

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 20th DAY OF JULY 2010
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bart A. Whatcott. Chairperson
Craig Greathouse. Commissioner

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

EXCUSED: Daron P. Smith. Commissioner

ALSO PRESENT: John Pelczar First Wind
Bryan Harris First Wind
Sheryl Dekker. Planning and Zoning
Linda Gilmor MEDA
Kevin Morris Millard County Recreation
Lindsay Mitchell. Millard County Sheriff’s Office
Robert Dekker County Sheriff
Brian Pugh. Magnum Gas Storage, LLC
Tiffany James Magnum Gas Storage, LLC
Brandy Grace County Auditor
Pat Manis County Assessor
John Hansen County Treasurer
Melanie Slavens 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 Whatcott to the public and Commission members.

OPENING STATEMENTS

Commissioner Whatcott asked if anyone had an opening statement to give. Commissioner Whatcott read three quotes, “Advice is what we ask for when we already know the answer but wish we didn’t.” “People have the right to be stupid; some people abuse the privilege.” “Next time you

think you are perfect try walking on water.” Commissioner Greathouse said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

Commissioner Smith was excused from today’s meeting to attend a NACo conference in Reno, Nevada.

MILFORD WIND CORRIDOR, LLC PROJECT PROGRESS AND CONSTRUCTION UPDATE

John Pelczar, Construction Manager, reported the following:

- The PPA is on the LADWP Board for approval Thursday.
- Monday they will start cutting rodes and grading roads.

RATIFY THE APPROVAL OF THE COOPERATIVE ROAD PROJECT AGREEMENT BETWEEN MILLARD COUNTY AND USDA, FOREST SERVICE, FISHLAKE NATIONAL FOREST

Commissioner Greathouse made a motion to ratify the approval of the cooperative road project agreement between Millard County and USDA, Forest Service, Fishlake National Forest.

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

RATIFY THE APPROVAL OF A PURCHASING CARD FOR COMMISSIONER GREATHOUSE IN THE AMOUNT OF \$3,000

Commissioner Whatcott stepped from the chair and made a motion to ratify the approval of a purchasing card for Commissioner Greathouse in the amount of \$3,000.

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

FILING OF DISCLOSURE STATEMENTS

Disclosure Statements were submitted from the following employees:

Irene Mitchell
Richard Waddingham

DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT FOR INDIGENT CAPITAL DEFENSE COUNSEL SERVICE

Attorney Waddingham said that the indigent defense fund was established years ago to allow counties protection from the exorbitant costs associated with paying criminal defense attorneys appointed to represent indigent defendants who are accused of committing capital offenses. The

county has been paying into the fund for years. It is basically insurance coverage. The fund will cover all compensation and expenses for the attorneys who are appointed.

The County received an Indigent Capital Defense Counsel Service contract for the commissioners' consideration. The defense attorneys identified in the contract are Steven McCaughey, first chair, and Jeremy Delicino, second chair. The contract states the obligations and responsibilities of the defenders and identifies the time and payment schedules.

Commissioner Greathouse made a motion to approve the contract for indigent capital defense counsel service.

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

REVIEW AND POSSIBLE DECISION REGARDING A FAVORABLE RECOMMENDATION BY THE MILLARD COUNTY PLANNING COMMISSION REGARDING CONDITIONAL USE PERMIT #Z-2008-008 AMENDMENT APPLICATION - MILFORD WIND CORRIDOR PHASE II, LLC, WIND ENERGY SYSTEM (MAJOR) - AN AMENDMENT TO CONDITION #16 - REVISING THE DATE WHEN THE CONDITIONAL USE PERMIT WILL EXPIRE FROM AUGUST 1, 2010 TO MARCH 31, 2011

Sheryl Dekker, Planning Administrator, said that Milford Wind received its Conditional Use Permit (CUP) approval in 2008, however, a number of agreements that were attached to the CUP have taken some time to get approved. The actual permit was recorded January 5, 2010 with the idea that Milford Wind would begin construction before August 1, 2010.

Milford Wind has applied for and received its building permit and is now only waiting to sign the power purchase agreement with LA.

