

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 21st DAY OF SEPTEMBER 2010
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson
Bart A. Whatcott. Commissioner
Craig Greathouse..... Commissioner

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

ALSO PRESENT: Samuel Quigley Magnum Gas Storage, LLC
Tiffany James Magnum Gas Storage, LLC
Craig Broussad..... Magnum Gas Storage, LLC
John Pelczar First Wind
David Carson Citizen
Brandon Bartholomew Citizen
Tony Fuller..... Citizen
Don Fuller Citizen
Brandy Grace County Auditor
Sheri Dearden Chief Deputy Treasurer

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 Greathouse said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

MILFORD WIND CORRIDOR, LLC PROJECT PROGRESS AND CONSTRUCTION

John Pelczar, Construction Manager, reported the following:

- They received all the final paperwork from LAPD.
- They received notice to proceed on September 15.
- They have 75% of the roads finished.
- They have 53 of the 68 sites cleared.
- They have 4 turbine sites completely excavated.
- They should have 6 or 7 turbine sites completed by the end of today.
- They will start pouring mud mats Wednesday, September 22, 2010.
- The first structural pour is scheduled for Wednesday, September 29, 2010.
- They went from 8 employees on the job to 35 employees.
- They are expecting another 30 employees next week.
- They have some local employees but most are rehires from Phase I.
- They will continue to hire local employees.
- Sunrock out of Cedar City will be supplying all the concrete for Phase II.

RATIFY RESOLUTION 10-09-07 A, A RESOLUTION TO ADOPT PROCEDURES FOR ADMINISTRATIVE HEARINGS AND APPEALS BEFORE MILLARD COUNTY BOARDS

Commissioner Whatcott made a motion to ratify Resolution 10-09-07 A, a resolution to adopt procedures for administrative hearings and appeals before Millard County boards.

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

RATIFY THE CHANGES MADE TO THE USGS WEST DESERT WATER STUDY AGREEMENT

Commissioner Greathouse made a motion to ratify the changes made to the USGS West Desert water study agreement.

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

POSSIBLE ADOPTION OF RESOLUTION 10-09-21, A RESOLUTION OF THE MILLARD COUNTY COMMISSION TO AMEND THE STEP AND GRADE SCALE PERTAINING ONLY TO THE MILLARD COUNTY ASSESSOR'S OFFICE

Commissioner Smith said that this resolution includes changes made to the Step and Grade Scale requested by Assessor Manis.

Commissioner Whatcott made a motion to adopt Resolution 10-09-21, a resolution of the Millard County Commission to amend the Step and Grade Scale pertaining only to the Millard County Assessor's office.

Commissioner Greathouse **SECONDED** the motion. Clerk Brunson called for a roll call vote. Commissioner Greathouse voted YES. Commissioner Whatcott voted YES. Commissioner

Smith voted YES. The voting was unanimous and the motion carried.

POSSIBLE ADOPTION OF RESOLUTION 10-09-21 A, A RESOLUTION TO AMEND THE MILLARD COUNTY FACILITY USE POLICY TO INCLUDE EQUESTRIAN RULES AND REGULATION FOR USE OF COUNTY PROPERTY OR BUILDINGS

Commissioner Whatcott explained the provisions of the resolution. There are some language changes that would need to be made before this resolution could be adopted.

Commissioner Greathouse made a motion to table the adoption of Resolution 10-09-21 A until after lunch.

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

Later, Commissioner Whatcott made a motion to adopt Resolution 10-09-21 A, a resolution to amend the Millard County facility use policy to include equestrian rules and regulation for use of county property or buildings. *Need Copy**

REVIEW AND POSSIBLE DECISION FOLLOWING A PUBLIC HEARING HELD AUGUST 3, 2010 AND HAVING RECEIVED A FAVORABLE RECOMMENDATION FROM THE MILLARD COUNTY PLANNING COMMISSION REGARDING A CUP FOR A NATURAL OR MANUFACTURED GAS STORAGE AND DISTRIBUTION FACILITY (MAJOR) (SALT CAVERN NATURAL GAS STORAGE FACILITY) PROPOSED BY MAGNUM GAS STORAGE, LLC - APPLICANT. THE PERMIT IS FOR PROPERTY LOCATED SOUTH AND EAST OF THE IPP POWER PLANT AT THE INTERSECTION OF BRUSH WELLMAN HIGHWAY AND JONES ROAD, APPROXIMATELY 10 MILES NORTH OF DELTA. PERMIT #Z-2010-008.

