

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 15th DAY OF MARCH 2011
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bart A. Whatcott. Chairperson
Daron P. Smith. Commissioner
James I. Withers. Commissioner

Norma Brunson County Clerk
Marki Rowley. Deputy County Clerk

ALSO PRESENT: John Pelczar. First Wind
Mike Hadley Utah Division of Wildlife
Terri Cummings East Millard Pool
Kary and Susan Kesler. Citizens
Jackie Rhinehart Fillmore Community Medical Center
Jim Beckstrand Intermountain Health Care
Chris Thompson Intermountain Health Care
Mani Grewal Citizen
John Dennis Holden Town
Carl Camp Territorial Stat House
Trent Wilde USU Extension
Connie Hansen County Recorder
Brandy Grace County Auditor
John Hansen County Treasurer
Jim Wheeling US Forest Service

EXCUSED: Richard Waddingham County Attorney

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 Whatcott to the public and Commission members.

OPENING STATEMENTS

Commissioner Whatcott asked if anyone had an opening statement to give. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

MILFORD WIND CONSTRUCTION AND PROGRESS UPDATE

John Pelczar reported the following:

- There are 44 of 67 turbines completely up.
- There are 15 turbines completed and producing electricity.
- They are still having a struggle with the delivery of components.
- The target for being totally commercial is the end of April.
- They are struggling a little with the three year old turbines.
- All in all the job is going quite well.
- The official COD date is May 15. They plan on beating that date by at least a couple of weeks.
- The substation is complete.
- 4 out of 6 circuits have been energized to the point of bringing in dollars.
- Wind has been great for production. The month of February topped 103% production.
- They are pushing to start on Phase III the first part of August or September depending on IPA, Los Angeles and tying up loose ends with BLM and property owners. There are several more property owners involved with Phase III then there were in Phase I and Phase II.

POSSIBLE APPOINTMENT OF A WEED BOARD MEMBER

This item was tabled.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR SISTERS' SPECIAL EVENT CATERING AND CONSULTATION - OWNER JACKIE NIELSON

A business license application was presented for Sisters' Special Event Catering and Consultation. After review of the business license application and finding all the signatures in order, Commissioner Smith made a motion to approve the business license for Sisters' Special Event Catering and Consultation.

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

POSSIBLE ADOPTION OF RESOLUTION 11-03-15, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH APPOINTING PRO TEMPORE JUDGES FOR MILLARD COUNTY JUSTICE COURT

Commissioner Smith said that this resolution allows the commission chair to appoint pro tempore justice court judges who are certified, and could fill in if the county was ever in a situation

to contract for a short period. The commission chair would officially appoint the pro tempore judges and the rest of the legislative body would ratify the appointment.

Commissioner Smith made a motion to adopt Resolution 11-03-15, a resolution of the Board of County Commissioners of Millard County, Utah for appointment of pro tempore judges for Millard County Justice Court.

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

POSSIBLE ADOPTION OF ORDINANCE 11-03-15, AN ORDINANCE OF MILLARD COUNTY, UTAH, AMENDING TITLE 9, CHAPTER 1 OF THE MILLARD COUNTY CODE ENTITLED "BUILDING CODES" BY AMENDING SECTION 9-1-1 ENTITLED "CODES ADOPTED" AND SECTION 9-1-2 ENTITLED "COPIES ON FILE".

Commissioner Withers made a motion to table the possible adoption of Ordinance 11-03-15, an ordinance of Millard County, Utah, amending Title 9, Chapter 1 of the Millard County Code entitled "Building Codes" by amending Section 9-1-1 entitled "Codes Adopted" and Section 9-1-2 entitled "Copies on File".

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

DISCUSSION AND PROPOSAL REGARDING NATIVE CUTTHROAT TROUT - MIKE HADLEY, DIVISION OF WILDLIFE RESOURCES (DWR)

Mike Hadley, DWR, introduced Jim Wheeling who is representing the Fish Lake National Forest. Mr. Hadley said that this proposal is to introduce the Native Bonneville Cutthroat Trout to the North Fork Corn Creek. This is a joint project between the DWR and the US Forest Service, and is part of the overall conservation effort to conserve Bonneville Cutthroat Trout and expand its population to avoid listing it under the endangered species act.

