

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 7th DAY OF APRIL 2009  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith Commission Chairperson Pro Tem  
Bart A. Whatcott Commissioner

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

EXCUSED: Commissioner Walker was excused to attend the Central Utah  
Mental Health Counseling meetings in San Antonio, Texas.

ALSO PRESENT: John Pelczar First Wind  
Marki Rowley Clerk's Office  
John and Marilyn Heath Citizens  
Tony and Don Fuller Citizens  
David and Bonnie Peterson Citizens  
Justin Taylor Days of the Old West Rodeo  
Scott Damron Days of the Old West Rodeo  
Connie Hansen Millard County Recorder  
Bonnie Gehre Millard County Chief Deputy Auditor

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:

COORDINATION SESSION

The Commissioners scheduled events for the month of April 2009.

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Smith  
to the public and Commission members.

## OPENING STATEMENTS

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

## MILFORD WIND CORRIDOR, LLC PROJECT PROGRESS AND CONSTRUCTION

John Pelczar, First Wind Construction Manager, reported that the project was progressing well. He reported the following information:

- The contracts for the sub station and the transmission line were awarded on March 1, 2009
- The contract for the BOP plant was awarded the following week
- Half of the transmission line structures have been delivered to the site
- 170 transmission line structures have been assembled
- 75 foundations have been dug
- About 35 structures are in the ground
- 65 to 75 percent of the roads have been finished
- Two foundations have been dug and the concrete will be poured next week
- They are working 7/12 hour shifts on the transmission line and 6/12 hour shifts on the balance of the plant
- There are 50-55 workers on site working
- Local people are being hired as concrete workers and as equipment operators
- 20-25 percent of the workforce should be local
- The concrete company is out of Provo
- The road gravel is coming from Minersville
- 25-30 local truckers are doing the hauling for the project

## RATIFY THE EMPLOYMENT OF TESS TAYLOR TO THE MILLARD COUNTY ROAD DEPARTMENT JANITORIAL POSITION

Commissioner Whatcott made a motion to ratify the employment of Tess Taylor to fill the Millard County Road Department's janitorial contract position.

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

## RATIFY THE APPROVAL OF THE APPOINTMENT OF COMMISSIONER WHATCOTT TO THE MULTIPLE COUNTIES ASSESSMENT TEAM ("MCAT") BOARD

Commissioner Whatcott made a motion to ratify the appointment of Commissioner Whatcott to the MCAT Board.  
Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried.

**RATIFY THE APPROVAL OF THE AFFIDAVIT OF PROTEST TO THE EMERALD PEAK MINERALS, LLC FOR APPLICATION NO. 69-104 (A78237)**

Attorney Richard Waddingham said that signing the affidavit of protest to the Emerald Peak Minerals, LLC Application to Appropriate was an administrative action that didn't need to be on the agenda. He usually signs the protest, however, it has been signed by the commission chairperson in the past.  
Commissioner Whatcott made a motion to ratify the approval of the Affidavit of Protest to the Emerald Peak Minerals, LLC for Application No. 69-104 (A78237).  
Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried.

**RATIFY THE APPROVAL OF REDUCING SWIMMING POOL FEES FOR UP TO TEN CENTRAL MENTAL HEALTH CLIENTS**

Commissioner Whatcott made a motion to ratify the reduction of the swimming pool fees for up to ten Central Utah Mental Health clients.  
Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried.

**REVIEW AND POSSIBLE EXECUTION OF THE AFFIDAVIT OF A NON PLAT SUBDIVISION AND THE NON PLAT SUBDIVISION CERTIFICATE FOR DAVID R. PETERSON, LESTER B. PETERSON, NANCY J. CURTIS, AND BRAD B. CLUFF, SUBDIVISION NAME: NORTH WASH SUBDIVISION #Z-2009-002**

Commissioner Whatcott made a motion to approve the non plat subdivision authorizing the Commission Chairperson to sign the certificate and the affidavit, if necessary, for David R. Peterson, Lester B. Peterson, Nancy J. Curtis and Brad B. Cluff, Subdivision name: North Wash Subdivision #Z-2009-002.  
Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. It was noted that none of the lots

were land locked.

## DISCUSSION ON ADF HOLDINGS, LLC'S GRAVEL PIT PROPOSAL, OWNERS ANTHONY AND DON FULLER

ADF Holdings, LLC, owners Anthony and Don Fuller had previously sent in a proposal to sell Millard County twenty acres of the property where the County had previously purchased gravel. Anthony and Don Fuller made the following comments during the discussion.

