

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF AUGUST 2016
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper Chairperson
Alan M. Roper Commissioner
James I. Withers Commissioner

Pat Finlinson County Attorney
Marki Rowley County Clerk
Lesli Shields Deputy County Clerk

ALSO PRESENT: Josh Case Energy Capital Group (ECG)
Sheri Dearden County Treasurer
Deric Despain USU Extension
Betsey Biesty Hanwha
Michael Gates, Joelle McCarthy, Eric Reid & Kevin Oliver BLM
Devin Bybee Smith Hartvigsen
Hannah Jones Chronicle Progress
Molly Stevens & David Sturlin Planning & Zoning
Sheryl Dekker County Planner
Lynn Mansfield Deputy County Recorder
Pat Manis County Assessor
Casey Fowles County Golf Pro

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, 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 Draper to the public and Commission members.

OPENING STATEMENTS

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

APPROVAL OF JULY 19, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 19, 2016, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of July 19, 2016, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JULY 19, 2016

There were none.

UPDATE REGARDING BUREAU OF LAND MANAGEMENT (BLM) PROJECTS - JOELLE MCCARTHY

Michael Gates, BLM, presented several maps to the Commission.

Mr. Gates, Ms. McCarthy and Eric Reid gave a brief update on BLM projects:

- An application was received for an expansion to the Telescope Array Project from the University of Utah. The expansion would cover approximately 730,000 acres and would allow them to better measure the parameters of the cosmic rays. The BLM has allowed the University of Utah to start an environmental assessment. However, they have concerns with the large size of the project, whether it is consistent with its land use plan, and with the light and dust restrictions that would be in place.
- An application was also received for the TransCanyon Project, which is a Cross Tie 500 kV Transmission Line Project, a project that is similar to the West Desert Express Project. The proposed route is along the existing IPP corridor to Ely, Nevada. The application and required documents have been submitted in both Nevada and Utah.
- The Conger Wild Horse Gather was recently completed and 305 horses were gathered. The next step is the research proposal; 50 mares and 50 studs will be selected by USGS and Colorado State University.
- The Sevier Playa Project is making progress. The biggest concern with this project is water; a water resources report will be available once it is complete. A mineral feasibility study should be completed in July of 2017.
- Cooperating Agency calls will be taking place every third Thursday at 10:00 a.m..
- The BLM has received funding for interpretive panels, kiosks and signs for the Pahvant Valley Heritage Trail.
- The BLM has received funding for rock art monitoring.

Kevin Oliver, West Desert District Manager, asked for feedback from the commissioners that he can take back to the State Director.

Commissioner Roper expressed concerns with the economic impact on the County with the Telescope Array Project.

Commissioner Withers expressed concerns with the TransCanyon Project route going through agricultural land.

Commissioner Draper said that the greatest concern the County has with the Telescope Array Project is the financial harm it may cause in the future as it could preclude development because of the dust and light restrictions.

Commissioner Withers expressed his appreciation to Mr. Gates, Ms. McCarthy and Mr. Reid for the great work they do.

Mr. Gates expressed his appreciation to the Commission for its support.

The decision was made for the commissioners and the BLM to meet every third Tuesday at 2:00 p.m..

RATIFY THE APPROVAL REGARDING ADDING THE TRANSPORTATION/GAS TAX TO THE GENERAL ELECTION BALLOT

Commissioner Roper made a motion to ratify the approval regarding adding the transportation/gas tax to the 2016 General Election ballot.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR LORUS J. JEWKES, OWNER - LORUS J. JEWKES

A business license application was presented for Lorus J. Jewkes, Owner - Lorus J. Jewkes, a federal firearms sales business. After review of the application and finding all signatures in order, Commissioner Withers made a motion to approve a business license for Lorus J. Jewkes, Owner - Lorus J. Jewkes.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH JASON BURNINGHAM, PRINCIPAL - LEWIS YOUNG ROBERTS & BURNINGHAM, INC., FOR SERVICES REGARDING THE COMMUNITY DEVELOPMENT AREA (CDA)

Attorney Finlinson said that he reviewed two contracts; one for professional consultant work between Millard County and Lewis Young Robertson & Burningham, Inc., and one for reimbursement between Millard County and ECG Utah Solar 1, LLC.

Commissioner Roper made a motion to approve an agreement between Millard County and Lewis Young Roberts & Burningham, Inc., for consulting services regarding the CDA.

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

Commissioner Roper made a motion to approve a reimbursement agreement between Millard

County and ECG Utah Solar 1, LLC, in the amount of \$23,160.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF A 2017 PREDATOR DAMAGE CONTROL CONTRACT WITH THE DEPARTMENT OF AGRICULTURE AND FOOD

Commissioner Withers made a motion to table this agenda item.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Deric Despain, USU Extension, informed the commissioners that Jamie Hair, 4-H Coordinator, will no longer be working with USU Extension. He asked the commissioners to consider the possibility of advertising for a full time position to replace her. He briefly discussed the need for a full time position in Fillmore and the cost of doing so.

