

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 1st DAY OF JULY 2008  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper Chairman  
Kathy Y. Walker Commissioner  
Daron P. Smith Commissioner

Richard Waddingham County Attorney  
Norma Brunson County Clerk  
Janice Robins Deputy County Clerk

ALSO PRESENT: Lindsay Mitchell Millard County Sheriff's Office  
William Hayemeyer, Felipe Uscaieges, J. Paul Oxeer, Krista Kisch and  
Shelly Teuscher First Wind  
Gary Walker Millard County Planning and Zoning  
Matthew Horrocks Citizen  
Brandy Grace Millard County Auditor  
Jim Talbot Millard County Assessor

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN  
PROVIDED TO

each member of the governing body, the local news media and posted in three  
public places or on the Millard County website, 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  
Cooper to the public and Commission members.

OPENING STATEMENTS

Commissioner Cooper asked if anyone had an opening statement to give.  
Deputy Clerk Janice Robins gave a quote and Commissioner Smith said the  
invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JUNE 17, 2008

Commissioner Cooper had talked to the Auditor's Office confirming that Utah  
State University will not be picking up the salary for Jim Stevens in the

Extension Office. In order to keep the livestock program going, the County will be providing Jim Stevens' salary for a six-month period from March 1-September 30. The money is in the budget.

#### APPROVAL OF JUNE 17, 2008 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 17, 2008 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Walker made a motion to approve the minutes of June 17, 2008, as corrected.

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

#### REQUESTS FOR AMBULANCE ABATEMENTS-LINDSAY MITCHELL-SHERIFF'S OFFICE

Lindsay Mitchell, Sheriff's Office came before the Commission with two ambulance abatement requests.

The first request was from Kathleen Greaney. Her ambulance bill after the insurance had paid is \$1,256.31. The Commissioners reviewed her reported income, IRS taxes and other information.

Commissioner Walker made a motion to table the decision on Kathleen Greaney's request until her current employment and more financial information are provided.

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

The second request was from Roxanne Layton whose balance is \$794.70. She does not file income tax and is on disability insurance.

Commissioner Walker made a motion to abate the ambulance bill 35 percent for Roxanne Layton based on County income guidelines and the number of dependents.

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

Commissioner Cooper said that he had received a letter from Shanna Ellsworth who would like further consideration on her family's request for an ambulance bill abatement. All of the family's belongings were lost and several family members were hurt in a vehicle accident. Mrs. Mitchell will bring Ellsworth's file to the next Commission meeting to review and render a final decision.

## AUDITORS REPORT

Auditor Grace gave the Commissioners the Check Edit Report of June 30, 2008 to review and sign.

Auditor Grace said that minimum wage will increase to \$6.55 an hour on July 24. The increase will affect a number of employees, especially at the swimming pools. A payroll change form stating that a federal increase is the reason for the change will be placed in the files of the employees receiving an increase. West Millard Swimming Pool Manager Cindy Manning would like the Commissioners to give consideration on how the increase will affect the current employees vs. new hires. Her request was tabled until the July 22, 2008 Commission meeting.

Auditor Grace said that Micky Robison at the East Millard Swimming Pool would like to know the status of the Arthritis Foundation agreement. The Commissioners will check on the matter.

Auditor Grace said that the state's certified tax rate is a little less than last year's rate, but the evaluation is higher which will allow the centrally assessed properties to pay a little less and everyone else to pay a little more.

Commissioner Smith made a motion to set Millard County's general rate to match the state's certified tax rate which is .003356 and to set the assessing and collecting rate at .000224 which is the certified tax rate for assessing and collecting. The assessing and collecting rate is lower than last year. Commissioner Walker **SECONDED** the motion. The voting was unanimous and the motion carried. The motion will be ratified at the next Commission meeting.

## POSSIBLE DECISION ON CENTRAL UTAH COUNSELING BUDGET

Commissioner Smith explained that Central Utah Counseling is proposing for Millard County to pay \$11,000 for a therapist to take over the drug testing for the drug courts in Millard County and Juab County. The County Attorney's Office has been budgeting \$10,000 for drug court so an additional \$1,000 will need to be budgeted next year. Currently Millard County has been using \$6,000 for the testing kits and Deputy County Attorney Pat Finlinson has been doing the testing on his own time.

