

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 5th DAY OF JANUARY 2010
AT THE COURTHOUSE, FILLMORE, UTAH

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

Norma Brunson County Clerk
Marki Rowley. Deputy County Clerk

EXCUSED: Richard Waddingham County Attorney

ALSO PRESENT: Cindy Gubler UNEV
Bryan Harris First Wind
Kerry Owens. First Wind/PB&L
Pete Sullivan First Wind
Shelly Teuscher First Wind
Knox Huntsman American Legion Post 61
Wayne Jackson American Legion Post 61
Mick Figuero American Legion Post 61
Steve Broderick Citizen
Carol Broderick Citizen
Bruce Parker County Planning Consultant
Brandy Grace County Auditor
John Hansen County Treasurer

NOTE: Not all agenda items were followed in order.

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 Walker to the public and Commission members.

OPENING STATEMENTS

Commissioner Walker wanted to express the commissioners' sadness and shock from the

death of a County Deputy. Their deepest sympathy is expressed to her family, friends and fellow deputies.

Central Utah Counseling Center is offering any type of counseling for county employees and county residents.

Commissioner Walker asked if anyone had an opening statement to give. Commissioner Whatcott read two quotes from Winston Churchill, "Success is not final, failure is not fatal, it is the courage to continue that counts". "Courage is the finest of human qualities because it guarantees all of the others." Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

REVIEW AND POSSIBLE APPROVAL OF THE DOCUMENTS ASSOCIATED WITH THE UNEV CONDITIONAL USE PERMIT # Z-2008-014 WHICH WAS APPROVED BY THE BOARD OF MILLARD COUNTY COMMISSIONERS ON AUGUST 19, 2008. SPECIFIC AGREEMENTS TO BE REVIEWED BY THE BOCC ARE:

- i. SITE RECLAMATION AGREEMENT
- ii. VOLUNTARY ASSISTANCE AGREEMENT
- iii. ROAD MAINTENANCE AGREEMENT
- iv. BUILDING PERMIT AGREEMENT

Bruce Parker, Planing Consultant, said that he would like to express his sympathy for the loss of the County Deputy to all who knew and worked with her, her family and friends.

Mr. Parker said that back in July of 2009 the county gave UNEV an extension on it's conditional use permit. The deadline for that extension is February 1, 2010. Both Mr. Parker and Cindy Gubler who is UNEV's representative do not want to cross that date without having the building permit in hand.

The BLM reclamation proposal only covers public land. There are 2.73 miles of UNEV pipeline that will cross private ownership and private lands in Millard County. UNEV has separate easement agreements with the private land owners.

Cindy Gubler confirmed that there is a small amount of private property owners that UNEV is going through and that they do have individual agreements in place with those private property owners.

The proposed cost for the site reclamation is \$5,000 which is a small amount and does not have to be bonded.

The total voluntary contribution from UNEV to the county is \$45,000. It was required that UNEV provide a pipeline locator, which Ms. Gubler confirmed has already been purchased. There was discussion as to whether the Sheriff's Office would maintain this equipment.

There is still discussion regarding the road maintenance agreement. The county is requesting that UNEV do a video log of the roads they will be using to identify the condition of those roads before and after construction. The county is also requesting that UNEV have sole responsibility for any repairs needed on those roads after construction.

Commissioner Walker said that the commission supports the consultant and planning and zoning's recommendation.

Mr. Parker suggested that UNEV submit a \$10,000 check to the county for the inspection process. The county will refund any remaining money back to UNEV after all fees have been paid.

Mr. Parker said that the road maintenance agreement will be put together and presented at a future meeting.

Commissioner Smith made a motion to approve the documents associated with the UNEV Conditional Use Permit # Z-2008-014 for the Site Reclamation Agreement, Voluntary Assistance Agreement, and Building Permit Agreement.

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

Ms. Gubler will be giving monthly updates after the building permit is received and construction is started.

Ms. Gubler gave an update for UNEV. She reported the following:

- They are still working on getting approval on the environmental impact study and are hoping to have that on hand in February.
- They have the construction contractors on board and are ready to start construction.
- They have contracted with Tri Star Construction to do the construction on the first segment which will be from Salt Lake City through Tooele, and will have a crew of approximately 550 or more.
- Quanta Construction out of Texas will be doing the remainder of the segments which will be in Millard County. Quanta will have a crew of about 400 - 500 and will probably have four or five starting points. UNEV will communicate that information when it is identified.
- The terminal site in Iron County has been constructed. They are just waiting to construct the lateral pipeline
- The terminal site in Las Vegas is underway and should be fully constructed in the next month or so.
- The origin site in North Salt Lake has also been constructed.
- They have had businesses in Millard County contact them inquiring about contracting services with UNEV. If any business wants to contract with UNEV they would need to contact UNEV as soon as possible.

