

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 19th DAY OF JANUARY 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: Bruce Parker..... County Planning Consultant
Sheryl Dekker Planning and Zoning
Wayne Jackson American Legion
John Hogan Kanosh Fire Department
DeAnna Thayne..... Citizen
Shelly Teuscher First Wind
Cindy Gubler UNEV
Lynette Madsen Miss Millard

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 asked if anyone had an opening statement to give. Commissioner Whatcott said, “If your not pedaling you are coasting, and if you are not running you are walking, and if you are not swimming you are drowning.” Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

MILFORD WIND CORRIDOR PROGRESS AND UPDATE

Shelly Tuescher reported the following:

- Milford Wind Corridor Phase I is up and fully operational and the windmills are spinning.
- Power will be sent to IPP and down the IPP line soon.
- They finished Phase I on time, under budget, and with no injuries.
- The original plan of development from BLM has called for a certain layout for Phase II. Further studies on the wind have determined that a slightly different layout will be used to the wind's best advantage. Phase II will now have a few more turbines associated with it. They are hoping to get the notice to proceed from BLM by the middle of February.
- The construction of Phase II should be shorter than Phase I and should be completed sometime this summer.
- They are compelled to stay on schedule with Phase II or they will have to pay liquidated damages for every day they are not on schedule.
- Above all, the contractor was safe and that is the important thing.
- They do not have an idea as to when they will be starting on Phase III.

Commissioner Smith said that Derrell Owens, County Building Inspector, has not received plans or anything as far as Phase II. Ms. Teuscher said that Milford Wind has not sent him anything at this point.

Bruce Parker said that the conditional use permit 6 month extension is about to expire. Mr. Parker is encouraging Milford Wind to get its application in as soon as possible and have the building permit issued before February 1, 2010 to avoid additional extensions. If needed they can issue a building permit contingent upon all the other BLM approvals.

Mr. Parker said that the plans for Phase II shouldn't be much different than what has already been approved in Beaver County with the foundations and all the constructions.

Ms. Teuscher said that they are excited and are looking forward to being in Millard County for a very long time.

RATIFY THE APPROVAL OF ASSIGNED COMMISSION DUTIES FOR 2010

Commissioner Walker made a motion to approve the assigned commission duties for 2010.

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

DISCUSSION AND POSSIBLE SIGNING OF BOOKMOBILE CONTRACT

Auditor Grace presented a revised bookmobile contract for the Commissioners to review and sign. The contract revision extends the 2009 contract to June 2010 to fit the state's funding mechanism for it's fiscal year.

Commissioner Whatcott made a motion to sign the bookmobile contract.

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

PRESENTATION OF SIX COUNTY ASSOCIATION OF GOVERNMENT (SCAOG) PLAQUE TO DELTA CITY MAYOR BUNKER

Commissioner Walker said that SCAOG consists of commissioners and mayors appointed by commissioners throughout the six county area. Delta City Mayor Bunker from has served on that committee for the past four years. Due to other commitments he has resigned his position. SCAOG had a plaque made for Mayor Bunker, thanking him for his years of service. He was unable to attend the meeting today so Commissioner Walker will present the plaque to him at his office in Delta.

Commissioner Smith said that they would like to thank Mayor Bunker for his four years of service. Commissioner Walker said that he has done a good job and will be missed by the board.

Eugene Larsen, Fillmore City Mayor, will be replacing Mayor Bunker on the board.

REVIEW AND POSSIBLE APPROVAL AND EXECUTION OF A NON PLAT SUBDIVISION RECORDATION CERTIFICATE FOR THE JOSEPH A. TILLOTSON PROPERTY LOCATED AT 1060 EAST CANYON ROAD, PARCEL # 7021, 148.43 ACRES.

County Planner Sheryl Dekker said that this is property owned by the Tillotson Family Trust and they want to get this resolved between the three heirs.

Ms. Dekker said that this went before planning and zoning and was recommended for approval.

Commissioner Walker made a motion to approve the Non Plat Subdivision Recordation Certificate for Joseph A. Tillotson, property located at 1060 East Canyon Road parcel number # 7021, 148.43 acres.