Doing these types of projects has helped to keep the Native Bonneville Cutthroat Trout from being placed on that list. The cutthroat trout has been petitioned to be listed as endangered species twice in the last decade and each time it was found that it was not necessary because of the efforts made to reestablish the fish.

The North Fork Corn Creek specifically is a great location to expand the Native Bonneville Cutthroat Trout because it currently does not have any fish throughout most of the creek and the creek has adequate habitat for trout.

There is another remnant population in Poll Creek but it is a very small population and is under more of a threat to disappear. They are wanting to duplicate the only pure cutthroat incase anything were to ever happen at that site.

Introducing this trout to the stream would not change any management action and land management activities in that drainage. They make recommendations to the Forest Service with the intent to reduce impacts to that stream and any trout habitat in the stream.

State policy is that they spread the remnant population over three places. The plan is to use Poll Creek, Fish Creek, Salina Creek and Shingle Creek. This will help to spread these fish out.

DISCUSSION REGARDING RECREATION ISSUES - TERRI CUMMINGS

Terri Cummings, East Millard Swimming Pool, said that she is going to be doing a lifeguard class soon. She charges \$95.00 for the class and Delta charges \$120.00 for the class. She has never raised the price of the class because it was pretty well set. She teaches the class herself and Delta has to bring someone in to teach the class. She is guessing that is why they charge more. The cost of the book is \$45.00 and the remaining \$50.00 goes to the county.

People from Salina and Nephi come to Fillmore to take the class. They are required to buy their own books and pay the county \$50.00.

It was decided that the East Millard Swimming Pool raise its price of the class to \$120.00 to be the same as Delta.

Ms. Cummings also asked the commission where they were at with the step and grade scale. She said that she has an employee who is really frustrated. He is a great employee and she does not want to lose him. He teaches lifeguard classes, swimming lessons and is CPO certified. It is a requirement to have at least one employee who is CPO certified at the pool at all times.

The Commissioners are getting close with the step and grade revisions. They just need to go over a few more things. They plan to have a work session soon.

UNEV CONSTRUCTION AND PROGRESS UPDATE

This item was tabled.

DISCUSSION REGARDING IHC ISSUES - JIM BECKSTRAND

Jim Beckstrand, Intermountain Healthcare (IHC), presented an invoice to the commission which shows the outstanding balance owed by Millard County to IHC. He said that the commission has received this invoice before. Mr. Beckstrand introduced Chris Thompson, Chief Financial Officer, and Jackie Rhinehart, Fillmore Community Medical Center.

Mr. Beckstrand said that IHC was engaged with Millard County in a management agreement for long term care until February 29, 2008, specifically managing the care center in Delta, Utah.

The county entered into a management agreement with Traditions Healthcare. IHC had been a partner with Millard County for many years and was very supportive with Millard County's decision to contract with Traditions Healthcare.

IHC continued to manage the accounts until the billing that they had billed out was complete. They held those funds in a fund balance and invoices were presented from IHC every month to the commission for payments of either party owing any money.

Mr. Thompson presented a schedule for the county fund starting in 2002 by month and goes to December 2009 which is where they are at now with the agreement.

In 2008 there were still accounts receivable and expenses that were still coming in. Millard

County and IHC made an agreement that IHC would continue with the management agreement until all the collections and expenses were taken care of. IHC would forward funds to Millard County as those collections came in. A payment of \$75,000 was made to Millard County in April 2008 and another payment of \$80,000 was made to Millard County in July 2008.

Mr. Thompson explained that at the bottom of the invoice it shows that IHC had to reimburse some Medicaid payments on the county's behalf. Ms. Rhienardt called Medicaid to ask them why they were sending IHC payments when they should of been sending them to Traditions Healthcare. Medicaid then requested to be reimbursed for the money that they had given to IHC by mistake. Ms. Rhienardt explained the process which caused Medicaid to pay IHC instead of Traditions.