REVIEW AND POSSIBLE APPROVAL OF THE DOCUMENTS ASSOCIATED WITH THE

MILFORD WIND PHASE II CONDITIONAL USE PERMIT # Z-2008-008 WHICH WAS APPROVED BY THE BOARD OF MILLARD COUNTY COMMISSIONERS ON JULY 22, 2008. SPECIFIC AGREEMENTS TO BE REVIEWED BY THE BOCC ARE:

- i. SITE RECLAMATION AGREEMENT
- ii. VOLUNTARY ASSISTANCE AGREEMENT
- iii. ROAD MAINTENANCE AGREEMENT
- iv. BUILDING PERMIT AGREEMENT

Bruce Parker said that the site reclamation as well as all the other listed items will be for Phase II of the wind farm which will be located in Millard County.

The cost of site reclamation will be \$10,000 per turbine location. This has been calculated to be a bond of \$260,000. Like Phase I this would be updated annually and would be in place for the life of the turbine and wind farm.

Most of the turbines will be located on public lands; prior arrangements have been made with BLM. There has been an automatic inflation agreement in place since the start of Phase I and it will continue with Phase II.

There will be a total of 68 turbines placed for Phase II; 8 turbines will be located on Utah Schools Institutional & Trust Lands Administration (SITLA) property, 26 turbines on private land and 34 turbines on public land. 62 of the 68 turbines will be located in Millard County.

The voluntary assistance agreement for Phase II is identical to the agreement for Phase I. They have agreed that \$98,500 would be the voluntary assistance contribution to Millard County as part of Milford Wind Corridor Phase II.

The road maintenance agreement for Milford Wind Phase II has the same provisions identically as Phase I. A video log of the used county roads will be required to show product construction as well as a condition report. At the end of construction Milford Wind would be responsible for conducting the pre and post construction inventory of road conditions. They will be responsible for the costs associated with that and for any damages allocated to them as a result of the construction activities.

Mr. Parker handed out and explained to the Commissioners a map of the roads that will be used for Phase II. It is estimated that about 8 miles of two Millard County roads will be used, and will be subject to the road maintenance agreement.

Peter Sullivan with First Wind said that the first video surveys have been completed. Mr. Parker said that he feels comfortable that this is identical to what has been done before and strongly recommends this to the Commission and the County Attorney to file.

Mr. Parker said that Millard County will issue the building permit for Phase II. Milford Wind will post the bond for the necessary permits and inspections, etc. Millard County will contract

with Beaver County to do the inspections on the side closer to Beaver County. Millard County's building inspector, Derrell Owens, will conduct inspections and oversee the inspection process. Commissioner Smith said that he thinks Mr. Owens worked this out with the Beaver County building inspector.

Mr. Parker will initiate contact with the Beaver County building inspector regarding a written contract.

There have been slight changes in the site plan layout of Phase II that are basically changes in technology. They had to make some changes on the alignment of the arrays to avoid the nonparticipating property owners. Initially they planned on using turbines that generate 250 megawatts, but they have now decided to go with turbines that generate 150 megawatts causing the need for placing more turbines. The turbine count will still be under the estimated 130-188 turbines. Also, BLM has asked that some of the boundary sites be changed to match up to some section lines, which will be generated by federal agencies.

Commissioner Walker stated that there have been some concerns expressed from property owners regarding the amount of dust from the Wind Farm construction sites. She was reassured that Milford Wind will continue to water down the roads and the area to keep the dust level to a minimum. BLM will continue to monitor dust control through a third party as they did during Phase I.

Milford Wind will continue to give monthly updates as to the progress of Phase II.

Mr. Parker said that they are working towards February 1, 2010 for the issuance of the building permits and the final execution of all the agreements, as well as getting recommendations in place for the conditional use permits.