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

REVIEW AND POSSIBLE APPROVAL OF THE ROAD MAINTENANCE AGREEMENT ASSOCIATED WITH UNEV CONDITIONAL USE PERMIT #Z-2008-014 WHICH WAS APPROVED BY THE BOARD OF MILLARD COUNTY COMMISSIONERS ON AUGUST 19, 2008.

Commissioner Smith said that a number of the agreements regarding the conditional use permit were approved at the last meeting. The only item that was not approved at the last meeting was the Road Maintenance Agreement.

Bruce Parker provided the Commissioners with the Road Maintenance Agreement along with appendix materials, a list of designated roads, and a series of maps. He said that a change was made to the agreement; a provision was deleted due to conflicts with the other provisions in the agreement. Cindy Gubler with UNEV was not aware of this change until today. She has submitted the change to UNEV for approval.

UNEV is responsible for 100% of the costs for providing necessary exhibit material and evaluation of the road condition.

A professional services company will video the base line condition of the roads prior to UNEV construction. An independent third party civil engineer will evaluate that video log and prepare a road condition report. At the conclusion of the construction, the report will be done again to identify the condition of the roads after construction. UNEV will be responsible to repair any damages caused to those roads.

Mr. Parker said that Ms. Gubler has been excellent to work with. She has provided Mr. Parker with all material including the building permit plans from UNEV as he requested. UNEV has until February 1, 2010 to have the building permit in place. He has sent an email to Derrell Owens informing him of this. They will issue the building permit contingent upon approval of state and federal permits.

Commissioner Walker asked about dust control on the roads. Mr. Parker said that under county ordinance UNEV will be subject to dust control. Ms Gubler said that they are also subject to dust control through BLM.

Commissioner Whatcott made a motion to approve the Road Maintenance Agreement associated with UNEV Conditional Use Permit #Z-2008-014.

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

PUBLIC INPUT

John Hogan who is a member of the Kanosh Fire Department, is in the process of putting together a benefit memory dinner for Deputy Josie Greathouse Fox. Commissioner Whatcott said that the use of the County Fair Building has been approved for this event.

Mr. Hogan inquired about insurance and security to cover the event. He said that they are going to have door prizes, entertainment and food for a donation. Commissioner Walker said the policy gives the Commissioners discretion whether to require insurance.

Mr. Hogan said that he will contact Commissioner Whatcott with the date of the event.

Commissioner Walker made a motion to waive all fees associated with the use of the County Fair Building for the benefit dinner in memory of Deputy Josie Greathouse Fox.

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

Wayne Jackson wanted to thank the Tourism Board for their help with advertising for the American Legion Birthday that will be held in Fillmore on March 20, 2010. The National Executive Conference, as well as the Auxiliary, will also be held in Fillmore March 20, 2010. Mr. Jackson said the local motels are giving a good rate for the needed rooms. He said that he appreciates the county for any help they give for this event.

OTHER BUSINESS

Commissioner Whatcott said that he was contacted by Dennis Whitaker who informed him

that the Constitution Party will be holding a caucus-precinct training meeting in the Commission Chambers on Thursday, January 21 at 5:30 p.m. and Saturday, January 23 at 9:30 a.m..

Commissioner Smith said that the wellness surveys were to be completed by January 12, 2010 for those who are participating in the Apple Program this year. With all that has happened in the last little while the commissioners and Apple representatives have decided to extend the deadline to Friday, January 27, 2010.

Lynette Madsen said that an issue came up with Miss Millard. They originally signed a contract with Kirby Heyborne to appear the first of August. After some changes were made, the date was moved to March 20, 2010. When they called to verify he was still coming, his assistant said that he lives in Los Angeles and would need airline tickets for him and his assistant to fly into Salt Lake City. They would also need a rental car to drive to Fillmore, and hotel accommodations for their stay.

The Miss Millard Committee has already paid him \$1000 and is looking at spending a lot more for him to travel. Ms. Madsen said that it would probably be better to cut the losses and get someone else at a much cheaper rate. All three Commissioners agreed. Ms. Madsen suggested to have Miss Utah along with Miss Millard come in Mr. Heyborne's place to give Miss Millard an opportunity to speak publicly and to advance her cause. Ms. Madsen will keep the Commissioners informed of the progress.

APPROVAL OF JANUARY 5, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 5, 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 5, 2010, as corrected.