The planning commission has given a favorable recommendation.

Commissioner Greathouse made a motion to approve the amendment to Milford Wind Corridor Phase II, LLC conditional use permit #Z-2008-008 from August 1, 2010 to March 31, 2011.

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

POSSIBLE ADOPTION OF RESOLUTION 10-07-20, A RESOLUTION TO ENTER INTO AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN MILLARD COUNTY AND UTAH STATE PARKS AND RECREATION

Commissioner Greathouse made a motion to adopt Resolution 10-07-20, a resolution to enter into an Interlocal Cooperative Agreement between Millard County and Utah State Parks and Recreation.

Commissioner Whatcott stepped from the chair and SECONDED the motion. Clerk Norma Brunson called for a roll call vote. Commissioner Greathouse voted YES. Commissioner Whatcott voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT BETWEEN MILLARD COUNTY AND SPORTSITES

Commissioner Whatcott said that signing a contract with Sportsites will allow people who are signing up for sports programs to pay the necessary fees with a credit card via the internet. It will also make it easier for the recreation departments to create fair and evenly talented teams. The program will charge 3% of the cost of each registration or no more than \$5 per registration.

Attorney Waddingham said that the changes he wanted made to the contract have been made. Commissioner Greathouse stated concerns expressed to him by residents of Millard County as to the cost increase this contract will create.

After discussion the commissioners decided to talk to the recreation department and the coaches to see if the convenience is great enough to warrant the cost increase.

This item was tabled until the August 3, 2010 Commission Meeting.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 10-07-20, AN ORDINANCE TO PLACE A MORATORIUM DEVELOPMENT ON HILLSIDES AND MOUNTAINOUS AREAS FOR SIX MONTHS UNTIL A LAND USE ORDINANCE IS ENACTED TO ADDRESS WATER SOURCES, STREETS, UTILITIES AND OTHER POSSIBLE ISSUES AFFECTING SUCH AREAS

Attorney Waddingham said that after meeting with some of the mayors of the cities and towns it was determined that if property has a 7% grade or higher within one mile of city limits there will be a hold on any type of development on said property until a final land use ordinance is in place. Property will not be subjected to this ordinance if the property owner can show that the development will not create negative impacts to existing or proposed county infrastructures and service systems and will not create cost inefficiencies for public and private infrastructure and services.

The cities showing most concern were Fillmore, Kanosh and Meadow.

Commissioner Greathouse made a motion to adopt Ordinance 10-07-20, an ordinance to place a moratorium development on hillsides and mountainous areas for six months until a land use ordinance is enacted to address water sources, streets, utilities and other possible issues affecting such areas.

Commissioner Whatcott stepped from the chair and SECONDED the motion. Clerk Norma Brunson called for a roll call vote. Commissioner Greathouse voted YES. Commissioner Whatcott voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT - LINDSAY MITCHELL

Lindsay Mitchell presented an ambulance abatement application for Kalin Denev. This application was discussed at a prior meeting where the commissioners requested additional information. Mr. Denev said that he is here on a student visa. He has no family support and not

much income. He claims that his student visa only allows him to work part-time and only on campus where he is attending school. The commission discussed back and forth as to whether the commission felt this application had enough information to qualify for the abatement.

Commissioner Greathouse made a motion to abate 50% of Mr. Denev's ambulance bill and to set up a payment plan to pay off the rest.

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

Ms. Mitchell presented an ambulance abatement for Janice Knight. Ms. Knight was transferred from Delta to Utah Valley. She works part-time since her injuries and does not know when or if she will be able to go back to work full-time.

Commissioner Greathouse made a motion to abate 40% of Ms. Knight's ambulance bill.

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

APPROVAL OF JULY 6, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 6, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Greathouse made a motion to approve the minutes of July 6, 2010 as corrected.

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

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

Commissioner Greathouse said that he was contacted by Brad Moody. He is helping with the high school rodeo in Delta. The rodeo will be held in Hinckley this year due to state changes with the date. He was wondering if he could use the water trucks, the tractor and some panels to get the facilities ready for the rodeo.