Commissioner Smith made a motion to approve a request from Central Utah

Counseling for Millard County to pay \$11,000 a year to help pay for a therapist.

Commissioner Walker SECONDED the motion and asked for discussion. She asked the County Attorney if his office would be affected adversely if the \$10,000 was taken from his budget. He said it would not. In fact it would free up the time Deputy County Attorney Finlinson was using to do the drug testing. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSAL FROM UTAH DEPARTMENT OF AGRICULTURE AND FOOD TO HIRE RANGE AGENTS

Commissioner Walker made a motion to deny the request made by the Commissioner of Agriculture and Food Leonard Blackham for the County to give money to be used to hire range agents. Millard County is covered by the USU Extension Livestock's agent Seth Holmes.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. Commissioner Walker will send a letter to Mr. Blackham and notify him of Millard County's decision.

#### CLARIFICATION AND POSSIBLE CHANGES TO THE MILLARD COUNTY EMPLOYEES SICK LEAVE POLICY

Commissioner Walker made a motion to table a decision on the issue of sick leave donation until the July 22, 2008 Commission meeting in order to allow the Commissioners time to get the opinions of employees, elected officials and department heads. The cost of short term disability insurance will be investigated by Auditor Grace and reported at the next meeting.

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

#### PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A CONDITIONAL USE PERMIT ("CUP") APPLICATION BY FIRST WIND FOR A MAJOR ELECTRIC TRANSMISSION RIGHT OF WAY TO BE LOCATED APPROXIMATELY 18 MILES WEST OF DELTA, UTAH ALONG THE OVERHEAD UTILITY CORRIDOR AS INDICATED ON THE MILLARD COUNTY MAJOR UTILITY CORRIDOR PREFERRED MAP

Commissioner Smith made a motion to go into a public hearing to take public comment on an application for a CUP for First Wind.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The hearing began at 11:03 with Krista Kisch, Shelly Teuscher, William Havemeyer, Felipe Uscaieges, J. Paul Oxer, Matthew Horrocks and Gary Walker present. Millard County Planner Sheryl Dekker was excused.

Krista Kirsch, First Wind thanked the Commissioners for hearing First Wind's request for a transmission line to transmit wind power from the proposed 300 megawatt wind farm located in Beaver County and Millard County. First Wind has designed a 345/ 90-mile line to interconnect that facility which is designated as a Class 3, Class 4 wind resource area to transmit the power to IPP. The line will be east of the line owned by IPP and will consist of overhead transmission lines on H frame structures between 105' and 115' in height and the voltage would be 345 kilowatts. Temporary roads will be constructed for use during the construction of the transmission line. Once the line is in place First Wind will use the existing roads for maintenance purposes. There will be a couple of staging areas approximately 10 acres each. First Wind has been working with the BLM and Los Angeles Water and Power. The position of the line was made to avoid crossing under the existing line owned by IPP. There is a minor deviation outside of the Millard County Utilities Corridor that was caused by not being able to get a signature from a private landowner after seven months of contact with them.

Felipe Uscaieges said First Wind has secured a Utah contractor to help with the roads.

Commissioner Walker made a motion to go out of the public hearing as there was no additional comment from the public.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing ended at 11:08 a.m..

**REVIEW AND POSSIBLE APPROVAL FOLLOWING A PUBLIC HEARING CONDUCTED JULY 1, 2008, REGARDING APPLICATION FOR A CONDITIONAL USE PERMIT #Z-2008-012----FIRST WIND FOR A MAJOR ELECTRIC TRANSMISSION RIGHT OF WAY TO BE LOCATED APPROXIMATELY 18 MILES WEST OF DELTA, UTAH ALONG THE OVERHEAD UTILITY CORRIDOR AS INDICATED ON THE MILLARD COUNTY MAJOR UTILITY CORRIDOR PREFERRED MAP**

Gary Walker representing Millard County Planning and Zoning said that Millard County Planning and Zoning recommended the approval of a large scale CUP regarding the transmission Right of Way for the First Wind power

project located in Beaver County and Millard County. Millard County Planning and Zoning recommended this with certain conditions under the direction of County Consultant Bruce Parker.

A. There is small deviation from the Millard County approved Major Utilities Corridor which was not discussed at the June 4, 2008 planning and zoning meeting as it came up after the decision was made.