All balances have been collected, some have been adjusted and written off to charity. Commissioner Smith questioned some expenses that were dated August 2008 which was 6 months after the separation. Mr. Thompson said that they had some claims and would get the details to the commission. It was explained that the date on the invoice was the date the last invoice was sent to the county.

DISCUSSION ON PUBLIC RESOURCE, SPECIFICALLY WILDERNESS, DESIGNATION AND WILD FIRE - KARY KESLER

Kary Kesler discussed his opinions regarding the controlled burns, wild life, wild fire management and the loss of road access to public lands in Millard County with wilderness designation. Mr. Kesler is aware that these issues are federal issues that affect Millard County. He feels very strong that changes need to be made, especially in the area of controlled burns which, in his opinion, so often become uncontrolled.

Mr. Kesler said that he disagrees with the notion that nature needs to be mimicked to remove excess fuels. There are no excess fuels, just forest growth that can be responsibly utilized.

He said as far as wild fire management, he feels that there is much corruption. He thinks that fire crews want the fires to continue to burn so they can have employment.

He said looking back 30 years, this country used to look a lot greener; now you see a lot of charred and scorched landscape.

Mr. Kesler does not think that the county should give into the federal government in reference to the closure of roads in the west desert. He said to keep the lands in wilderness study if this is our best position. We live in a time where we can speak up and we should speak up.

Mr. Kesler has written to public officials and submitted articles to the paper trying to oppose the way current fire management is done. He referenced the Millard County general plan.

Mr. Kesler wanted to know the commissioners opinion with the burns and the closures. Commissioner Whatcott thanked Mr. Kesler for writing the congressmen and the senators. He said that it is going to take the public voice to help with what the commissioners do.

The commission talked with people from the wilderness association about mining and access to public property. They recently completed a course on speaking about the tenth amendment rights; coordinating with the Federal Government. A government entity should not just come down and say here is what we are going to do. We need to tell them to come down and coordinate with us and we will work through the issues we have with Red Rock and access to public lands.

The commission also spent a few days in Washington D.C. last week talking to them about

the ability to access public lands. The commission is gainfully going after making our public lands public.

Commissioner Whatcott discussed the actions he took with the Twitchel Canyon Fire. He said that the commissioners feel the same way as Mr. Kesler. The commission will not stand back and wait for the people to do the commissioners' job.

Commissioner Smith said that there are some groups that are interested in protecting the federal ground; some are more reasonable than others. The county supports multiple use. Some groups support no use and some groups are reasonable enough to say lets look at the resource.

In conversations with some of the groups, it was asked if the commission would be willing to do a land use bill if they could come to some agreement on acres for wilderness. Commissioner Smith told them that they will not. They will not get involved in making a political decision based on an acreage number of what is wilderness and what is not.

The commission has been involved in the process and feel that everything is open and should be developed in multiple use. They worked with people in the county and spent a lot of time going through the wilderness study areas (WSA) and stating that some of that area does not qualify for wilderness by definition. They are not going to negotiate other than what the commission feels is legitimate.

The commissions' position on the out of control fires is that they encourage the BLM to put those fires out as soon as possible. They work with federal agencies under FITLA and just adopted a new part of the Millard County general plan and a transportation plan that they give the BLM and Forest Service. The commissioners are proactive in making sure that all the projects that come in to the county and are on BLM or federal property will not negatively impact Millard County.

Commissioner Withers said that he agrees 100% with Commissioners Smith and Whatcott. He said that he thinks that we have a real ally with our new Senator, who is a constitutional lawyer, and will support anything that is in the constitution. He will provide Mr. Kesler with the information to contact a lady from the senator's office who is in charge of public lands.

DISCUSSION ON DELINQUENT PROPERTY TAXES - MANI GREWAL

Mani Grewal gave a brief background on the properties in question. He said that he has been a supporter to the communities and has never asked for anything until now. He explained why he was delinquent on his 2008, 2009 and 2010 property taxes for his motel and two additional parcels in Scipio.

