

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF APRIL 2014
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Alan M. Roper. Chairperson
James I. Withers. Commissioner
Daron P. Smith. Commissioner

Richard Waddingham County Attorney
Marki Rowley. Deputy County Clerk

EXCUSED: Norma Brunson County Clerk

ALSO PRESENT: John & Marilou Heath, Kary & Susan Kesler Citizens
Lisa Taylor Congressman Chris Stewart’s Office
Tiffany James Magnum
Lindsay Mitchell County Sheriff’s Office
Hannah Jones Millard County Chronicle Progress

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, Utah, 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 Roper to the public and Commission members.

OPENING STATEMENTS

Commissioner Roper asked if anyone had an opening statement to give. John Heath read a quote from Thomas Jefferson: “The glow of one warm thought is to me worth more than money”. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

Commissioner Roper excused Clerk Norma Brunson from today’s meeting.

APPROVAL OF MARCH 25, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 25, 2014 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of March 25, 2014, as corrected.

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

FOLLOW UP ACTION ITEMS FROM MARCH 25, 2014

Commissioner Smith said that the Utah Association of Counties (UAC) meeting scheduled for April 4, 2014 has been canceled. There is not a rescheduled date at this time.

RATIFY THE DISCLOSURE STATEMENT PRESENTED FOR ALAN M. ROPER

Commissioner Withers made a motion to ratify the disclosure statement presented for Alan M. Roper, who is the owner of Roper Lumber and may do business with the County.

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

DISCUSSION AND POSSIBLE APPROVAL OF A LIMITED TV TRANSLATION EASEMENT AND RIGHT-OF-WAY

Commissioner Withers said that the County is proposing to move the TV translator station from West of Garrison out onto a piece of property east of Eskdale. The cost of putting in a new power line to the existing station would be about \$150,000. There was a proposal to move the translator station mostly to avoid the expense of taking the power up the mountain. This will allow for easier access during the winter months and offer better service.

Commissioner Smith said that the other transmission site was located in Nevada and the County felt that it did not want to spend the money. There were other issues and entities involved but the County will be the only entity using the new translator station.

Commissioner Withers made a motion to approve a limited TV translation easement and right-of-way for a new building.

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

PRESENTATION OF AN AWARD TO DEPUTY CLETE CARTER - SHERIFF DEKKER

This item was tabled.

MAGNUM GAS STORAGE CONSTRUCTION AND PROGRESS UPDATE - TIFFANY JAMES

Tiffany James, Vice President of Magnum, reported the following:

- They are starting commercial operations on April 15, 2014.
- They have been pushing for an April 1, 2014 deadline and they are almost there.
- They just received the Division of Oil, Gas and Mining approval to operate up to 5

caverns for natural gas liquid storage, and any additional caverns the State Agency Division of Oil Gas and Mining and Division of Water Rights may approve.

- They have an emergency preparedness and response plan in place.
- They have obtained 30 separate permits from the federal, state and local agencies. Eleven of the 30 permits have safety components including: a building permit, a conditional use permit (CUP), the OSHA safety training process and management, the EPA requirement, Risk Management Department of Homeland Security, Bureau of Explosives, and Division of Water Quality.
- She drew a map of the facilities showing where the storage caverns are located, as well as other key components including: four bullet tanks, a rail spur that comes up IPP, a truck rack that can offload and transfer product, and a truck and rail facility which has two pipelines. She said that the design meets the fire and safety code per requirement.
- They have individual well heads for each of the five planned caverns.
- There are three separate lines on each wellhead that extend down into the cavern; one each for brine, water and the transfer of the liquid gas to come out. There are safety valves on all of the outlets. The shut off outlets are controlled by an automatic controller so if there is ever any gas detected outside of the pipelines it will automatically shut down the system, pipelines and any transfer all the way over to truck and rail system. If there is ever any gas detected at the surface outside the loading points, it will automatically shut down the entire system all the way to the wellhead number 2. She gave examples of what could happen to require a shutdown, such as overfilling.
- They have a brine gas separation system. As brine is being injected in any cavern it will be tested for any unclaimed gases. If detected it will also automatically shut down the entire system. This is required by all state, federal and local agencies.
- They completed an operating plan with a site wide emergency planning and response.
- They went above and beyond what is required by law.
- They also have an emergency action plan in place, which models the worse case scenario if there is ever a catastrophic failure.
- They will start planning for the annual training at the site, which is part of the CUP requirement.