1. During the last three years \$45,000.00 of gravel has been contracted out of the pit by the Millard County Road Department and it has plans to purchase gravel in the future.
  2. The gravel is all good quality and there are no left overs.
  3. The property is in a good location and has good access roads
  4. ADF Holdings, LLC has been reserving 18 inches of rock and soil for reclamation of the property. Originally the plan was to level the property as the gravel is removed.
  5. The over burden has been removed from about one third to one half of the land. Around two ½ acres have been dug and the gravel has been removed.
  6. It is assumed that all of the property has the same quality of gravel. Test holes have been dug in various locations throughout the property.
  7. ADF Holdings, LLC is willing to sell twenty acres of a forty-acre parcel to Millard County, however, it does have two other offers. ADF Holdings, LLC will give Millard Count sixty days to make an offer.
  8. The property is zoned Light Industrial.
  9. There is power to the property but there are no transformers. (The Fullers received a bid for the cost of installing the transformers.)
  10. There is a water well located on the adjoining parcel, to which an easement could be granted, if necessary.
  11. ADF Holdings, LLC wants a release from a prior agreement with the county for the restoration of the land, the time limit for gravel removal and its \$30,000 cash bond released.
  12. Because the twenty-acre parcel is part of a forty-acre piece, the Planning and Zoning should be contacted for a non plat subdivision application.
- All the Commissioners will meet together as a group and will give a response to the owners of ADF Holdings, LLC by Friday, April 10, 2009, or as soon as Commissioners make the decision.

## FOLLOW UP ACTION ITEMS FROM MARCH 31, 2009

There were none.

## APPROVAL OF THE MINUTES OF MARCH 31, 2009

The proposed minutes of a regular County Commission meeting held March 31, 2009 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Whatcott made a motion to approve the minutes of March 31, 2009, as corrected.

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

## DISCUSSION BY EACH COMMISSIONER, COUNTY ATTORNEY, AND ELECTED OFFICIALS AND SECRETARY

Commissioner Whatcott met with the Central Utah Public Health Department (“CUPHD”) Director Bruce Costa, Nurse Linda Stephenson, Secretary JoAnn Turner, and Six County Association of Governments Director Russell Cowley to discuss its office space in Fillmore. The office has very limited space (360 square feet) to handle all the functions of the office. A slide presentation by Mr. Cowley was shared. A letter was given to Commissioner Whatcott showing details about the size and functions of the office. Stimulus money may be available to help in a proposed project to enlarge the office space.

Commissioner Whatcott has talked with Fillmore City Mayor Christensen about the city’s plan to restore the POD building. There is a possibility that this could be a joint effort to get funds for both the county and the city. Senator Stowell will be contacted about this proposal.

Commissioner Whatcott met with representatives from Questar Gas to discuss proposed gas reductions. The gas usage at the swimming pools is at a point where the charges can be reconfigured at a lower rate. There are facilities in the county that are seldom used and money could be saved by turning on the gas as needed and then turned off again. This would save the minimum monthly billings that Millard County has been paying. The fee to turn on/off the gas is minimal. The Commissioners will review the gas usage at all the Millard County facilities and adjustments will be made to save the county money.

Commissioner Smith said Sheriff Dekker would like to pursue a grant to help hire new deputies in the future. He was given approval by the Commissioners to pursue the grant.

Commissioner Whatcott made a motion to ratify the approval of the lands use agreement with the Fishlake National Forest Service dated March 21, 2009. Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. Attorney Waddingham will review the agreement.

Attorney Richard Waddingham said that all the people who represent Millard County as volunteers need to register with the Auditor's office. This would include volunteers helping with all the activities including the National ATV Jamboree and the Days of the Old West Rodeo. Waivers should be signed by all the participants releasing Millard County from liability for injuries while they are participating in County sponsored events.

Commissioner Whatcott reported that Jolene Johnson, USU Extension Family and Consumer Science, will be leaving the end of May. She had inquired about a six-month pay increase for Sheryl Young, a 4-H staff assistant. The new policy states that pay increases will be made twice a year, once in January and once in July. A step and grade scale will need to be determined for the 4-H assistants, the life guards and the cashier positions at the pools.

Commissioner Smith participated in an executive UAC Conference call on Wednesday, April 1, 2009. He attended the Millard County Planning and Zoning meeting that evening.

Commissioner Smith attended the road department safety meeting on April 6, at 7:00 a.m. and met with each employee individually to discuss the step and grade scale and the Apple Program.

