and the letter of credit will be adjusted accordingly.

Mr. Parker said mobilization activity prior to construction will be seen in the County during the month of October. Mr. Owens, County building inspector, Commissioner Smith, Bruce Parker and Shelly Teuscher will participate in a conference call tomorrow to discuss the potential amount of the building permit and the protocol of how Mr. Owens will receive the written reports from the inspectors.

Commissioner Cooper announced that Chris Blad will be hired for the East Millard Maintenance position upon a favorable background check.

After reviewing the bids on the roof for the public safety building, East Millard Maintenance Supervisor Klint Penney recommended that the bid be awarded to Quality Roofing.

Commissioner Walker made a motion to grant the bid to Quality Roofing for \$210,400.00 Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. All the bidders will be notified of the decision.

Commissioner Smith made a motion that Millard County will participate in an agreement with Central Utah Counseling Center to contract with Julie George, Esquire for reimbursement of \$200.00 per case for Millard County's sanity hearings associated with commitments to the state mental hospital.

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

## AUDITORS REPORT

Auditor Grace gave the Commissioners the Check Edit Reports of September 26 and September 30, 2008 to review and sign. She also gave them the Payroll Reports from September 26, 2008.

The hardship abatement application from Ronald Stephenson was reconsidered. A letter was sent by Mr. Stephenson in regards to the County's decision not to classify his home in Holden as a primary residence. He said that the home is his primary residence. The power and water are still turned on in the home, he is a registered voter in the County, has a Utah drivers license, has a Post Office box in Holden and his vehicles are registered in Utah. He is in Montana recovering from leg surgery. Auditor Grace said that in spite of the letter sent by Mr. Stephenson, the Assessor's Office will not change the status of his home to a primary residence based on the fact that he does not spend six months in the home.

The Commissioners denied the hardship abatement for Mr. Stephenson. Further consideration may be allowed if the property goes to a tax sale in the future.

A hardship abatement application from Celeste Lisonbee was reviewed by the Commissioners on parcel #S 1244 in Scipio.

Commissioner Walker made a motion to approve a hardship abatement of 35% for Celeste Lisonbee on parcel #S-1244.

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

Auditor Grace reported that a group is going to be formed to negotiate the costs of insurance benefits with other insurance providers. Right now PEHP has had an exclusive agreement with UCIP. Auditor Grace said that she has asked UCIP to negotiate with PEHP to lower Millard County's 2009 insurance costs.

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

Commissioner Walker 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 Smith SECONDED the motion. The voting was unanimous and the motion carried. The closed session began at 11:40 a.m. and ended at 12:06 p.m..

#### DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIALS AND SECRETARY

All three Commissioners have attended the three days of the Board of Equalization to listen to citizens' protests on County taxes.

Commissioner Walker attended the sexual harassment class given by UCIP on September 18, 2008 in Fillmore, Utah.

All three Commissioners attended USACC Conference in Midway, Utah, September 24 through September 26, 2008. Congratulations to Commissioner Cooper who was elected as the elected official of the year.

Commissioner Walker reported that the County Commissioners have begun the 2009 budget hearings and the tentative budget will be approved on October 28, 2008.

Commissioner Smith attended the Central Utah Counseling/ Mental Health Authority Board meeting.

Commissioner Smith attended a meeting with Oak City officials and NRCS. Senator Bennett has helped get federal money to help do an extensive water shed project analysis of the water shed above Oak City. Several plans to fix the flood problems have been suggested. The best plan may be to build a flood

channel east of the town and reroute the water north to the original canal. A structure would be built half way up the canyon. The land that would be affected by the proposed project is in Millard County and is privately owned. An ownership overlay of the area is being done in order to get easements to cross the ground.

**PUBLIC INPUT**

There was none.

**WHERE UPON THE MEETING ADJOURNED**

Commissioner Smith made a motion to adjourn the meeting.  
Commissioner Walker **SECONDED** the motion. The voting was unanimous and the meeting adjourned at 12:24 p.m..

**THE MEETING WITH JAMES K. SLAVENS WAS CANCELLED**

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

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