

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th DAY OF NOVEMBER 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: John Pelczar First Wind
Jim Withers County Commissioner Elect
Cheryl Searle State of Utah
Sheryl Dekker County Planner
Wayne Jackson Millard Care and Rehabilitation
Johnnie Miller UCIP
Jane Beckwith Topaz Museum
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 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.

Commissioner Smith said that Mark Brady from UCIP will be coming in for a discussion under the “other business” portion of the agenda.

MILFORD WIND CORRIDOR, LLC PROJECT PROGRESS AND CONSTRUCTION

John Pelczar, Construction Manager, reported the following:

- All 68 turbine foundations are complete. The last three turbine foundations will be backfilled this week.
- They have about 75% of the underground collection system in.
- They started receiving deliveries of turbine components last week.
- They have two tower sections in.
- They are expecting to receive a full train of supplies into Milford on Thursday.
- They will start receiving two or three truck loads of supplies a day starting Friday.
- The next train load will be here in three weeks.
- They are planning on having the first 12 turbines up and ready for commissioning on January 15, 2011.
- They will be working on the sub-stations through Thanksgiving weekend to get it tied into the phase II work.
- County Inspector Darryl Owens told Commissioner Smith that everything is going really good and they are getting it all completed.
- They will make sure that Mr. Owens will have all the necessary paperwork.
- Sunrock is doing an onsite batch plant for this project.
- There will be an open house Wednesday, November 17, 2010 from 11:00 a.m. to 1:00 p.m. at the control building.
- Developers are working with land owners for Phase III. The development plan has been turned into BLM for its review. The environmental assessment has been completed or is in the process of being completed. Realistically, construction for Phase III will be started in 2012.

RATIFY THE DECISION TO PURCHASE THE LEASED TRACTOR FOR THE MAINTENANCE DEPARTMENT

Commissioner Greathouse reminded the other commissioners the terms and the decision for purchasing the tractor vs. renewing the lease. The maintenance department does not have enough funds in its budget, so the budget will have to be opened to allow for the purchase of the tractor.

Commissioner Greathouse made a motion to ratify the decision to purchase the tractor for the maintenance department in the amount of \$36,000.

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

POSSIBLE APPOINTMENT OF A NEW BOARD MEMBER TO THE BOARD OF MILLARD COUNTY CARE AND REHABILITATION (MCC&R)

Commissioner Greathouse said that he was given two names from the MCC&R board and each were unable to serve. He then contacted Joanne Campbell who agreed to serve on the board.

She will be replacing Natalie Bennet.

Commissioner Greathouse made a motion to appoint Joanne Campbell as a MCC&R board member.

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

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR CALLISTER ELECTRIC - OWNER STEVE CALLISTER

Commissioner Whatcott made a motion to approve the business license for Callister Electric - Owner Steve Callister.

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

OPENING OF THE JANITORIAL BIDS FOR THE FILLMORE SHERIFF'S POSSE BUILDING

Commissioner Greathouse made a motion to table the opening of the janitorial bids for the Fillmore Sheriff's Posse Building until December 7, 2010.

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

REVIEW OF THE COMMUNITY IMPACT BOARD (CIB) LIST - SIX COUNTY EMERY POLELONEMA

Emery Polelonema from Six County AOG said that he met with some of the mayors to discuss their priority list for CIB. Not all the mayors responded as to what they wanted on the list. Mr. Polelonema and the commissioners discussed the priorities of the county as a whole and what they feel needs to stay on or be added to the list.

The final CIB list is due December 1, 2010. The applications for the short term list are due February 1, 2011.

Commissioner Whatcott made a motion to approve the short, mediate and long term list for the CIB for the funding of projects.

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

RENEWAL OF THE LEASE FOR THE AP&P OFFICE SPACE - CHERYL SEARLE

Cheryl Searle from AP&P said that they have had a lease with Millard County for several years. She said that they appreciate the commissioners following up with and taking care of the renovations that was requested for the office space. They are only remodeling the space, not extending it.

The lease expired in December of 2009 and they have been paying month to month since it

expired. They are now looking at renewing the lease for another five years starting December 1, 2010 and expiring November 30, 2015.

She said that she will add to the contract that AP&P will pay for the materials of the renovations to the office space with the first months rent.

She asked if the rate of the lease will be increased or if it will remain the same. The commissioners could not see any reason to increase the rent amount due to the renovations, but wanted to look into the cost of the utilities used by the AP&P offices to make sure the rent amount is fair for both parties.

Commissioner Greathouse made a motion to table the renewal of the lease with AP&P for office space until December 21, 2010.