The commissioners help get the facilities in Delta ready every year, so they were in favor of helping get the facilities in Hinckley ready this year.

Commissioner Greathouse said that he was contacted by Connie Best from the food bank. She informed him that they are looking for a new location for the food bank because they were given a year's notice to relocate.

Commissioner Greathouse said that Ivan Robins inquired about using some panels for the Round Valley Rodeo. The county provides the panels for this event every year and is in favor of doing it again this year. Commissioner Whatcott said that this event is a good thing. It helps bring money into the community and the county is happy to be able to support such events.

Commissioner Whatcott attended a Six County Association of Government (SCAOG) meeting in Fishlake on July 7, 2010. There was a great motivational speaker at this event. Commissioner Whatcott said that he felt the speaker gave a very good speech and he thought it would be a good speech for all county employees to hear.

Commissioner Whatcott said that he has been working on getting a library established in the ME Bird center.

Commissioner Whatcott said that he has had several meetings with Jer'E Brinkerhoff, Equestrian Promoter, Klint Penney, Maintenance Supervisor, and Tresa Cranney, East Millard Recreation, about the promotion of the Equestrian park.

Commissioner Whatcott said that the commissioners had a meeting with IHC regarding past billings. He said that he feels like they are getting close to a resolution.

Commissioner Whatcott attended the Local Emergency Planning Committee (LEPC). A meeting was had in January regarding making sure the communities are prepared if a natural disaster happens.

Commissioner Whatcott had the opportunity to speak to a youth group at Snow College about patriotism and being a good American. He said that when his speech was finished he received a standing ovation which made him feel pretty good.

OTHER BUSINESS

Sams Roping Brand - Owner Samantha Thomas, presented a business license application for a unique glove design business. The commissioners reviewed the application and found all signatures in order.

Commissioner Greathouse made a motion to approve the business license for Sams Roping Brand - Owner Samantha Thomas.

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

Andersen's Contract Welding and Fabrication - Owner Lynn B. Anderson, presented a business license application for a mobile welding and fabrication business. The commissioners reviewed the application and found all signatures in order.

Commissioner Greathouse made a motion to approve the business license for Andersen's Contract Welding and Fabrication.

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

Kevin Morris, Recreation, and the Commissioners discussed the potential pricing for use of the Equestrian Parks, as well as events that may be held at the equestrian parks in Delta and Fillmore.

A meeting was set up for sometime next week to go over the pricing and policy in regards

to the use of the equestrian parks.

There was discussion about possibly purchasing portable bleachers for outdoor events. This will be discussed further at the August 17 meeting.

PUBLIC INPUT

There was none.

Commissioner Greathouse made a motion to recess for lunch.

Commissioner Whatcott stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:08 p.m..

NOON LUNCH BREAK

Commissioner Greathouse made a motion to reconvene the meeting.

Commissioner Whatcott stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:42 p.m..

AUDITOR'S REPORT

Auditor Grace presented the check edit of June 16, 2010 for the commissioners to review and sign.

Auditor Grace presented an invoice from the University of Utah School on Alcoholism. She also presented two invoices that were submitted by the Rodeo Committee for flowers purchased for two funerals.

Auditor Grace sent an email to the Rodeo Committee informing them of the policy involving sending flowers for funerals. Auditor Grace read both the email she sent and the responding email.

Practice has been that the Clerk's Office is the designated office to order flowers given from the county as a whole for funerals for past and present employees.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

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

Commissioner Whatcott stepped from the chair and 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 Greathouse SECONDED the motion. The voting was unanimous and the motion carried.

After the closed executive session the regular meeting reconvened at 2:45 p.m..

WORK MEETING WITH MAGNUM GAS STORAGE, LLC TO DISCUSS CONDITIONAL USE PERMIT

A work meeting with Magnum Gas Storage, LLC was held to discuss the Conditional Use Permit. *This meeting in its entirety was recorded and is available for review at the Clerk's Office.*

WHERE UPON THE MEETING ADJOURNED

Commissioner Greathouse made a motion to adjourn the meeting.

Commissioner Whatcott stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 4:00 p.m..

Attest: _____

Approved: _____