B. A map has been submitted with the application showing the deviation.

C. Another condition is that a road maintenance agreement will be established with the Millard County Road Department after the CUP is issued which must be agreed to by the Millard County Commissioners, the County Attorney and the County Road Department.

D. There are a couple of requests by First Wind for verbiage changes for clarification only and they are not significant changes.

The requests by First Wind for verbiage modification of the conditions were pointed out and discussed with the Commissioners.

Commissioner Cooper asked if everything on the deviation had been cleared with the BLM?

Krista Kisch said First Wind had been working with the BLM. She explained the situation with the noncomplying landowner. A copy of the log with detailed information regarding First Wind contacts with the landowner was given to and was discussed with the Commissioners.

Gary Walker said the deviation from the recommended corridor is not in violation of any zoning regulations and a zone change is not needed. The agreement with the northern land owners has been worked out and they are willing to participate. First Wind's line consists of approximately 75 miles on public lands, 5 miles on state lands and 8-9 miles on private lands.

Shelly Teuscher pointed out the modifications to the CUP conditions in the electrical transmission line application and discussed them with the Commissioners.

Attorney Waddingham asked what kind of conditions do the BLM and SITLA require for land restoration after the project terminates? Are bonds or other sureties required?

Shelly Teuscher said that basically the land is to be returned to a similar state prior to the time the project was started.

Gary Walker said that part of the CUP application included decommissioning, which should put the land back the same as before the project. The changes would be part of the conditions. The project has a projected operational life of 50 years, afterwards if the project is no longer required or the line is not in use by another entity, the transmission line would need to be removed from service and at that time the conductors, insulators and hardware would be dismantled and removed from the right of way and the transmission power line structures would be removed. Areas disturbed during the removal of the transmission line from the right of way would be restored and rehabilitated to as near as possible to the original condition so it would be available for the same usage that existed prior to construction of the project.

Commissioner Smith made a motion to approve a large scale CUP for First Wind for a utility corridor in Millard County. There will be certain conditions put on the CUP that will need to be approved by the County Consultant and the County Planning and Zoning Board and will be listed as 1-23, noting on numbers 6 and 7 that a County road management agreement will be established before a building permit and a traffic management plan is issued. The conditional use application will approve the current alignment of the utility corridor based on the Millard County General Plan that provides a number of different strategies. A new preferred line map has been created. The Millard County General Plan requires that all new utilities, facilities and transmission corridors with interstate or federal purposes are to be located in the West-wide energy corridor when feasible and to be located on public lands in compliance with all county land use ordinances. The intent of creating the utilities corridor was to avoid private property whenever possible. In this particular instance, First Wind is trying to go around private land owners who do not want to participate and to use public land whenever possible. The current alignment, as proposed, addresses the two points contained in the consultant's report and the General Plan to protect private property and to locate interstate and federal utility transmissions lines on public land.

Attorney Waddingham said he would like to modify some of the language in item number 12. He would also like to determine if there are conflicts regarding conditions referring to both federal and state governments and how each is treating decommissioning or reclamation of the project. He will also propose one further condition to the CUP.

Commissioner Walker **SECONDED** the motion and asked for discussion. She asked Gary Walker to present the County's options and asked for the opinion of the County Attorney.

Commissioner Smith said before Millard County issues the CUP the five

factors should be identified that justify doing that and made a motion to rescind the motion and the decision will be tabled until the July 22, 2008 Commission meeting.

County Attorney Waddingham and the attorneys for First Wind may participate in a conference call and discuss the verbiage changes.

The Commissioners will appoint Millard County Planner Sheryl Dekker to be the contact person to act as the County representative.

**PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A CONDITIONAL USE PERMIT APPLICATION BY FIRST WIND FOR ESTABLISHMENT OF A MAJOR WIND ENERGY SYSTEM TO BE LOCATED APPROXIMATELY 60 MILES SOUTH OF DELTA, UTAH**

Commissioner Smith made a motion to go into a public hearing to hear public comment regarding an application for a CUP #Z-200-012.

Commissioner Walker **SECONDED** the motion. The voting was unanimous and the motion carried. The hearing began at 12:03 p.m.. Present were Krista Kisch, Shelly Teuscher, William Havemeyer, Felipe Uscaieges, J. Paul Oxer, Matthew Horrocks and Gary Walker.