Commissioner Whatcott said that there are still issues that are needing to be worked out before the commission will approve this Conditional Use Permit (CUP).

REVIEW AND POSSIBLE DECISION FOLLOWING A PUBLIC HEARING HELD AUGUST 3, 2010 AND HAVING RECEIVED A FAVORABLE RECOMMENDATION FROM THE MILLARD COUNTY PLANNING COMMISSION REGARDING A CUP FOR A GAS PIPELINE RIGHT-OF-WAY (MAJOR) PROPOSED BY MAGNUM SOLUTION, LLC - APPLICANT. THE PERMIT IS FOR PROPERTY LOCATED APPROXIMATELY 15 MILES NORTH OF DELTA AND TRAVELING IN A NORTH-EASTERLY DIRECTION EXITING AT THE BOUNDARY OF THE MILLARD-JUAB COUNTY LINE. PERMIT #Z-2010-009

The commissioners and representatives from Magnum Gas Storage, LLC discussed language changes made to CUP #Z-2010-009.

Commissioner Whatcott made a motion to approve CUP #Z-2010-009 with the amended language for a gas pipeline right-of-way (major) proposed by Magnum Solutions, LLC - applicant.

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

DISCUSSION REGARDING KENNEL ORDINANCES

Attorney Waddingham said that he was contacted by a concerned citizen who indicated that her neighbor may not be properly taking care of her many animals. She wondered why the county does not have a kennel ordinance with a limit as to the amount of animals a person can have.

Attorney Waddingham explained that he had a deputy go to the home of the concerned citizen's neighbor to check on her allegations and the deputy reported that everything seemed fine with the animals.

Commissioner Smith said that he talked to some of the mayors at the County of Governments (COG) meeting regarding this issue. Some of the cities and counties have a kennel ordinance but they are not required to have one. He wanted to know if the commissioners wanted to consider a kennel ordinance.

Commissioner Greathouse said that he knows that the cities have a kennel ordinance and that is why people who have animals choose to live in the county.

Commissioner Smith said that some of the discussion before was that the county have a dog catcher or some place where stray animals can be dropped off. Attorney Waddingham said that the county already has an ordinance in place to cover stray animals.

Attorney Waddingham will inform the concerned citizen in Sutherland that the commission discussed this issue and decided not to have a kennel ordinance.

REVIEW OF JANITORIAL CONTRACTS

The commissioners decided that they will redo the janitorial contracts. They will possibly rebid the janitorial contracts for the Delta County building, the County Road Department building, and the Delta Sheriff's Posse building. They will also bid out a new janitorial contract for the cleaning of the Fillmore Sheriff's Posse building.

HIGH RISK RURAL ROADS PROGRAMS PRESENTATION - TRAVIS JENSEN, UDOT

This item was tabled until the next commission meeting.

OTHER BUSINESS

Commissioner Whatcott reported that Tresa Cranney has resigned her position as the East Millard Recreation Director as of October 1, 2010. This position will need to be rebid.

Commissioner Whatcott talked to Klint Penney, East Millard Maintenance Manager,

regarding the part-time position he is wanting for next year. This position will be geared more toward mowing and watering the lawns, working on the sprinkler systems and helping with recreation duties.

Commissioner Whatcott thought about using the back office of the USU Extension as an office for the recreation department to do its paperwork.

Max Wood, West Millard Recreation has a full time secretary who does all the office work related to West Millard Recreation.

Another option would be to have the current Tax Division office used as the recreation office. He also thought about involving the East Millard Pool employees in helping with recreation.