Commissioner Roper said that they appreciate Magnum going the extra mile with safety and everything they have done on the project.

Commissioner Smith said that Millard County did send a letter of support to the Division of Oil, Gas and Mining. He is excited that Magnum got its safety permit.

He said that the commissioners met with Magnum a few times last week and it looks like the project is moving forward. The commissioners appreciate Magnum's attention to detail when it comes to safety.

Commissioner Smith said that by going through the CUP process they feel they have really addressed a lot of the issues and concerns of the County in that project and feel that Magnum has a great project which is committed to keeping our community safe.

Ms. James said that she appreciates the support of the County and through the process they were able to identify everything needed to succeed.

Ms. James will be attending the Salt Lake Chamber Tour on April 15 & 16. She will also be back for a C.U.P, specifically for E.N.G.L..

DISCUSSION AND POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT - LINDSAY MITCHELL

Lindsay Mitchell presented an ambulance abatement application for Darlene Russell. Ms. Russell has an ambulance bill in the amount of \$4,180.37 for a transfer to Utah Valley Hospital.

Ms. Russell receives an annual income of \$6,288.00 from Social Security, and has monthly expenses of \$565.00.

Commissioner Withers made a motion to abate 100% of Ms. Russell's ambulance bill based on poverty guidelines from the State.

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

Captain Forrest Roper presented the Commission with a letter from the Utah Department of Health regarding an increase in base ambulance rates beginning April 1, 2014. He said a resolution was passed a few years ago to follow the State guidelines. He explained what the County charges and the type of activities charged.

PUBLIC INPUT

Kary Kesler thanked the Commission for allowing him some time. He said that he learned that there was a public hearing last week regarding the County Ordinance. He asked if the County will accept the document as written or allow further public input. Commissioner Roper said that they will allow more input from the public.

Commissioner Withers said that Bruce Parker, Planning Consultant, will put together a contact list of those who are interested in this issue and want to be made aware of future meetings so to give public input. He said that Sheryl Dekker is the County Planner and Mr. Parker is the Planning Consultant who the County hired to help with larger projects such as the transmission lines, to make sure the County is in line with State and Federal laws.

Mr. Kesler said that he is a little leery of Mr. Parker. He said that this is Mr. Parker's project and he feels that his input may not be received with whole openness. Commissioner Roper ensured Mr. Kesler that he will have an opportunity to voice his opinions.

Commissioner Smith said that there are two options for the public to voice input; one being during the Planning and Zoning process and the other during County Commission meetings. Both will hold public hearings.

Mr. Kesler asked if the commissioners will consider the input of the citizens once it is received. Commissioner Roper assured him that all public input will be considered.

Commissioner Roper said that the commissioners put an article in the paper which expresses their feelings and views. It also includes options for the citizens to express input and opinions

regarding the ordinance process and includes email addresses for them to do that. He said that Ms. Dekker, the Planning and Zoning Commission and the commissioners are all eager to listen to the concerns of the citizens. We are all on the same page and want what is best for the County and it becomes the best with the input of the citizens. He invites all the citizens to become involved in any County process that they can.

Mr. Kesler thanked the Commission and said that he just did not want something to be passed without input from the citizens.

Commissioner Roper said that he appreciates it when the public comes to the meetings and shares their views and values which he takes very seriously.