Last week Ms. Grewal came in and paid the entire amount owed, minus the penalties and interest, on the two parcels. She also paid all of 2010 and most of 2009 taxes owed on the motel parcel. They are still owing 2008 taxes on the motel parcel and are asking the commission to waive the penalties and interest for that property. They would also like the commission to waive some of the taxes owed for 2008.

Treasurer Hansen said that the penalties and interest on the motel are approximately \$1,800.00. The penalties and interest on the additional two parcels are \$60.08 and \$187.14. The unpaid balance on the motel is \$14,839.00. This amount does not include the penalties and interest.

The Grewals paid approximately \$32,000 towards all three parcels.

Commissioner Smith made a motion to waive the penalties and interest on parcels S-1280-1 and S-1283 property taxes.

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

Mr. Grewal said that he would make a \$2,000.00 payment toward the motel property taxes very soon and would be able to make monthly payments of \$500.00 until the payments are current. Commissioner Smith said that if he could pay the 2008 property taxes and keep current on the 2011 property taxes, by the time the 2012 property taxes come due the commission will waive the penalties and interest. If for some reason he is unable to keep current on the payments and does not make other arrangements, the penalties and interest will be added back on.

Commissioner Smith made a motion to waive the penalties and interest on the delinquent property taxes for 2008, 2009 and 2010 for the motel if the 2011 property taxes are paid current and Mr. Grewal continues to make monthly payments of \$500.00 until the delinquent 2008 property taxes are paid.

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

DISCUSSION ON DELINQUENT PROPERTY TAXES - MARK CALDWELL

There was no discussion on this agenda item because Mr. Caldwell had to leave before meeting with the commissioners.

DISCUSSION REGARDING COUNTY ROAD ISSUES IN HOLDEN, UTAH - JOHN DENNIS AND JIM STEPHENSON

Commissioner Whatcott said that he had talked about this issue with Holden Town Mayor Jim Stephenson.

John Dennis said that they talked to Jeff Whatcott regarding this issue. The road in issue is One Mile Post Lane which leads up to Phillis McKee's property and Shane Allgood's property. The concern is that this road is not as well maintained as the Dobson Road which leads to Lester Dobson's property. Ms. McKee does not get a lot of visitors because of the condition of the road.

There is a drainage dip on the county road that dips down just before it reaches Ms. McKee's property that collects a lot of rain and makes the road really bad right there. Holden Town has a 20 foot long 18 inch diameter plastic culvert that they would be willing to give to the county if there was a way of putting it in the dip.

Mr. Dobson said that he would be willing to sacrifice a little bit of his property to make the road a little wider if necessary.

Mr. Dennis is worried that if there was a major catastrophe it would be hard to access the springs and the water from that road.

Commissioner Withers reported that Thayne Henrie told him that if the town would provide the material the county would provide the labor. If Holden Town is willing to provide the culvert and the gravel then the county will be willing to put it in and then would maintain that road.

Mr. Dennis asked if the town purchased the material whether the county would cover an additional 25 feet into Ms. McKee's property while they are fixing the road. The commission said that they will discuss this and get back to him.

Commissioner Smith made a motion to recess for lunch.

Commissioner Withers SECONDED the motion.

Commissioner Smith rescinded his motion and Commissioner Withers rescinded his SECONDED motion.

COUNTY PLANNING BUSINESS - BRUCE PARKER

Bruce Parker, County Consultant, said that since his last visit to the commission he and Sheryl Dekker, County Planner, met with two applicants for transmission projects in the county. One applicant was Rocky Mountain Power regarding its Sigurd to Red Butte line. Rocky Mountain Power gave an update of where they are at in the process with BLM. BLM is favoring an alternative route into Millard County which connects essentially across the area with the wind farm and connecting into the Intermountain Power Plant's west corridor.

Mr. Parker and Ms. Dekker introduced the idea to Rocky Mountain Power of cost recovery for Millard County's participation as a cooperating agency with the BLM. They understood and agreed to make some escrow payments to the county to help cover some costs incurred by the county for this project.