Richard Beckstrand, IT, discussed the MCAT money that was set aside only covers the software. The county is supposed to take care of the hardware and get it set up before December. It is required to have two servers, one for the data and the other for the application. Mr. Beckstrand estimates the cost will be between \$11,000 and \$12,000 to get the servers up and running.

MCAT was supposed to send Mr. Beckstrand more information on the specifications but he has not seen anything yet.

The assessor's office had some money set a side for MCAT but he is not sure if they still have that or not.

Commissioner Smith said that he will check to see if Utah Association of Counties (UAC) might have a balance of money they may have held for the county.

Commissioner Smith followed up later that the county has a balance of about \$9,000 being held by UAC which will be used for setting up the hardware.

Commissioner Smith said that he will also look to see if the county has any money in Fund 22 or the Special Projects fund.

Commissioner Greathouse made a motion to allow Richard Beckstrand, IT, to proceed with the process of getting the servers in place before December 1, 2010.

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

Mr. Beckstrand also presented the Department of Technology Services (DTS) contract which covers the internet at the Sheriff's Office for the commissioners to review and sign.

Commissioner Whatcott made a motion to sign the DTS contract for the internet coverage at the Sheriff's Office.

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

Commissioner Smith received a bill from the US Dept of Agriculture Animal and Plant Health Inspection Service. The contract covers brand inspections for the county in the amount of \$2,544 which is budgeted every year. ***Need Copy****

Commissioner Smith received a letter from the Administrative Office of the Court stating that state statute requires that the County Justice Courts be re-certified by the Utah Judicial Council

every four years. The certification for Millard County Justice Court expires in February. *Need copy**

Attorney Waddingham talked to Mr. Slavens and they both have agreed to postpone the Public hearing that was scheduled for tomorrow.

Commissioner Smith received a letter from the Rural Public Land County Council (RPLCC) and a bill for the services of Mr. Bob Weidner for the next year. This item will be reviewed at the next commission meeting.

PUBLIC INPUT

Anthony and Don Fuller came to discuss their concerns about the surety bond they have with the county on their gravel pit. Anthony Fuller said that he talked to Treasurer Hansen to see how the other gravel pits were handling their bonds. Treasurer Hansen told him that they were the only gravel pit that has a bond with the county.

Mr. Fuller called Sheryl Dekker, County Planner, regarding this and she said that she will look into the reasons why the county requested ADF Holding to have a bond on its gravel pit.

The Fullers are now requesting that the bond be waived and that the commission authorize Treasurer Hansen to release the money held for the bond. The commissioners said that they will research this further and get back to the Fullers.

Commissioner Whatcott made a motion to recess for lunch.

Commissioner Greathouse SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:15 p.m..

NOON LUNCH BREAK

Commissioner Greathouse made a motion to reconvene the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:46 p.m..

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

Commissioner Whatcott attended a Six County Legislative board meeting in Circleville, Utah. He visited a dairy operation and discussed issues that the dairymen are being faced with. Congressman Matheson talked on legislative issues. Other State Representatives spoke at the meeting as well.

Commissioner Whatcott attended the Annual Health Symposium at Snowbird, Utah. Many issues were discussed regarding promoting better public health and increased awareness on what tobacco companies are trying to do to draw young people towards tobacco products. Other topics discussed were; H1N1 issues, Health Care Reform and the image of public health in the

communities.

Commissioner Whatcott attended a Maintenance/Recreation meeting with Klint Penney, Tresa Cranny and Jer-E Brinkerhoff. They talked about scheduled events, items needing repair and future events. There will be a bull riding event held at the outdoor arena on September 25, 2010.

He also attended the Fall Utah State Associations of Commissioners and Councils (USACC) Conference at Midway September 15,16, and 17. Subjects discussed were: homeless/displaced persons, statewide arts proposal, financing strategies, jail funding, TRCC and Transient Room Tax (TRT) issues, legislative issues, innovative county ideas, public lands issues, and personnel performance issues.

Commissioner Whatcott met with personnel from Congressman's Chaffetz Office - Dell Smith and Wade Garrett - regarding the managed burning of the forest in Beaver County and the losses to ranchers and the public.