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

Commissioner Walker made a motion to amend the approved minutes of January 5, 2010 to reflect that the change in the bookmobile contract is from the calendar year to a fiscal year to accommodate the state legislator and the variations of their funding.

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

APPROVAL OF DECEMBER 8, 2009 BUDGET HEARING COMMISSION MINUTES

The proposed minutes of a County Commission Budget Hearing held December 8, 2009 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Walker made a motion to approve the minutes of December 8, 2009, as corrected.

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

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL

AND SECRETARY

Clerk Norma Brunson asked if the Commissioners discussed the appointment of the new assessor. Commissioner Walker said that the reporter made a mistake when he reported that the new assessor would be appointed on January 28, 2010. She contacted him and he is going to run the correction in this week's paper.

The Central Committee will meet on January 28, 2010 where they will decide on three qualified candidates. They will then submit those names to the commissioners. The Commissioners have 45 days from the date of resignation to make a decision. The official decision will be made at a future commission meeting.

Commissioner Walker said that the commissioners are deeply saddened by the death of Deputy Josie Greathouse Fox. The Commissioners attended the viewing along with approximately 2,500 other individuals. They also attended the funeral, which included 1,500 or more people.

The commissioners sympathy goes to the Greathouse and the Fox families. They also want to thank Sheriff Robert Dekker for his enormous efforts, and also the Millard County Sheriffs Office, the County Attorney, the fire department and all the others who were involved.

Millard County Commissioners are very proud to be a part of Millard County. The great outpouring of love and support that has been given is amazing.

Commissioners Walker and Smith participated in a Snake Valley Aquifer Advisory Council meeting and all three commissioners attended a video conference. After discussion, Millard County stated they could not support the proposed agreement as currently drafted.

A letter to Governor Herbert was hand-delivered the following day from Millard County by Commissioner Smith.

Salt Lake County Mayor Peter Caroon also hand delivered a letter to Governor Herbert stating they could not support the proposed agreement.

Commissioners Walker and Whatcott attended a Social Economic Development meeting in Eskdale, Utah. Auditor Grace, County Planner Sheryl Dekker and Economic Development Director Linda Gilmore also attended. The meeting was part of a Snake Valley Social Economic Study being conducted in conjunction with Juab County and Community Impact Board (CIB) funding. The meeting was extremely informative and will prove vital to potential growth opportunities in Snake Valley. They appreciate the time they were able to spend with the Eskdale residents.

Commissioner Whatcott said that he appreciated the opportunity to go to Eskdale and listen to the citizens. He was really impressed with how they want to progress. Pumping the water out of Snake Valley would limit their future plans. He was equally impressed to know that there were some businesses there that he was not aware of, as well as, with the progress in potential businesses going up, and the desire of the people to make Snake Valley a really neat little oasis in the desert. Commissioner Whatcott supports Snake Valley residents and hopes that they will continue to develop there.

Commissioner Whatcott has been talking with Fillmore City. They will be holding a meeting

to discuss the progress of the Territorial State House. There is an agenda item on the Fillmore City Council meeting tonight to hold a public hearing on comments involving 100 south street. They will be narrowing the street down and taking some trees out to make the avenues coming into the capital building more pleasant. They are also going to put some trail systems in, to accommodate walking and biking in this area. Mr. Larry Gray from Cedar City who is over the Southwest Regional State Parks area is the one responsible for getting this started.

Commissioner Whatcott said that the National ATV Jamboree had their first official meeting last Thursday and there appears to be possible glitches with the land use of BLM. They are requiring money up front to ride on the dessert; per rider, per event. Fred Christensen who is highly involved with the jamboree is contacting some people to establish fees.

Commissioner Whatcott said that there needs to be some clarification on the rules of nonprofit events opposed to events charging a fee. With the new fees introduced by the BLM the event fees will go up substantially next year. Commissioner Whatcott said that he will look into this further and bring it back at a future meeting.

Commissioner Smith reported that on January 7, 2010 he attended a meeting at the State Capital. The discussion was on condition of probation prisoners and funding from the counties. It's not a big issue with Millard County but it is a big expense for the larger counties. They are trying to work with corrections and the court systems to find a solution.