Mr. Kesler said that he hopes that the County can come up with something different from the way the ordinance is currently written. He said that the public has said no to the ordinance and has expressed that this is not what they want.

Commissioner Roper said that the commissioners hope to hear from the public and that they get involved in the process to be sure their issues are address.

Lisa Taylor, Deputy Director of Congressman Chris Stewart's Cedar City, Utah Office, said that she was recently brought on to work with three Counties: Iron, Beaver and Millard.

Ms. Taylor said that Congressman Stewart feels since his district is so huge and there is so much going on, he decided to bring someone in to work with the three counties.

Ms. Taylor said that there are several things going on in Iron, Beaver and Millard Counties, including a solar project by Scottech, which is a solar company who is providing solar power to over 18,000 homes in Iron County; the Magnum Gas Storage project in Millard County; and issues with the wild horses on the western desert. She said that they are really trying to bring more focus on these areas.

Ms. Taylor said that she is looking forward to working with and getting to know the commissioners.

OTHER BUSINESS

Commissioner Withers said that he was contacted by members of the Water Conservation District who is needing to replace a board member and the secretary. They suggested Donald Peterson as a board member and Waldo Warnick as the secretary. He said that the current secretary would like to be released as the secretary but will remain as a board member.

It was decided to review the by-laws and to bring this discussion back to a future commission meeting for possible approval.

Commissioner Smith spoke with Todd Mullen, Golf Pro, who would like to recreate a Golf Committee which will need to have members appointed. The County had a Golf Committee in the past, which has since dissolved. The commissioners thought it might be a good idea to recreate the committee to get community input on what goes on with the Golf Course.

This will be brought to a future commission meeting for possible appointment of members.

Commissioner Smith said that he visited with Kevin Morris, West Millard Maintenance. They set up a meeting with the BLM on Wednesday to discuss the permit the County will be

applying for on some events that will be held in Delta next year.

Mr. Morris and Debra Haveron, Tourism, both attended the Sportsman Expo and has since come up with ideas the County can do to promote tourism. He said that Millard County currently does not advertise mountain bike trails. They suggested to have some OHV jamboree events including a horse jamboree and rock hounding events. Mr. Morris will continue to work with Ms. Haveron and the Tourism Board to promote these events.

Mr. Morris contacted the State Parks who donated money and did a lot of advertising for the County in the past for the ATV trails and the ATV Jamboree. The State Parks are interested in doing that again this year for the OHV events. Mr. Morris would like to set up a meeting with Chris Hollar from the State Parks to discuss what they would be willing to do to promote events this year.

Treasurer Hansen presented the Commission with the TC750 Final Report for the year 2013. The report shows the property valuation for the County and all the various taxing entities, as well as the amount of tax assessed and received.

Treasurer Hansen presented the overrides report for 2013, which shows the activity on personal property taxes and real property taxes that were written off or adjusted for a variety of possible reasons. Many of the write-offs, and all of the major write-offs were reviewed and approved by the County Commission prior to the changes being made.

Treasurer Hansen said that in summary, last year there were \$27,103.69 in various tax right-offs that were made on behalf of Millard County. He said the major things that comprised that amount were approved by the Commission prior to the adjustments over a normal course and included the following: C-Core/Davis, \$521.09; the Bowcutts, \$244.87; Fire Rocks, \$13,501.24; the property that the County approved being deeded to Kanosh Town, \$1,158.55; and Julian Finlinson, \$1,100.98. These are items that the Commission approved previously on an individual basis and consisted of penalties, interest and/or adjustments that were written off. There were also personal property taxes the Assessor's Office had attached to real property that totaled \$9,653.07. The total for all of the indicated items equaled \$26,179.80. The difference between the total and the major items identified was \$923.89.

Treasurer Hansen said that many of the changes were less than \$10.00, which the commissioners had given both the Assessor's and Treasurer's Offices approval to deal with as they were processed. All other adjustments were brought to the Commission's attention.