They now have a significant amount of work as a cooperating agency with Milford Wind Phase III. Mr. Parker and Ms. Dekker had a conference call with the BLM last week. The BLM wants to receive written comments from the county. Mr. Parker will send the suggested comments to the BLM on the county's behalf.

Another issue is that there is an intersection between these two projects. Sigurd to Red Butte looks like it is going to cross where Milford Wind Phase III is located. The issue is the impact with consistency and compatibility with the wind farm and then the Sigurd to Red Butte transmission line operated by Rocky Mountain Power. They will work through that.

Mr. Parker had a discussion with Peter Sullivan and Brian Harris regarding the cost recovery. They said that they understood that what the county is doing now will help them in the long run and were happy to participate in cost recovery.

Mr. Parker said that he understood that the commission discussed signs at the last commission meeting. He said as part of his work on updating the language ordinances of the county, he found that there is a high level of confusion about what the prevailing sign ordinance requirements are in Millard County.

The best way to fix the confusion is to pass an ordinance, a temporary zoning regulation, which will be good for six months. This will establish a level of specificity and clarity of what the

prevailing sign regulations are in Millard County.

This ordinance will establish three types of signage:

- Premise poll signs with a maximum height of 25 feet.
- Wall signs on buildings limiting the size of signage depending on the area of the wall
- Canopy signs which are the signs above gas isles or drive through banks.

These are the only type of signs that will be allowed in Millard County. Any off premise signs will not be allowed in Millard County. This ordinance will be effective immediately.

Commissioner Withers made a motion to adopt Ordinance 11-03-15, an ordinance of Millard County, Utah establishing a temporary land use ordinance for signs.

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

Commissioner Smith said that this item is being approved by way of an emergency due to the health, safety and welfare of the county.

Commissioner Smith made a motion to recess for lunch.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:24 p.m..

NOON LUNCH BREAK

Commissioner Withers made a motion to reconvene the meeting.

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

PUBLIC INPUT

Carl Camp came to discuss the Territorial State House Museum. He said that at the legislative session they cut \$3,000,000.00. Later they cut an additional \$4,000,000.00. The legislature did end up putting some of that money back into the budget; some only for a one time use.

This budget cut will have some affect on this county. Gunnison Bend will lose the support it had from the Utah State Parks. Territorial State House Museum took its big cut about a year and a half ago, so Mr. Camp is hoping that it won't get hit with cuts again this year.

Some of the support that they receive from the bigger supporters might be trimmed back a bit.

The legislature said that they will not close any state parks this year, but they may be cutting anywhere from 4 to 25 jobs across the state.

The Territorial State House Museum has partnered up with the East Millard Swimming Pool

for the summer youth camps. Every time there is a youth camp staying at the park they will be able to use the restrooms and the showers at the pool. The museum will pay the \$2.00 charge out of the camper fees. They have several groups that will be coming in this summer. One group will consist of around 200 campers which will give the pool around \$800.00 for that particular group.

Mr. Camp informed the commissioners of the activities that the museum holds throughout the year.

- The Arts Festival in September. He said that they get more out of town residents visiting the Arts Festival than they do Fillmore residents at this point.
- They will be holding a scout merit badge program which will be held sometime this winter.
- The ATV Jamboree.
- Statehood Day Celebration of Dance.
- Old time Christmas in the little school house.
- The Forth of July activities.

They will be offering a two for one admittance into the museum for anyone in a sports tournament to help bring people in from those groups.

DISCUSSION AND POSSIBLE APPROVAL OF HIRING A PART-TIME EMPLOYEE FOR USU EXTENSION

Trent Wilde, USU Extension, said that Bobbett White was hired to fill Jim Stephenson's 4-H position. Mr. Wilde said he would like to hire an additional person for a part-time position. He would like this person to work with horses and livestock. The commission and Mr. Wilde discussed the finances with this position and decided that this would be considered a county position.

Commissioner Withers made a motion to approve the hiring of a part-time employee for USU Extension for \$8,000.00 a year not to exceed 1,000 hours a year.

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

Mr. Wilde asked the commission to write a letter expressing that USU Extension is a valued part of the community, hopefully to help avoid possible cuts with the USU Extension office.