Krista Kisch gave a short presentation on the size of the facility. Part of the wind farm project is in Beaver County and part is in Millard County. The power generated at the wind farm will be transmitted to the IPP site. She explained that studies have been done to show the effects of the project on the surrounding environment, health, safety and welfare and the economic impact of the area. First Wind plans to start construction in 2009 and it should take approximately 12 months. There will be about 200 people hired at the peak of construction. Construction traffic will be managed by the local authorities. County setbacks from roads and non participating owners and other regulations will be followed. Once the project is built there should not be a lot of activity out there as the project only requires low maintenance. Decommissioning will be handled through the BLM.

No one from the public gave comment.

Commissioner Walker made a motion to go out of the public hearing as there wasn't any public comment.

Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried. The hearing ended at 12:13 p.m..



REVIEW AND POSSIBLE APPROVAL FOLLOWING A PUBLIC HEARING CONDUCTED JULY 1, 2008, REGARDING APPLICATION FOR A CONDITIONAL USE PERMIT #Z-2008-008–FIRST WIND FOR A MAJOR WIND ENERGY SYSTEM TO BE LOCATED APPROXIMATELY 60 MILES SOUTH OF DELTA, UTAH

Gary Walker said that the reason the public hearings went so well today is that the Millard County planning process is working. There have been public hearings at the Planning and Zoning level and so a lot of the concerns of the citizens have already been addressed. The work of the Millard County Planning Commission deserves to be recognized as they have done a good job. The application for a CUP comes with a six to one decision to grant a CUP to First Wind. This is phase II of the project. Phase I is in Beaver County. The County Consultant has prepared a report for the Commissioners to review. There are other important agreements that still need to take place after the CUP is granted. First Wind has some minor verbiage changes that still need to be made.

Commissioner Walker made a motion to table the decision until the July 22, 2008 Commission meeting.

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

POSSIBLE APPROVAL OF RESOLUTION 08-07-01, A RESOLUTION BY THE MILLARD COUNTY COMMISSION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MILLARD COUNTY AND WEST MILLARD MOSQUITO ABATEMENT DISTRICT (“DISTRICT”) TO CONFIRM THE DISTRICT’S AUTONOMY AND LOAN THE DISTRICT SUFFICIENT FUNDS TO OPERATE DURING THE 2009 CALENDAR YEAR

Commissioner Smith made a motion to approve Resolution 08-07-01, A Resolution by the Millard County Commission Approving an Interlocal Agreement between Millard County and West Millard Mosquito Abatement District to Confirm the District’s Autonomy and Loan the District Sufficient Funds to Operate During the 2009 Calendar Year.

Commissioner Walker SECONDED the motion. Clerk Norma Brunson called for a roll call vote. Commissioner Walker voted YES. Commissioner Smith voted YES. Commissioner Cooper voted YES. The voting was unanimous and the motion carried. The resolution will be on file in the Clerk’s Office.

## DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIALS AND SECRETARY

Commissioner Walker attended a Delta/Oasis/Sutherland and Hinckley/Deseret Cemetery Districts meeting. The purpose of the meeting was to clarify the bylaws and the rules and regulations. The main focus of clarification was the requirement of giving a 48 hour notice prior to burial and the grave opening and closing fees to be paid before a burial site is prepared. Cement vaults are required in the above-mentioned cemeteries to withstand the probing of locating a grave site. The district boards will publish rules and regulations and do everything possible to educate the public of the rules and regulations.

In an effort to help contestants prepare for Miss Millard Scholarship Pageant, Commissioner Walker served as one of the judges during the mock interviews. The pageant will take place on Saturday, August 2, 2008 at 7:00 p.m. and the Little Miss Millard pageant will take place earlier that day under the direction of Director Tammie Bean.

Commissioner Walker talked with Millard County Fair Director Betty Jo Western about the upcoming fair on August 7-9. Mrs. Western is thinking of hosting a co-ed softball tournament as part of the fair. She was told to contact Recreation Director Max Wood to organize the tournament. The cost to the fair would be approximately \$2,000.