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

OPENING OF THE BIDS FOR THE ADULT PROBATION AND PAROLE (AP&P) OFFICE SPACE REMODEL

Auditor Grace wanted to clarify the process of advertising bids and the deadline for submitting those bids. The notice of bid requests for publication needs to contain certain language. All bid requests need to go through the Auditor's Office and approved by Attorney Waddingham before being published.

Attorney Waddingham read the purchasing policy regarding bids. It was decided to table this item until the December 7, 2010 meeting.

Commissioner Whatcott made a motion to table the opening of the bids for the AP&P office space remodel until December 7, 2010.

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

UNEV PROGRESS AND CONSTRUCTION UPDATE

This item was tabled.

POSSIBLE ADOPTION OF RESOLUTION 10-11-16, A RESOLUTION OF APPOINTMENT OF A MILLARD COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INSURANCE POOL (UCIP) ANNUAL MEMBERSHIP MEETING

Commissioner Smith said that last year he was appointed as the Millard County representative for UCIP and Attorney Waddingham was the alternate. Attending the UCIP annual business meeting gives the representative and alternate the right to vote on the board of directors and any bylaw changes in that organization in which Millard County is a member. Commissioner Smith would be willing to serve on the board again.

Commissioner Whatcott made a motion to adopt Resolution 10-11-16, a resolution of appointment of Daron P. Smith as a Millard County representative and Richard Waddingham as an alternate representative for the UCIP annual membership meeting.

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.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED AMENDMENT TO THE MILLARD COUNTY GENERAL PLAN UTILITIES ELEMENT AND MAJOR UTILITIES CORRIDOR OFFICIAL MAP

Commissioner Greathouse made a motion to enter into a public hearing for the purpose of receiving public comment on proposed amendment to the Millard County General Plan Utilities Element and Major Utilities Corridor official map.

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

Present were: Bruce Parker, Sheryl Dekker, Jim Withers, Brandy Grace, Wayne Jackson and Johnnie Miller.

Commissioner Smith called the public hearing to order at 11:17 a.m..

Bruce Parker, County Planning Consultant, said that the commission has visited this item a couple times before to make sure that there is a good policy in place to guide and direct good decision making within the general plan.

This item was considered fairly extensively by the Planning Commission this year and they have given a favorable recommendation.

Mr. Parker, Sheryl Dekker, County Planner, and the Commissioners went through the provisions of the CUP.

There were no other comments made.

Commissioner Whatcott made a motion to go out of the public hearing.

Commissioner Greathouse SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at 11:35 a.m..

The regular meeting reconvened.

The plan of action is for Bruce Parker to prepare a clean ordinance that would be ready for adoption at the next commission meeting.

OTHER BUSINESS

Commissioner Smith received a notice from Delta City that they will hold a public hearing on Thursday, December 2, 2010 in order to receive public comment on proposing vacating 50 E street between 400 S and 450 S streets in Delta.

Norma Brunson presented the commission dates for 2011 for the commission to consider.

The Commissioners discussed the roads that could use the funding from the Rural Roads program presented at a previous meeting by UDOT, including safety signs, warning signs, hazard signs and lack of street signs on county roads.

Commissioner Greathouse wanted to know how the signing of the janitorial contracts are coming. Attorney Waddingham said that he will bring those for the next commission meeting.

Attorney Waddingham said that in 1985 a developer in Oak City gave a trust deed to the county for the purpose of securing the installation of certain improvements on property. This developer has made improvements on the property and requests that the property under the trust deed be reconveyed to him. Commissioner Smith and Clerk Brunson will need to sign a request for reconveyance in front of a notary public for the release of the trust deed.

Attorney Waddingham double checked the purchasing policy which specifically names the auditor as the county's purchasing agent. The auditor is responsible to put together the bids with the proper language as well as publishing them in a timely manner. All requests for bids are to be submitted by the auditor. Commissioner Smith will send out a memo informing all the departments and offices of this policy.

Commissioner Greathouse asked County Planner Sheryl Dekker what the outcome was with the Fullers and releasing their cash bond. Ms. Dekker said that the Planning Commission approved holding \$8,000 of the \$35,000 and releasing \$27,000 of the cash bond to the Fullers.

Attorney Waddingham said that he has left several messages with Mr. Christensen regarding the Coca Cola contract which was approved at a previous meeting subject to certain provisions being revised. Attorney Waddingham will revise the contract and have the commissioners sign it.

PUBLIC INPUT

Wayne Jackson thanked the commissioners for allowing the jail crew to help with the maintenance at the American Legion Building. They were able to get a lot accomplished thanks to the hard work of the jail work crew.

Commissioner Greathouse made a motion to recess for lunch.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting recessed at 11:53 p.m..

NOON LUNCH BREAK

Commissioner Whatcott made a motion to reconvene the meeting.