DISCUSSION REGARDING POLICY FOR BENEFITS AND STEP AND GRADE

Commissioner Smith said, as he indicated earlier in the meeting, that the commission is working on a step and grade system for part-time county employees and designation of certain positions and also to address elected officials and chief deputies who are not currently part of the step and grade system. They do not have a draft at this point. They are waiting for comment from each department but will continue to work on getting a draft prepared to present at a future commission meeting. Commissioner Smith explained the reasoning for redoing the step and grade scale.

Auditor Grace said that because there is some confusion, she recommends that the policy be amended. She read the current language of the policy: "All step increases, with the exception of

probationary employees, shall be considered by the Board of County Commissioners in January and July of each year.”

Auditor Grace then read the proposed language, “ Employees will be eligible for step increases as outlined by the step and grade schedule upon a favorable recommendation from their department head/elected official. Any adjustment approved will take effect the first payroll in either of the following: January or July.”

She also thought that the following language should be included; Employees who become eligible for an increase but are on some form of disciplinary action will not be considered for an increase until the action is satisfied by the department head/elected official.

OTHER BUSINESS

Commissioner Smith said that he received a letter from the Utah Chapter of American Parkinson’s Disease Association asking that Millard County declare April as Parkinson’s Disease Awareness Month and April 11 as Parkinson’s Disease Awareness Day. They also invited the county officials to attend a fund-raiser luncheon on April 16, 2011. This information will be available on the county website (www.millardcounty.org)

Commissioner Smith made a motion to acknowledge April 11, 2011, as Parkinson’s Disease Awareness Day.

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

Commissioner Smith addressed a follow up issue that is in the commission minutes regarding a conversation with Bruce Parker. The commission has decided to contract with Mr. Parker to have him rewrite the Millard County General Plan, including the land use ordinance and more.

The commission has used Mr. Parker’s services in the past and view his services as professional in nature. As far as the purchasing policy, they do not bid out the project to rewrite the county general plan.

Mr. Parker has a lot of background with the commission since they have used his services before. Mr. Parker is very familiar with the history of the ordinances and has a great relationship with the Attorney and the County Planner.

It is the opinion of the commissioners that Mr. Parker is the sole-source provider for this service because of his history with the county.

Commissioner Withers met with Pam Goodrich who wants to make sure that the county has a non smoking policy in the parks and ball fields. Commissioner Smith said that he thinks that there is an ordinance prohibiting smoking or consuming alcohol. He thinks that the county basically adopted the state law that prohibits smoking within 25 feet of a public building. Commissioner Withers will look into this further and get back to Ms. Goodrich.

Clerk Brunson discussed with the commission the possibility of having Flowell and Desert/Oasis precincts vote by absentee ballots for the School Bond Election only. It was suggested that some precincts be combined as follows: Abraham will go to Sutherland to vote; Flowell will go

to Fillmore to vote; and Desert/Oasis will go to Hinckley to vote for the School Bond Election only, which will be held on June 28, 2011.

Commissioner Whatcott said Steve Erickson is holding a workshop in Delta at the satellite offices on April 17, 2011 from 4:00 p.m to 7:00 p.m. and in Salt Lake City on April 18, 2011. Everyone is invited. The workshop is to help those who want to file a protest regarding Snake Valley Water.

Commissioner Whatcott received a letter regarding a permit to commence a small mining operation for David Weston, Stone Resources, Salt Lake City, Utah. The letter states that the division finds the notice of intention complete and approves a reclamation surety of the Quarry Number 4 mine and permits the mining operation on 2.93 acres, provided that they have written approval from BLM and any other appropriate agency.

Commissioner Whatcott said that the county has received the final checklist from Magnum Gas Storage for its conditional use permit.

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

Commissioner Smith attended several meetings at the NACo Conference in Washington D.C., including the Agriculture and Rural meeting where they discussed some of the issues regarding funding.

Commissioner Smith had the opportunity to meet with the Director of BLM, Bob Abby. They talked about the potash project and other wild land issues and designations. He also met with commissioners throughout the country who have similar interests with public land issues and several other things.