He said that if you look at the \$22,000,000 collected and the \$923.89 for adjustments that were made to try to make things work out as best as possible, it really is not a major adjustment.

Commissioner Withers made a motion to approve the overrides report as presented.

Commissioner Smith SECONDED the motion and thanked Treasurer Hansen for his efforts. The voting was unanimous and the motion carried.

Commissioner Withers reminded the commissioners of a meeting with the Department of Transportation next Tuesday from 2:00 p.m. to 4:00 p.m. which will be held at the Commission Chambers.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL

AND SECRETARY

Commissioner Roper said that the commissioners asked Linda Gillmor, Millard County Economic Development Director, to write a letter to the governor, on behalf of the Commission, in hopes to get away from the moratorium that the governor wants to put on with House Bill 102 on special assessment areas. The moratorium will put a restraint on the project the County is working on to get natural gas run into Flowell, Sutherland and the south track area. The intent of the letter is to see if it will help get the moratorium lifted.

Commissioner Roper reported the Annual Governor's Economic Development Summit will be held April 3, 2014. He plans on attending that summit.

Commissioner Roper said that there is a Fair Event Workshop on April 2, 2014. He planned on attending that workshop, but found that he has a Six County AOG meeting the same day. He wondered if either of the other commissioners would like to attend that meeting.

Commissioner Roper met with BLM Tuesday to look at possibly building a road by the lime plant. He said that it seems that the BLM is on board with the project and now it is just a matter of finding funding to complete the road. He said that the commissioners feel that it is important and valuable for the health and safety of the citizens who might transport back and forth to the Lime Plant on the road.

Commissioner Roper said that the BLM has invited the Commission to go on a trail ride on April 24, 2014. He said that there is a conflict with that day due to the Millard County Economic Development Association Technology Conference.

Commissioner Roper said that there is a Salt Lake City Chamber meeting April 15-16. The meeting will begin in Millard County and end in Beaver County. Ms. Gillmor will attend the first part of that meeting and the commissioners will hopefully catch the second part of the meeting.

Commissioner Roper said that Delta City had a dedication ceremony for their new convention center. He said that it was a nice occasion and he thinks that it will be a good boom to Delta and the citizens of Millard County.

Attorney Waddingham presented the contract with Siemens Building Technologies on the service agreement for the Delta Swimming Pool.

Attorney Waddingham said that he was contacted by EZ Tickets, who would like to reconsider the recommended changes to the contract which they refused a few years ago. Attorney Waddingham explained that a few years back the County was going to contract with EZ Tickets for online payments made to the County for various activities. He said that EZ Tickets presented a contract for the County to sign. After review of the contract Attorney Waddingham made some suggested changes to the contract which EZ Tickets did not agree with and pulled the contract.

Commissioner Withers said that the County already went with another company for that

service. Attorney Waddingham will inform EZ Tickets of this.

Commissioner Smith said that Mr. Morris has been working with a couple who are interested in putting on some BMX events inside the oval race track at the Millard County Fairgrounds. He said that they have a contract to lease the facility in conjunction with the people who put on the race track for shared events. They are really excited to get this going and there is a lot of interest throughout the State. They are hoping on hosting four or five events this year.

Commissioner Smith said that the commissioners attended a Millard County Economic Development Board Meeting and took a tour of IPP. He said that representatives from Magnum were also in attendance.

Commissioner Roper said that they started out with a County Economic Development Board Meeting with Magnum. Then they went to IPP and met with representatives who are putting together a report on the effects caused by a lack of support in the coal industry and how it will affect the five coal counties plus Millard County who uses coal.

He said that they had the opportunity to exchange feelings on this issue and a few of the things that will be in the report. They concluded the meeting with a tour of IPP. He said that this meeting opened their eyes and they felt it was a good meeting. He said that they are thinking that the report may take about six months to a year to complete. This report should be a great value to the counties involved.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:10 a.m..

Attest: _____

Approved: _____