Commissioner Smith also attended a UAC meeting over the discussion of the restaurant tax and the proposed changes to that tax. Some will be supporting the changes at the next legislative session. Millard County and UAC are opposed to those changes. One change would be an increase of 1% general sales tax on everything but food, including doing away with the restaurant tax which is a county imposed tax that can be used for special purposes. Millard County currently does not impose this tax. There are a lot of legal issues the counties have on changing the way the current system works.

He attended a meeting in Salt Lake City for the Speaker of the House, Dave Clark. He was invited by UPC Wind to attend. He had the opportunity to visit with the governor on the west desert water issue. Commissioner Smith said that he appreciated being at that meeting.

On Friday, January 8, Commissioner Smith attended a Rural Fairs Committee meeting where they discussed rural issues for the upcoming legislative session. Farm Bureau, Utah Mining Association, SITLA, UAC and Utah Municipal Water Users are all members of that group. The Committee sponsors a luncheon for the Rural Legislators every Friday morning at 7:00 a.m. and discusses issues with the legislators.

On Wednesday, January 13, he attended a NACCAE conference in Washington DC. That same day he also met with Congressman Matheson, Congressman Bishop, Congressman Chaffetz and Brent Gardner, Executive Director of UAC. He then met with Senator Bennett and Senator Hatch's staff. There was discussion on representation of all Utah counties and Millard County issues, including wilderness and whether Millard County was too late to participate in a wilderness

bill or whether it should do its own. There was encouragement to get a bill together and submit it to the congressmen. They also suggested that the Wilderness Society come meet with Millard County and go through the Wilderness Study Areas.

On Thursday, January 14, Commissioner Smith received training and watched presentations on Veterans Outreach, Military Community Family Policy Outreach Program, and help from the US Justice Department. These programs are available for counties to track and make sure that people who have served in the arm forces do not get caught in the cracks and when they have issues those issues be considered.

Later that day Commissioner Smith attended the press club where a speaker from NBC talked about the Obama Whitehouse and political environment. Chuck Todd from NBC paid a compliment to Senator Bennett for his willingness to work across the isle and trying to get things done when others do not want to get things done.

On Friday, January 15, Commissioner Smith went to the White House and was briefed on the Haiti disaster. They were supposed to be briefed on the transportation bill and NACo's legislative focuses that affect counties and states, but there was not enough time.

Commissioner Smith appreciated the opportunity to meet with other officials from other states as well as the organizations that do their best to help the counties deal with the things that have to be dealt with.

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

Commissioner Walker made a motion to table this item.

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

Commissioner Walker made a motion to table this item.

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

AUDITOR'S REPORT

Auditor Brandy Grace presented the following invoices for the Commissioners to review and sign: 2010 Utah Association of Counties (UAC) dues in the amount of \$11,656; 2010 UAC

assessment for public lands in the amount of \$3500; Sterling Codifiers for hosting the county's code on the internet in the amount of \$500 and the Energy Efficiency and Conservation block grant.

Commissioner Smith explained what each of these invoices were for.

Commissioner Smith said that he received a letter from the US Forest Service regarding the cooperative road agreement on milling the Willow Creek Road. The US Forest Service is asking the county to reduce the original budgeted amount from \$80,000 to \$78,050.

This invoice has been paid.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

At the last Commission meeting Treasurer Hansen presented a hardship abatement application for DeAnna Thayne parcel number D880 and D-879-2 for consideration on her 2006 and 2008 taxes. The commissioners decided that she would need to provide more information before a decision would be made.

Ms. Thayne brought the commissioners more information to review. Treasurer Hansen said that the 2006 and 2008 taxes need to be paid in full before the 2010 taxes come due. The Commissioners reviewed and discussed the provided information.

Commissioner Walker made a motion to waive the penalties and interest on Ms. Thayne's 2006 and 2008 taxes and to set up a monthly payment plan that would allow her to pay the balance of those taxes before her 2010 taxes are due.

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

The commissioners received a fax from Babe DeWolf informing them that she was unable to attend the meeting today. Ms. DeWolf submitted a tax abatement application at an earlier commission meeting, but did not submit enough information with the application. She was contacted and informed that she would need to submit additional information before a decision would be made. She has not submitted any additional information to the commissioners or the auditor as of today.

Commissioner Walker suggested that she be contacted again and reminded that she needs to submit additional information and that she does not need to be present for the commissioners to make a decision.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

There was none.

OTHER

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:15 p.m..

Attest: _____

Approved: _____