Commissioner Smith appreciated meeting with the congressional people at Senator Lee's office and Senator Hatch's office. He thought it was a very successful trip. He said that he always comes home motivated and inspired knowing that the principles America is founded on are true. There are processes that take place and he appreciates that he has the ability to go and represent the citizens and make their views and opinions heard.

Commissioner Withers said that he enjoyed his trip to Washington D.C.. It is always a good thing to meet with the congressional people who at least act like they are on the side of the citizens.

He attended the Soil Conservation meeting last week. He learned more about their process and how they go about doing different things.

He was able to do a State of the County address to the Delta Chamber of Commerce and was able to go through all the projects the county currently has going on. They have a good turn out of businesses. There is probably about 12 or 13 businesses represented there.

Connie Hansen, County Recorder, said that at the last meeting she talked about working with

Juab County on straightening the county line. Adam Britt, County GIS, made a map of the area where the line is in question. She and the commission discussed the map. She needs to get with Juab County to make sure that they are okay with the map.

A public hearing will need to be held in both Millard County and Juab County to receive public comment regarding this issue. Recorder Hansen will put the notice in the paper when it gets to that point.

Commissioner Whatcott attended the Six County Association of Government (SCAOG) in Richfield, Utah. He said that these meetings bring to light a lot of things going on in the county. They are working on a new railroad coming from Levan, Utah all the way down through the salt mine into Salina, Utah.

Commissioner Whatcott attended the NACo Conference in Washington D.C.. He attended the Public Lands Meeting. He is not on the steering committee of Public Lands but he likes to sit in and listen.

He attended the Environmental Energy and Lands meeting where he is on the steering committee and has a vote at that table. Being on this committee, he is finding out that there are lot of decisions made dealing with energy, the environment, public lands and how the whole process works.

Commissioners Whatcott and Withers had the opportunity to sit in on a meeting with the Federal Energy Regulatory Commission (FERC). He was able to put faces with names and discuss Magnum Gas Storage and the TransWest Express Line coming into Millard County. The commissioners were able to get some good comments back and forth. They left FERC some maps giving an idea of where things are going to be put in the county.

Commissioner Whatcott met with Senator Mike Lee and his staff which he thought was an informative meeting. They also had a combined meeting with Uintah County on public lands.

Commissioner Whatcott enjoyed the breakfast meeting the last day of the Washington D.C. NACo Conference with Senator Hatch and Representative Bishop. He had a good time visiting with them and learning that both parties are concerned with what each is going through. He feels that it was well worth the commissioners time.

Commissioner Whatcott talked with a commissioner from the poorest county in America who told him that the county has an overall budget of \$1,300,000.00. He told Commissioner Whatcott that about 99% of the county is owned by the Bureau of Indian Affairs.

After talking with this commissioner, Commissioner Whatcott feels that our county is very blessed to have what we have.

APPROVAL OF MARCH 1, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 1, 2011 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Withers made a motion to approve the minutes of March 1, 2011, as corrected.

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

AUDITOR'S REPORT

Auditor Grace presented the check edit of March 14, 2011 for the commissioners to review and sign.

Auditor Grace said that according to her records, Tess Eyre's janitorial contract will expire on March 31, 2011. Auditor Grace is questioning if she should continue paying Ms. Eyre or if the contract needs to be rebid. In a past commission meeting it was decided that all janitorial contracts be extended through the year 2011 and reviewed in October 2011 for rebidding. The new contracts will take effect January 1, 2012.

Auditor Grace informed the commission that Lynn Wall has been in her office several times obtaining information regarding the cost for operating the equestrian park in Fillmore, and possibly obtaining more time at the soccer fields for the ASYO program.

Commissioner Whatcott will invite Mr. Wall to the next commission meeting to discuss this issue.

Auditor Grace said that she received a safety service plan from Worker's Compensation Fund of Utah who is offering some training. She notifies the departments every time she receives notices. She is unsure if the individual departments are participating in this training. Worker's Compensation really encourages that the county participates in this training. They will come down and conduct this training during the county's safety training meeting.