Commissioner Walker attended the Millard County Care and Rehabilitation, Inc. ("MCCR") meeting. Medicaid/Medicare numbers have been given to the care center, but the monies are not available until after July 8. There has been a conflict which required a transfer agreement and change of ownership from IHC. The transfer has been done but in order to meet the payroll and operating costs an advance of \$25,000 has been approved by the Commissioners.

According to Bryan Erickson, Traditions CEO, the care center expects to operate on its own once the Medicaid/Medicare monies come in. The MCCR Board reviewed the financial reports.

MCCR Administrator Jeff Christensen said the annual state survey was conducted and the center was given a great score. He said there is a need to educate Millard County residents about the rehabilitation therapy that is available at the center. Two registered nurses have been hired to fill the vacancies and quite a few RN and CNA resumes were banked. The care center received a \$7,000 grant to purchase emergency supplies such as a mobile trailer to evacuate, oxygen concentrators and an A/C unit. A new commercial washer and floor scrubber has arrived and employees in the laundry and housekeeping

were grateful.

Commissioner Walker said that economic development efforts in the County are moving forward in a positive manner. There is some interest by potential projects.

The County received information that John Kuhni and Sons of Nephi in Juab County was disposing of raw material in the flesh pit at the Millard County Landfill. Commissioner Walker gave Millard County Landfill Director Sheryl Dekker approval to write a letter to John Kuhni that the company must make arrangements with the Juab County Landfill. Millard County refuses to accept any waste that is not generated within the County.

Commissioner Walker received a phone call early Sunday morning that a dumpster was not available at the Sutherland site. Several residents were upset when they attempted to dispose of waste. She called landfill supervisor Phil Lovell who immediately sent a landfill employee to correct the problem. They apologized to the Sutherland residents for the inconvenience.

Commissioner Walker attended the National ATV Jamboree opening ceremony in Fillmore on June 24. There were approximately 250 riders participating in the week-long event. The Jamboree was a great success. Thanks to volunteer chairman Bart Whatcott and his board for their hard work and commitment.

FYI: The Special Service Districts within Millard County are not covered by Millard County's liability insurance. Each cemetery district has acquired its own liability insurance policy.

Commissioner Smith attended the Mental Health Authority Board meeting on June 25, 2008 in Richfield, Utah.

Commissioner Cooper received a letter from the State Trust Lands regarding a temporary right of entry permit to Millard County. They are asking for written comments. The applicant plans to construct a power transmission line.

Commissioner Cooper announced that the returning troops from the 145th Battalion may be honored on August 16, 2008 in Fillmore. Governor Huntsman will be attending the ceremony.

**OTHER BUSINESS**

Millard County Assessor Jim Talbot reported that property taxes will be going up this year. Scipio's taxes on residences would increase 42 percent. This is land only, which is a small portion of a home's value. Scipio falls in with all the other districts at about 25 percent. The rest of the County would increase 20-30 percent. Businesses' taxes will go up 10 percent. Land will go up significantly. Assessor Talbot will put a series of articles in the local newspaper to inform the public.

Commissioner Walker commented in regards to Governor Huntsman's request to have all the state offices go to a four-day work week working 10 hour days beginning August 4, 2008. The change will adversely affect the Division of Motor Vehicles satellite offices and the courts within the County. The four-day work week will be discussed at the next meeting on July 22.

Attorney Waddingham asked what the Commissioners' opinion would be for a payment request on an incident at the East Millard Swimming Pool where a child had stepped on some glass near the dumpster. The Commissioners said that it was not the County's responsibility.

Attorney Waddingham gave the Commissioners the rental contract (\$900 a month) between Millard County and Connie Tolbert for Central Utah Public Health. The document was signed by the Commission chairperson.

Clerk Norma Brunson said that the "by mail precinct" (Garrison) had a higher percentage of voters voting in the June 24, 2008 Primary election. Garrisons' voting percentage was 46.51 percent compared to the rest of the county's 25.34 percent.

#### PUBLIC INPUT

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 Walker made a motion to adjourn the meeting.  
Commissioner Smith SECONDED the motion. The voting was unanimous and

the meeting adjourned at 12:57 p.m..

**COMMISSIONERS WILL CANVASS JUNE 24, 2008 PRIMARY  
ELECTION**

Commissioner Smith, Commissioner Walker and Treasurer John Hansen did  
the canvass on the June 24, 2008 Primary Election.

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_