Congressman Chaffetz has made a personal visit to the fire and is aware of the issues facing the public and the forest service. The congressman's office has expressed to Commissioner Whatcott that they welcome phone calls regarding the Twitchell Fire. They would like information regarding losses and what might be the benefits of the fire.

Commissioner Greathouse reported that he also went to the Fall USACC Conference. He also met with Kevin Morris who gave him information on the Good Sams Club. He thought that they did an extremely good job. They gave prizes away by drawing out names which were put in a pot. The event was packed and they want to do it again next year.

Commissioner Greathouse went on a bus tour that visited several surrounding businesses including Brush Welman Resources, IPSA and the Nye Dairy.

John Finlinson gave a great presentation on Intermountain Power's capabilities and the assets it provides to the community. Magnum Gas Storage gave an over view as well.

There were about 41 people in attendance including everyone from the natural resource director, representatives from congress, the new director of BLM, and members from the Forest Service, Delta City, and Planning and Zoning.

There was a dinner provided later that evening. This event was sponsored by Magnum Gas Storage, LLC and Delta City.

Commissioner Greathouse felt that this was a good informational trip.

Commissioner Smith reported he attended the following meetings: County Road Department Safety Meeting on September 13, the USACC conference along with Commissioners Whatcott and Greathouse on September 15, 16, and 17, a mental health meeting and a Utah Associations of Counties (UAC) board meeting on September 15.

APPROVAL OF SEPTEMBER 7, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 7, 2010

were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of September 7, 2010 as corrected.

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

AUDITOR'S REPORT

Auditor Grace presented the check edit of September 17, 2010 for the commissioners to review and sign.

Auditor Grace wanted to remind all department heads and elected officials that the Purchasing Policy indicates that purchases over \$5,000 require three telephone bids which should be submitted with the invoice. Auditor Grace is not receiving the telephone bids with the invoices like policy requires.

The Department of Task Force purchased a trailer from Jorgensens, the cost was more than \$5,000 but no telephone bids were submitted. Commissioner Whatcott will inform the department that they will have to obtain three telephone bids and submit them to the Auditor's office before the check will be released.

Auditor Grace presented a contract for Rocky Mountain Power sent over from Kevin Morris. Commissioner Greathouse explained that they are wanting to put three more transformer stations around the Delta fairgrounds to increase the power hookups for trailers and stalls. The charge will be the greater of the monthly schedule billing or \$127.19 plus 80% of the monthly schedule billing with \$612 due up front.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented an abatement application submitted by Nicole Huntsman. Her only income is the child support she receives.

The commissioners decided to send a letter to Ms. Huntsman requesting more information.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

Auditor Grace received the 2010 charity plans from IHC for the Fillmore and Delta Hospitals and are available for review in her office.

TREASURER'S REPORT

Sheri Dearden, Chief Deputy Treasurer, reported that they received a letter from Darla Haws who is currently four years delinquent on her property taxes. She is wanting to know what she can do to keep the property off the tax sale. Ms. Dearden told her to submit a letter stating what she would be able to do to bring the property current. The letter states that she could pay \$3000 down

and \$200 a month until it is paid off. The total amount owed including estimated 2010 taxes and penalties and interest is \$7,066.62.

Commissioner Whatcott made a motion to set Ms. Haws up on a payment plan of \$3000 down and \$225 a month until she is current. If she pays the remaining balance off before the 2011 taxes are due the commission will waive the penalties and interest.

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

OTHER

Commissioner Whatcott said that he has talked around to the residents of the county regarding the use of portable bleachers. He has received a lot of good feedback from the people wanting the county to purchase the bleachers.

Commissioner Smith reported that he missed a joint highway committee today due to the commission meeting.

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

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

After the closed executive session the regular meeting reconvened at 3:00 p.m..

The commission discussed items that were tabled until after lunch. These items included the possible adoption of Resolution 10-09-21 A and the review of janitorial contracts.

WHERE UPON THE MEETING ADJOURNED

Commissioner Greathouse made a motion to adjourn the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the meeting adjourned at 3:12 p.m..

Attest: _____

Approved: _____