Commissioner Greathouse **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting reconvened at 2:00 p.m..

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

Norma Brunson reported that she attended the UAC conference meeting in St. George and thought that Commissioner Smith done a very good job as the president conducting the meeting.

Commissioner Whatcott reported that he attended the Six County Association of Governments (SCAOG) meeting held in Richfield, Utah.

Commissioner Whatcott met with interested contractors to submit bids to remodel the AP&P offices in the public safety building.

Commissioner Whatcott attended the Farm Service Agency meeting in Fillmore.

Commissioner Whatcott attended the Utah Association of Counties conference held in St. George on November 10, 11, and 12.

Commissioner Greathouse had nothing to report.

Attorney Waddingham reported that he went to the UAC conference.

Attorney Waddingham said that he and Bruce Parker drafted new language for the CUP regarding the groundwater provision.

Commissioner Smith attended the UAC conference last week along with the other county officials. One of the major points discussed in the meetings regarding public land issues were comments needing to be submitted regarding the governor's energy proposal which is the governor's ten year energy plan for the State of Utah.

On behalf of the association they wrote a letter to the governor asking that different language be put in that proposal.

The focus of the plan was centered around renewable energy and left out any comment or discussion on traditional energy sources. In the letter they added language that would support Utah's coal industry and expressed that they were more supportive of the resources that are currently being used.

Commissioner Elect Jim Withers also attended the UAC conference and will be attending the new commissioner training at the end of the week.

APPROVAL OF NOVEMBER 2, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 2, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Greathouse made a motion to approve the minutes of November 2, 2010 as corrected.

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

CANVASS NOVEMBER 2, 2010 GENERAL ELECTION

The Commissioners conducted the canvass for the November 2, 2010 General Election. Commissioner Smith complimented the clerk's office on the quality and the way the election was conducted.

AUDITOR'S REPORT

Auditor Grace presented the check edit of November 15, 2010 for the commissioners to review and sign.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a hardship abatement application received from Elgene Rowley HD-4485-2. This property has been reviewed every year because Ms. Rowley's brother owns 20% of the property. Typically the commission abates 50% of the 80% of the property owned by Mrs. Rowley.

Commissioner Whatcott made a motion to abate 50% of 80% of Elgene Rowley'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 said that he was contacted by Ferrel Hatch who inquired about the commissioner's decision regarding his and his father's property taxes. A letter will be sent to Mr. Hatch explaining the commission's decision.

TREASURER'S REPORT

Treasurer Hansen said that Lloyd Jacoby came in last week and paid some of his delinquent property taxes. At a previous meeting the commission made an agreement with Mr. Jacoby to pay off his delinquent property taxes before 2010 property taxes come due and they would waive all penalties and interest. Since Mr. Jacoby was unable to pay off the entire balance of the delinquent property taxes he wanted to know if the commission would still honor this agreement.

Commissioner Whatcott made a motion to allow Mr. Jacoby to pay the balance of his delinquent property taxes before December 30, 2010 and penalties and interest will be waived.

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

Treasurer Hansen won a prize from Utah County at the UAC conference which he gave to the commissioners since Utah County submitted the gift. Commissioner Whatcott said that he feels that Treasurer Hansen won the gift, therefore he should be able to keep the gift. The other

commissioners agreed and gave the gift back to Treasurer Hansen.

OTHER

Johnnie Miller from UCIP went over the Risk Performance Review and UCIP updates with the commissioners. *This discussion in its entirety was recorded and is on file at the clerk's office for review.*

Commissioner Smith said that since one of the Justice Court Judges was not retained the commission decided to dissolve the East or West Millard Justice Court and combine them as one Millard County Justice Court. Court will still be held in both Delta and Fillmore but would only have one judge. The current West Millard Justice Court Judge has been covering both Fillmore and Delta courts as well as Fillmore City court.

There is a process to dissolve the courts. Attorney Waddingham said that he would have to talk to the Judicial Council before this can be done. Attorney Waddingham read the legalities of dissolving a justice court.

Treasurer Hansen commented that he receives District Court's bail money which is deposited and released. His office never sees the bail money for Justice Court. He wanted to make sure that he is not responsible for the bail money if he never receives it. Attorney Waddingham read the statutes and said that he will look closer at this and get back to Treasurer Hansen.

Jane Beckwith said that a few years ago the Great Basin Museum and Topaz Museum bought property on Delta's main street with funds received from the county. It took so long for Topaz to buy the property they had to give the money back to the county because they did not use it within that year. She is asking the county to give the museum back the money if it still available.

The Commission said that they will go through the budget for next year to see if they are able to appropriate money for the museums.

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 3:58 p.m..

Attest: _____

Approved: _____