

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 19th DAY OF OCTOBER 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: Klint Penney East Millard Maintenance
Cindy Gubler UNEV
Trevor Townsend UNEV
Robert Dekker County Sheriff
Wade Garrett Congressman Chaffetz's Office
Dell Smith Congressman Chaffetz's Office

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

MILFORD WIND CORRIDOR, LLC PROJECT PROGRESS AND CONSTRUCTION

This item was tabled.

UNEV CONSTRUCTION UPDATE

Cindy Gubler reported the following:

- Everything is going good.
- The crews in Millard County are still on hold waiting for the back end construction crew to catch up. Its looking like it will be about a week to 10 days before they will be moving on.
- They have a grasp on dust control.
- Not having the distance between the construction crews and using magnesium chloride has been helping control the dust.
- Next spring they will be back out to reseed and put up signs.
- All land owners have been notified.
- They want to keep a good relationship with the neighbors.
- When they are moving in to Millard County they will inform the commission.
- They are working with BLM on the vegetation as part of the EIS plan.
- They have not cleared any more right of way.
- They will be notifying the land owners by phone when they are going to start on their land.
- They will be doing dust control all the way through the alignment.

RATIFY THE OPENING OF THE ENERGY EFFICIENCY CONSERVATION BLOCK GRANT (EECBG) BIDS FOR HEAT PUMPS AND ELECTRICAL

Commissioner Whatcott made a motion to ratify the opening of the EECBG bids for heat pumps and electrical.

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

POSSIBLE APPROVAL OF A BUSINESS LICENCE FOR HENRIES LASER LEVELING - OWNER SCOTT HENRIE

Commissioner Greathouse made a motion to approve the business license for Henries Laser Leveling - owner Scott Henrie.

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

POSSIBLE ADOPTION OF RESOLUTION 10-10-19, A RESOLUTION REQUESTING THE RECERTIFICATION OF THE EAST MILLARD JUSTICE COURT

Commissioner Whatcott made a motion to adopt Resolution 10-10-19, a resolution requesting the recertification of the East Millard Justice Court.

Commissioner Greathouse SECONDED the motion. Deputy Clerk Marki Rowley 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.

POSSIBLE ADOPTION OF RESOLUTION 10-10-19 A, A RESOLUTION REQUESTING THE

RECERTIFICATION OF THE WEST MILLARD JUSTICE COURT

Commissioner Greathouse made a motion to adopt Resolution 10-10-19 A, a resolution requesting the recertification of the West Millard Justice Court.

Commissioner Whatcott SECONDED the motion. Deputy Clerk Marki Rowley 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.

Attorney Waddingham submitted an opinion letter on behalf of the commission to go along with resolutions 10-10-19 and 10-10-19 A.

REPORT OF THE ACCEPTANCE FOR THE EECEBG GRANT BID - KLINT PENNEY

Klint Penney, East Millard Maintenance, reported that the following bids were accepted: Enterprise Electric for the electrical and Anderson Heating & AC for the heat pumps.

Mr. Penney said that they had enough money left over to extend both contracts so they can use the full \$126,793.00. They will replace heat pumps and/or lighting in the Old Courthouse on Main Street, the Senior Citizen building and the Public Safety building.

Jim Levy emailed Mr. Penney the release to work document giving the go ahead to start work. The contractors will submit their invoices to the county and the county will be reimbursed by the EECEBG. **need copy of bids**

POSSIBLE APPROVAL OF THE UNDERGROUND RIGHT-OF-WAY EASEMENT

These easements will be located at the Millard County Fairgrounds in Delta, Utah.

Commissioner Greathouse made a motion to approve the underground right-of-way easement with Rocky Mountain Power.

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

Also presented was an invoice submitted by Jim Edwards Surveying in the amount of \$550 for the survey of the easement.

Commissioner Greathouse made a motion to approve the payment of \$550 to Jim Edwards Surveying for the underground right-of-way easement survey.

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

PROPOSAL FOR THE FOLLOWING JANITORIAL CONTRACTS TO GO OUT FOR BID: FILLMORE AND DELTA SHERIFF'S POSSE BUILDING, THE DELTA COUNTY BUILDING AND THE COUNTY ROAD DEPARTMENT

Commissioner Smith said that a written contract will be prepared for all current janitorial bid contracts. The janitorial contracts will be rebid the end of October 2011 to start on January 1, 2012 and will be re-bid every two years thereafter.

The bids for janitorial services for the Sheriff's Posse building in Fillmore will be sent out as soon as possible. All bids will need to be sent to the auditor's office.

POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT

This item was tabled.

OTHER BUSINESS

Commissioner Whatcott said that they are looking into finalizing the agreement between Millard County and Coca Cola. Coca Cola contributed \$4700 towards the new score clocks at the little league fields. The county paid for the clocks out of the East Millard capital reserve fund and just needs to be reimbursed. Coca Cola will contribute \$4700, Duanes Food Town contributed \$2,300, and the Army Guard contributed \$2000 leaving a balance of around \$200 or \$300 which they will ask the school to contribute.

This contract should be ready to be ratified at the November 2, 2010 meeting.