Auditor Grace said that the tax sale is scheduled for May 26, 2011 at 10:00 a.m.. She is going to get the list to the title company so they can start the searches and Auditor Grace will start sending the notices.

Auditor Grace was approached by Janet Lix who is interested in buying some property in Virginia Hills that is owned by the county. To follow policy, the property would need to be advertised for bid.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen referred to an earlier discussion the commission had with Mani Grewal. After that discussion, Mr. Grewal asked him if he could pay \$1,500.00 a quarter rather than \$500.00 a month toward his property taxes because some months they have more expenses than others. The commission was okay with Mr. Grewal paying either \$500.00 a month or \$1,500.00 quarterly.

Treasurer Hansen said that he talked to Mark Caldwell regarding his delinquent property taxes. Mr. Caldwell told him that he did not have the money to pay the property taxes that are delinquent but he would pay \$100.00 a month and will try to get a loan to pay the taxes current before the 2011 taxes come due in November. Mr. Caldwell currently owes \$2,413.65 for 2006, 2007, 2009 and 2010.

The commission said that if Mr. Caldwell would pay half the amount owed now and commit to a payment schedule to pay the balance off before the 2011 property taxes come due, they will waive the penalties and interest. If Mr. Caldwell is unable to do this, he would need to come in and make other arrangements or the property will be placed back on the tax sale list.

Treasurer Hansen said that he will remove the property from the tax sale list and tell Mr. Caldwell of the agreement the commission has suggested. If for some reason Mr. Caldwell is unable to accept this arrangement, he would need to request to be on the agenda and to bring a new proposal with him.

Commissioner Withers made a motion to remove Mr. Grewal's property from the 2011 tax sale.

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

Treasurer Hansen read a letter he received from Darla Haws regarding her home being on the list for tax sale. Ms. Haws stated in the letter that she would be able to put \$500 down and pay \$500 a month until the property taxes are paid in full.

The commission said that if she kept to that payment schedule and paid the balance in full by November 2011, they would remove her property from the tax sale list. However, if she fails to pay the balance by that time, the property will be put back on the tax sale list.

Commissioner Smith made a motion to remove Darla Haws' property from the tax sale.

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

A meeting was tentatively scheduled for March 30, 2011 at 8:30 a.m. for Treasurer Hansen to meet with the commissioners and Auditor Grace to discuss Title III money and the financial report.

Treasurer Hansen said that there were a bunch of bankruptcies that came in this year. He gave a couple to Attorney Waddingham and others he tried to take care of himself:

- ALEC 4, LLC, with a delinquent amount of \$66.00.
- David William and Candace Peterson from Hinckley, Utah with a delinquent balance of \$307.11. There is a home and a lot. The home is paid for by the mortgage company, but the lot is owned by four other people.
- Robert Norton Moran, Snowboard Adventures LLC. The bankruptcy says that it is

in the name of Robert Norton Moran, but the property ownership is in the name of Snowboard Adventures LLC.

- American Home Mortgage Holding Inc. When they filed bankruptcy it was in the name of David and Sally Joe Oliver.

Treasurer Hansen tried to do what he could with what he knows on these properties but some may need to be turned over to the county attorney.

Treasurer Hansen said he had some good news. He received a report on IPP improvements for 2010. He contacted the State Tax Commission and told them about the agreement between IPA and Millard County and that IPA agreed to include the southern transmission line in its value. The Tax Commission said that they were not aware of those improvements and in order to get it on this years valuation he would need to submit a written notice from IPA.

Earlier today Treasurer Hansen received an updated report from IPA which stated that they had neglected to show the improvements in the value and that they would send over a revised version of the improvements.

OTHER

At the March 1, 2011 commission meeting, sealed bids were opened for magnesium chloride. The commission and Thayne Henrie, Road Supervisor, accepted the bid submitted by Dirtbusters, Inc. in the amount of \$382,460.00 for Delta and \$30,920.00 outside of Delta.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Withers SECONDED the motion. The voting was unanimous and the meeting adjourned at 4:22 p.m.

Attest: _____

Approved: _____