Commissioner Withers expressed concerns with adding this position to the budget when there are several unknowns with the budget for next year. He asked if Dr. Despain would be able to hold off until the new budget cycle.

Dr. Despain stated that he will need to hire someone regardless; he was just hoping to change the part time position to a full time position. It would be impossible to wait until the next budget cycle.

The commissioners asked Dr. Despain to return to the next Commission meeting for further discussion and possible approval.

Dr. Despain said that a new small animal show has been added to the program for the Millard County Fair; Thursday will be a rabbit show, Friday will be a poultry show, and Saturday will be a goat show. He said that there will also be an education day, which will include a sheep shearing contest and a stock dog herding demonstration. He invited the commissioners to attend.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING COMMENTS ON ZONE CHANGE APPLICATION #Z-2016-012 - A ZONE CHANGE FROM AG20 TO RF FOR PROPERTY LOCATED AT APPROXIMATELY 6710 N JONES ROAD, DELTA GRID, FOR THE PURPOSE OF DEVELOPING A SOLAR ENERGY SYSTEM (MAJOR) 215-270 MW. APPLICANT - INTERMOUNTAIN SOLAR PLANT, LLC; PROPERTY OWNER – LONE TREE RANCH, LC AND HANWHA Q CELLS USA CORP., INTERCONNECTION AND LAND DEVELOPMENT. 1607.46 ACRES

Commissioner Withers made a motion to enter into a public hearing for the purpose of

receiving comments on zone change application # Z-2016-012 - a zone change from AG20 to RF for property located at approximately 6710 N Jones Road, Delta Grid, for the purpose of developing a solar energy system (Major) 215-270 MW. Applicant - Intermountain Solar Plant, LLC; property owner – Lone Tree Ranch, LC and Hanwha Q Cells USA Corp., Interconnection and Land Development. 1607.46 acres.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:11 a.m..

Present were: Sheryl Dekker, Assessor Manis, Josh Case, Molly Stevens, Treasurer Dearden, Casey Fowles, Dr. Despain, Hannah Jones, Devin Bybee, Deputy Recorder Mansfield, Betsy Biesty, David Sturlin

Ms. Biesty, Hanwha Q Cells USA Corp., said that once the zoning process is complete, the project would continue; completing environmental studies and then the conditional use permit applications. She said that three to four surveys have been completed on this project.

There were no other comments made.

Commissioner Roper made a motion to close the public hearing.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:13 a.m..

The regular meeting reconvened.

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 16-08-02, ON APPLICATION # Z-2016-012 FOR A ZONE CHANGE FROM AG20 TO RF FOR PROPERTY LOCATED AT APPROXIMATELY 6710 N JONES ROAD, DELTA GRID, FOR THE PURPOSE OF DEVELOPING A SOLAR ENERGY SYSTEM (MAJOR) 215-270 MW. APPLICANT - INTERMOUNTAIN SOLAR PLANT, LLC; PROPERTY OWNER – LONE TREE RANCH, LC AND HANWHA Q CELLS USA CORP., INTERCONNECTION AND LAND DEVELOPMENT. 1607.46 ACRES

Commissioner Roper made a motion to approve Ordinance 16-08-02, an ordinance adopting application # Z-2016-012 for a zone change from AG20 to RF for property located at approximately 6710 N Jones Road, Delta Grid, for the purpose of developing a solar energy system (Major) 215-270 MW. Applicant - Intermountain Solar Plant, LLC; property owner – Lone Tree Ranch, LC and Hanwha Q Cells USA Corp., Interconnection and Land Development. 1607.46 acres.

Commissioner Withers SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Roper voted YES. Commissioner Withers voted YES. Commissioner Draper voted YES. The voting was unanimous and the motion carried.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING COMMENTS ON “DRAFT” SUBDIVISION ORDINANCE DATED MAY 4, 2016. APPLICATION #Z-2013-039

Commissioner Withers made a motion to enter into a public hearing for the purpose of receiving comments on “Draft” Subdivision Ordinance dated May 4, 2016. Application #Z-2013-039.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:15 a.m..

Present were: Ms. Dekker, Assessor Manis, Josh Case, Molly Stevens, Treasurer Dearden, Casey Fowles, Dr. Despain, Hannah Jones, Devin Bybee, Deputy Recorder Mansfield, Ms. Biesty, David Sturlin

Ms. Dekker said that a sub-committee has been working on this ordinance since 2013, and while it is not perfect, it is better than the current zoning ordinance.

Ms. Dekker stated that Todd Mcfarlane submitted a written letter concerning issues with the water requirements and with the non plat subdivision requirements.

Later, Ms. Dekker stated that Mr. Mcfarlane did come back to say that this new land ordinance is much better than the one currently in place.

The commissioners and Ms. Dekker briefly discussed the water issues the County faces and the water requirements in place.