Commissioner Whatcott made a motion to approve the documents associated with the Milford Wind Phase II Conditional Use Permit # Z-2008-008 for the Site Reclamation Agreement, Voluntary Assistance Agreement, Road Maintenance Agreement and Building Permit Agreement.

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

DISCUSSION AND POSSIBLE DECISION FOLLOWING A PUBLIC HEARING CONDUCTED DECEMBER 21, 2009. POSSIBLE ADOPTION OF ORDINANCE 10-01-05, AN ORDINANCE TO AMEND THE MILLARD COUNTY GENERAL PLAN - UTILITIES ELEMENT, INCLUDING TEXT AMENDMENTS TO SEVERAL GOALS, OBJECTIVES, AND IMPLEMENTATION STRATEGIES, AS CONTAINED IN THE MILLARD COUNTY GENERAL PLAN - UTILITIES ELEMENT TO PROMOTE CONSISTENCY BETWEEN THE MILLARD COUNTY GENERAL PLAN AND THE LOCATION OF THE WEST - WIDE ENERGY CORRIDOR, AS LOCATED IN MILLARD COUNTY

Bruce Parker said that the issues of private and public utilities have been a central issue in discussion to public policy in the county for the past two years. The planning commission and the

commissioners have reviewed some elements particularly in the general plan on the utilities element of updating the policies, the objectives and implementation strategies of the general plan. The planning commission as well as Bruce Parker has spent a significant amount of time on this.

Mr. Parker said that this is basically a tightening of the existing general plan, giving additional clarification of the policy and position of the county to be in a better position to be responsive to future energy related projects and energy transmission lines in the future.

Commissioner Whatcott made a motion to adopt Ordinance 10-01-05, an ordinance to amend the Millard County General Plan - Utilities Element, including text amendments to several goals, objective and implementation strategies, as contained in the Millard County General Plan - Utilities Element to promote consistency between the Millard County General Plan and the location of the West - Wide Energy Corridor, as located in Millard County.

Commissioner Smith SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Smith voted YES. Commissioner Whatcott voted YES. Commissioner Walker voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE DECISION FOLLOWING A PUBLIC HEARING CONDUCTED DECEMBER 21, 2009. POSSIBLE ADOPTION OF ORDINANCE 10-01-05A, AN ORDINANCE TO AMEND THE PREFERRED UTILITIES CORRIDOR MAP, AND OFFICIAL MAP OF MILLARD COUNTY TO PROMOTE CONSISTENCE BETWEEN THE MILLARD COUNTY PREFERRED UTILITIES CORRIDOR AND THE LOCATION OF THE WEST - WIDE ENERGY CORRIDOR, AS LOCATED IN MILLARD COUNTY.

Bruce Parker said that the only change made was a map change. Millard County's Utilities Corridor map now aligns exactly with the West Wide Energy Corridor as adopted by the BLM. It was moved further to the east in the area of Lynndyl and much further to the west around the back of the mountain on the west side of Delta. It was moved to the west due to archaeological sites. BLM is responding to Millard County to protect the public interests of Millard County and this is the location that was mutually agreed on.

Commissioner Smith made a motion to adopt Ordinance 10-01-05A, an ordinance to amend the Preferred Utilities Corridor Map, and Official map of Millard county to promote consistence between the Millard County Preferred Utilities Corridor and the location of the West - Wide Energy Corridor, as located in Millard County.

Commissioner Whatcott SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Whatcott voted YES. Commissioner Smith voted YES. Commissioner Walker voted YES. The voting was unanimous and the motion carried.

Commissioner Walker excused County Attorney Richard Waddingham from today's meeting.

Commissioner Smith said that they will be reviewing the county general plan in the near future and will continue to work with Bruce Parker.

DISCUSSION AND POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT - LINDSAY MITCHELL

Commissioner Smith made a motion to table this item.

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

PUBLIC INPUT

Wayne Jackson, American Legion Post 61, said that Fillmore was selected to host the American Legion birthday party. He is requesting tourism money to purchase a banner to hang at the end of town welcoming all the members. They would also like to have some activities in the park as well as to open the State House. Mr. Jackson said that Fillmore City will support them but they do not have any funds available.

Commissioner Walker suggested that Mr. Jackson contact Deb Haveron with the Tourism Department and or Linda Gillmor with Economic Development to see if either department would have available funds to help support his request. Commissioner Walker gave Mr. Jackson the contact information for each of the departments.

Mr. Jackson said that they will also be honoring a local resident at this event.