Commissioner Smith said that he serves as the chairman of the Central Utah Counseling Center. It is customary that the county attorney review all of the contracts, so Commissioner Smith gave Attorney Waddingham a contract to review.

Sheriff Dekker said that Morris Burton was promoted as Lieutenant. If he is promoted due to the step and grade scale he will not receive an increase in pay to justify his promotion. Sheriff Dekker is requesting an increase of an additional step to help justify the promotion. This will comply with the 4% increase according to the hours Mr. Burton works.

Sheriff Dekker is in the process of purchasing vehicles. He has a few bids and he always tries to go with the best bid.

The commissioners discussed with Sheriff Dekker using the vehicles that he is wanting to replace.

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

Commissioner Greathouse attended the Meet your Candidates Night. It was put together by the Fillmore Chamber for Fillmore and the Farm Bureau for Delta. Commissioner Greathouse said that they did a very good job and it was very well attended.

On October 6, 2010, Commissioner Whatcott met with the Fillmore City Mayor Eugene Larsen, followed up with Delta City Mayor Gayle Bunker, Mark Huntsman Millard School Board representative and representatives from EDC Utah. They discussed attracting new businesses to the

Millard County area. They visited several sites in the Fillmore area. The Delta Mayor presented some sites that are available in the Delta area.

Commissioner Whatcott reported that the Commission attended the BOE on October 7 & 8.

Commissioner Whatcott is on the Fillmore Economic Development Committee. He attended a meeting where they discussed future events and events done in the past.

Commissioner Whatcott attended a Constitutional Defense Council meeting at Capital Hill on October 12. They talked about four issues, one being the ever looming White Tail Prairie Dog that seems to be stopping progress of Economic Development in the Iron County area.

They also discussed how the Army Corps of Engineers want to control who can put a covert or a bridge over a small wash. Commissioner Whatcott felt like this was a very good meeting.

Commissioner Whatcott attended the Meet Your Candidate Night both in Fillmore and Delta.

Commissioner Whatcott attended the budget hearings along with the other commissioners on October 15.

Commissioner Whatcott also attended the Bureau of Land Management open house. He took a tour of the new building and got to cut the ribbon during the ribbon cutting ceremony.

Commissioner Smith reported that on October 6, he attended a meeting with Milford Wind Farm along with Treasurer John Hansen, Auditor Brandy Grace and the State Tax Commission. They talked about Phase II and a little bit about Milford Wind Farm's value.

They are working on setting up another meeting through Shelly Teuscher to meet with the State Tax Commission to try and agree on at least the philosophy to valuing the wind farm and possibly entering into an agreement on its value.

Commissioner Smith also attended the BOE and budgeting meetings as well as the Meet Your Candidate Night.

APPROVAL OF OCTOBER 5, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held , October 5, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Greathouse made a motion to approve the minutes of October 5, 2010 as corrected.

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

Commissioner Greathouse reported as a follow up to the October 5, minutes that he attended the Planning and Zoning Commission meeting on October 6, 2010. He said that Wasatch Wind out of Proximity came and discussed putting a tower out by Garrison.

The Planning and Zoning Commission was not able to make a decision whether or not to

release the surety cash bond put up by the Fullers but will discuss it further at the next meeting.

Another issue was a request for a subdivision to be placed out by Hinckley, Utah but there is not a road going into the subdivision so the request was denied.

PUBLIC INPUT

Wade Garrett and Dell Smith from Congressman Chaffetz's office came to discuss the fire issues and a few other issues with the commission.

POSSIBLE ADOPTION OF THE 2011 MILLARD COUNTY TENTATIVE BUDGET

Auditor Grace presented the tentative budget for 2011 for the commission to review. She said that the tentative budget is available for review in both the auditor's office and the county office in Delta but the budget is not balanced due to a lot of work still needing to be done.

Commissioner Whatcott made a motion to adopt the 2011 Millard County Tentative Budget.

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

AUDITOR'S REPORT

Auditor Grace presented the commissioners with the commission credit card statements for each commissioner to approve his own.

She presented a letter received by Nickle Mortuary for William Ince. In reviewing the policy for indigent burials, the policy indicates that there should be an application made by a designated representative. The letter indicates that Karen Pace is the designated representative for Mr. Ince.

No money will be released until a death certificate is received.

Commissioner Greathouse made a motion to approve the indigent burial for William Ince based on the current policy.

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

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a hardship abatement application from Terri Hoover serial # F-38.

Commissioner Whatcott made a motion based on income to abate 45% of Terri Hoover's property taxes.

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

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

Commissioner Greathouse made a motion to enter into a BOE.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 11:54 a.m..

Auditor Grace presented a list of all action taken during BOE which will be on file at the clerk's office.

Commissioner Smith called for a vote on the changes presented by Auditor Grace.

Commission Greathouse made a motion to close the BOE.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended at 11:56 a.m..

TREASURER'S REPORT

There was none.

OTHER

Commissioner Greathouse said that Millard Care and Rehabilitation is replacing one of its board members. They have come up with two potential replacements. Commissioner Greathouse contacted one of those potential replacements and she was unable to fill the position so he is going to contact the other potential replacement.

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

There was none.

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 12:02 p.m..

Attest: _____

Approved: _____