Molly Stevens, Planning & Zoning, stated that the State requires .45 acre foot of water for a residence; as part of 1 acre foot of water per acre of land.

Ms. Dekker explained that a plat subdivision is nine or less parcels and all parcels must meet zoning requirements. She said that most residents in the County are either zoned agricultural or residential.

Commissioner Roper stated that there does not seem to be a lot of controversy with the new land ordinance.

David Sturlin, Planning & Zoning, expressed appreciation to the sub-committee who spent a lot of time developing this land ordinance. He said that he feels that this is a good ordinance that will serve the County well for many years.

Commissioner Draper said that the ordinance has a recommendation that the land use authority for non plat subdivisions become under the authority of the Planning Commission Board rather than the Millard County Commission.

Mr. Sturlin clarified that the Planning Board is only granted administrative authority, not legislative. He said that he feels the board can handle that responsibility.

Ms. Dekker said that there was a lot of discussion regarding banning shared wells, but in the end the decision was made to leave that out of the ordinance.

Assessor Manis said that there have been a few times that shared wells have had to be shut off and it does become an issue in certain cases.

Commissioner Draper stated that several things caught his attention that he would like to discuss with Attorney Finlinson. He briefly discussed these issues.

There were no other comments made.

Commissioner Withers made a motion to close the public hearing.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion

carried. The public hearing closed at approximately 11:48 a.m..

The regular meeting reconvened.

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 16-08-02A "SUBDIVISION ORDINANCE" DATED MAY 4, 2016, INCLUDING CERTIFICATES OF APPROVAL AND OTHER DOCUMENTS

Commissioner Roper made a motion to table this agenda item.

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

Attorney Finlinson requested that Deputy Attorney Richard Waddingham be involved in this process.

OTHER BUSINESS CONTINUED

The commissioners reviewed the financial reports for the month of July.

Casey Fowles, Sunset View Golf Course Golf Pro, presented a handout of the floor plan for the Golf Course Clubhouse. He briefly explained the layout to the Commission.

Commissioner Roper asked Mr. Fowles to get a cost estimate based on the floor plan and report back.

Mr. Sturlin briefly explained a garbage disposal issue in Baker, Nevada. He asked the commissioners to look into the possibility of allowing the residents of Baker, Nevada, to use the Garrison Landfill.

Attorney Finlinson said it would not be an easy arrangement since it is another State.

Commissioner Withers said that the commissioners will discuss this issue with Gary Perea, White Pine County Commissioner.

Attorney Finlinson briefly discussed the Material Safety Data Sets (MSDS) requirements that have been discussed at previous meetings. He said that he will schedule a meeting for all elected officials to attend regarding this issue. He said that it would be a good idea to assign someone to administer it.

Commissioner Roper reported on the Utah Alliance for Economic Development meetings July 19 through 20, 2016.

Later, Commissioner Withers reported on the inter-generational poverty meeting that he attended July 20, 2016.

Commissioner Roper said that the Millard County Fair is August 9 through August 13, 2016. The commissioners will be cooking dinner on August 11, 2016, starting at 6:00 p.m..

Later, Commissioner Roper said that there is a kick off luncheon on August 9, 2016, at 12:00

p.m.. He said that Miss Millard will be there and that the commissioners are invited.

Commissioner Roper reported that Fillmore City and Flowell Electric met regarding power for the Records Building. He said he will report back when he receives a price quote from Flowell Electric.

Commissioner Roper said that the Legislative Ride is August 16, 2016, starting at 8:00 a.m., in Richfield.

Commissioner Draper said that Mark Ward, consultant for the County Resource Management Plan (RMP) has removed himself from the process due to a statutory conflict. The County will be looking for a new professional consultant.

Commissioner Draper said that the Rural Summit is August 4 through 5, 2016, in Cedar City. He said that he will be attending the summit and will be discussing alternatives to Mr. Ward at those meetings.

Commissioner Draper said that a decision needs to be made regarding joining the Rural Utah Alliance (RUA).

Commissioner Withers said that he would like to discuss RUA with Senator Ralph Okerlund before making a decision.

Commissioner Draper said that he talked to David Ure, SITLA, regarding the cosmic ray project that was discussed previously. He said that he will give a copy of the maps to Mr. Ure.

Clerk Rowley asked the commissioners if she could have a booth at the County Fair to get the word out about the County going to vote by mail.

The commissioners agreed and referred Clerk Rowley to call Betty Jo Western to set that up.

Commissioner Draper said that there is a FEMA presentation on August 4, 2016, in Richfield, at 8:00 a.m., regarding emergency management in a disaster.

Commissioner Draper said that there is an RMP grazing meeting August 9, 2016, at 9:00 a.m., at the BLM Fillmore Field Office.

Commissioner Draper said that Congressman Chris Stewart will be in Fillmore August 17, 2016, at 9:30 a.m..

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

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 12:31 p.m..

Attest: _____

Approved: _____