Knox Huntsman said that the last time he was before the Commissioners he was asking to forego any cost for the veterans who were going over seas fighting and so forth. Mr. Huntsman has talked to several of those veterans who said that saved them a lot of money and they truly appreciate being supported like that.

Steve Broderick said that his brother-in-law, William Lister, filled out a form and was able to get his taxes for 2009 reduced due to his and his wife's combined income which was only about \$800. Mr. Broderick wanted to know if there was any way the taxes for 2007 and 2008 could be reduced as well. Commissioner Walker said that a hardship abatement application would need to be filled out for the 2007 and 2008 taxes. It would then be brought back to the Commission for possible approval.

APPROVAL OF DECEMBER 21, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 21, 2009 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of December 21, 2009, as corrected.

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

APPROVAL OF DECEMBER 30, 2009 SPECIAL MEETING COMMISSION MINUTES

The proposed minutes of a Special Meeting and Emergency Meeting of the County Commission held December 30, 2009 were presented for consideration and approval. Following

review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of December 30, 2009, as corrected.

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

OTHER BUSINESS

Commissioner Whatcott said that he received a phone call from Congressman Chaffetz's office expressing his sympathy to the Millard County Deputy's family for their loss. Congressman Chaffetz would like to be informed of the funeral date so that he can personally attend.

Commissioner Walker said that commission duties need to be discussed for the year 2010. She would like to keep the duties the same as the previous year.

Commissioner Whatcott made a motion to keep the commission duties for 2010 the same as they were in 2009.

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

POSSIBLE APPROVAL AND APPOINTMENT OF 2010 COMMISSION CHAIRPERSON AND CHAIRPERSON PRO TEMPORE

Commissioner Whatcott made a motion to appoint Commissioner Smith to serve as Commission Chairperson for 2010. Commissioner Whatcott made a motion to appoint Commissioner Whatcott as the Chairperson Pro Tempore.

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

Commissioner Smith made a motion to recess for lunch.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 11:58 a.m..

NOON LUNCH BREAK

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:36 a.m..

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

Commissioner Walker reported that the Great Basin Water Forum (Forum) in Reno, Nevada was attended by all three commissioners along with Mark Ward, Utah Association of Counties (UAC) Public Lands Legal Advisor. The Forum was hosted by Central Nevada Regional Water

Authority.

Also attending were Commissioners from Inyo and Mono California, Juab County and others. Special guest was National BLM Deputy Director Mike Pool.

The new energy frontier was discussed by Deputy Director Pool, including large scale solar projects which leaves a huge footprint but also displacement of public lands. He also spoke of other topics of concern in the West.

A presentation on how United States Geological Survey (USGS) determines a water basin's sustainable groundwater resource and the status of USGS Great Basin Regional Groundwater Aquifer study, were among the many topics covered. The Forum also provided opportunity to participate on whether or not adverse impacts on groundwater pumping can be mitigated.

The Commissioner thought the Forum provided useful information and increased their knowledge and understanding of developing and retaining water resources.

Commissioners Walker and Smith met with Dave Denton of Magnum Gas Storage, who provided an update on the company's development of eight salt caverns north of Delta, Utah.

The project is moving forward with the plan being accepted by the Federal Energy Regulatory Commission (FERC). Magnum may begin creating caverns this spring if they receive all necessary permits, including those required by Millard County.

The Commission met during December with Department of Natural Resources Director Mike Styler to discuss comments received at public hearings on the proposed draft agreement between Utah and Nevada.

All three Commissioners had an hour long meeting with Governor Gary Herbert to discuss the proposed agreement with Nevada. Director Mike Styler and Public Lands Policy Office Director John Harja were also present.

In addition to regular Commission duties and responsibilities, the Commission has been actively involved in reviewing and commenting on the proposed draft agreement between Utah and Nevada. Governor Herbert has the final responsibility to decide whether or not to sign an agreement.

Delta City Mayor Gayle Bunker resigned his position on the Six-County Association of Governments Board, which is comprised of mayors and commissioners in the Six-County region. Mayor Bunker is thanked for his years of service to the Board.

Eugene Larson, new Fillmore City Mayor, was asked by the Commission to fill the vacancy and graciously accepted. Commissioner Kathy Walker is Millard County's representative on the board.

Commissioner Whatcott said that he had a group of folks from Cove Fort inquire about a dumpster for the Cove Fort area. Commissioner Walker said that she will provide the necessary information.

Commissioner Smith said that he met with the Millard County Weed Board yesterday. He said that he appreciates County Agent Trent Wilde for his participation on getting that board up and

functioning.

The Weed Board will be advertising for a seasonal Millard County Weed Supervisor/Sprayer. This position will be listed in the Chronicle newspaper and will close on February 12, 2010. If anyone is interested in this position they can pick up an application at the Extension Office.

Commissioner Smith will be in Washington D.C. the 12, 13, 14 for UAC.

Commissioner Whatcott said that he met with Max Wood, Millard County's West Pool Manager/Recreation Director, and the 7 other pool managers. Commissioner Whatcott said that this was a very positive meeting. They all are very excited about the new direction they are going. They came up with a lot of good ideas on how to raise revenue for the pool by way of having parties and different types of events at the pool.

The east and west side pools are going to meet regularly to go over a few things that can be done at the pools.

Commissioner Whatcott thinks that both pools are going to start seeing some revenue increases. He talked to both pools about doing some special sales on yearly pool passes, as well as some creative ways of advertising. The east side pool reported that it sold 16 passes in one month.

The new direction in recreation will be a positive thing for both sides of the county.

AUDITOR'S REPORT

Auditor Grace presented the check edit of December 30, 2009 for the Commissioners to review and sign. She said that this does not complete the 2009 payables. They will be doing one more batch, and are trying to finish that up this week.

Auditor Grace received a revised contract for the bookmobile. They are increasing the contract by \$58,883.50 bringing the amount to \$175,458. She thinks that they are revising the contract to extend it to June 2010 to fit the state's funding mechanism for a fiscal year.

The Commissioners will discuss this contract at the next Commission meeting.

Auditor Grace said that she has several payroll change notices for the commissioners to review and approve.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace and Treasurer Hansen presented an abatement application for William Lister, parcel number D-786-1. Auditor Grace said that Mr. Lister received a 45% abatement for his 2009 taxes. He is now applying for consideration on his 2007 and 2008 property taxes. She also said that the Assessor's Office had his property listed as non primary for 2007 and 2008. The county does not give abatements for non primary properties. Steve Broderick, Mr. Lister's Brother-in-law, said that the Listers have lived in the home for more than three years. Commissioner Walker said that she knows that this particular family has had a number of hardships happen to their family.

Treasurer Hansen said that part of the home was burned so the value was quite a bit less in 2009 than in 2007-2008 due to the fire. They have improved the building and are going to use it for

a business. After more discussion the Commissioners made a decision.

Commissioner Smith made a motion to abate 50% of Mr. Lister's 2007 and 2008 property taxes.

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

Auditor Grace and Treasurer Hansen also presented an abatement application for De Anna Thayne, parcel number D880 and D-879-2. Commissioner Walker said that Ms. Thayne contacted her asking what she could do to get her taxes paid for 2006 and 2008. Commissioner Walker told her that she would need to fill out a hardship abatement application for consideration.

Treasurer Hansen stated that Ms. Thayne has also contacted him. He said that the Thaynes have a farm which shows some income loss. Ms. Thayne and her husband filed joint returns through 2008. They recently separated and now Ms. Thayne is left with the responsibility of paying those back taxes.

After further discussion the Commissioners decided that Treasurer Hansen would write her a letter informing her that the Commissioners would like to receive more information on this matter.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen said that he mailed out a hardship abatement application to Fred Jackson from Oak City. He has not received the paper work back yet. He just wanted to make the Commissioners aware of the situation.

Treasurer Hansen said that Jared Rogers bought property in Oak City, parcel number 0149857 and OM2-16 from Justin Anderson in 2009. The taxes for 2008 and 2009 were based on the land value without the value of a home. After it was discovered that there was a house on the property the value was recalculated and doubled to accommodate the two years. They also doubled the value of the land and added it to the taxes. The taxes on the land were already paid for 2008 and 2009. The title company called and said that they received a payoff quote in the amount of \$1,182.22 which they paid. Treasurer Hansen said after paying the taxes there is still a balance because of the overcharge on the land.

Commissioner Whatcott made a motion to write off the balance due on Jared Rogers tax notice.

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

OTHER

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

4&5

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the meeting adjourned at 2:38 a.m..

Attest: _____

Approved: _____