Commissioner Smith participated in a conference call with UAC Attorney Mark Ward where the proposal from Southern Nevada to delay the water hearing for one year was discussed. Attorney Ward had met with other entities and it was the consensus of the group that the postponement would give a longer time to provide the science that the water is not there. Comments can be made to Nevada State Engineer whether to stipulate or not.

Clerk Norma Brunson reported that there were thirteen applications taken for the Deputy Clerk position and three applicants were interviewed. Marki Rowley was awarded the position.

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

Commissioner Whatcott made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual.

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting began at 11:19 a.m..

After the closed executive session the regular meeting reconvened at 11:47 a.m..

### OPENING OF SURVEY BIDS

The following survey bids were opened. The amounts were posted on the board by County Attorney Waddingham.

Company Name Existing Brass Caps Corner Found New Corner  
Updated

Torgersen \$185.00 \$400.00

Sunrise Engineering \$135.00 \$255.00 \$485.00

Edwards \$345.00 for all categories

Round Valley Surveys \$825.00 for all categories

Commissioner Whatcott made a motion to accept the bids. The survey committee will review the bids and choose the best value for Millard County's budget and for the Recorder's Office.

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

### OTHER BUSINESS

Scott Damron and Justin Taylor from the Days of the Old West Rodeo committee came before the Commissioners with the following proposal. The idea of holding a poker trail ride in conjunction with the rodeo on Friday was proposed. The rodeo's dates are June 11, 12, and 13. There are activities scheduled for Thursday and Saturday but nothing is scheduled for Friday.

2. The date of the proposed trail ride would be Friday, June 12, 2009

3. The location of the ride would be Oak Creek Canyon
4. This event could increase interest in the rodeo
5. The general public will be invited
6. Positive response has been received from the community to hold a trail ride
7. The fee for the trail ride will include a rodeo ticket
8. A saddle has been donated as a prize
9. Local businesses will be asked to donate additional prizes
10. The liability issues affecting Millard County and the rodeo committee need to be addressed
  - a. Utah Counties Insurance Pool (“UCIP”) will be asked for advice.
11. A permit from the Forest Service for the poker trail ride will be needed
  - a. Bill Wright will be contracted for the Forest Service permit application
12. Printed posters will include the trail ride if it is approved
13. All the rodeo and the trail ride volunteers would need to register their names and assignments with the Millard County Auditor’s office

Commissioner Whatcott, Mr. Damron and Mr. Taylor will meet at 3:00 p.m. on Wednesday, April 8 to discuss the details of the proposed trail ride and UCIP’s advice regarding the liability issues of holding a trail ride. The decision to approve the trail ride will be determined upon the advice from UCIP.

#### NOON LUNCH BREAK

#### PUBLIC INPUT

Drew Labrum asked the Commissioners if a building permit would be needed to place a free standing car port on his property located in the county and if portable storage units would be allowed on this same property. Mr. Labrum was told to call the county building inspector.

He asked about the possibility of filling in an irrigation ditch and moving it to another location. The County cannot advise Mr. Labrum on this matter. Mr. Labrum will need to check the ownership of the ditch before proceeding with any action.

#### AUDITOR’S REPORT

Chief Deputy Auditor Bonnie Gehre reported that the tax sale is scheduled for May 28 at 10:00 a.m.. The list of the proposed properties for sale was given to the Commissioners to review. Auditor Gehre reported that Daniel and Sharon Jackson had an agreement with the county to pay half of their taxes but failed to meet the deadline. The Commissioners authorized the property to be put



back on the tax sale.

Robert Wetzel paid \$400.00 toward his taxes in the County Offices in Delta on April 6 and he has agreed to pay the balance in two weeks. The Commissioners authorized the property to be removed from the tax sale.

Deputy Bonnie Gehre gave the Commissioners a copy of the Check Edit Report of April 3, 2009 to review and sign. The report total was \$125,271.72.

A capital purchase invoice from Sholzen Products was approved for payment by the Commissioners.

Commissioner Whatcott reported that he had met with a representative from Questar Gas. Questar Gas will be sending Millard County a refund check of \$1,213.00 for over charges plus the interest. Methods were discussed where Millard County could cut gas costs in the buildings and outdoor facilities where gas is used infrequently.

Commissioner Smith reported that he had turned in a trip reimbursement check from UAC for approximately \$1,900.00.

#### TREASURER'S REPORT

Treasurer John Hansen gave the Commissioners copies of the budget summary to review.

THE FINANCIAL REPORT WORK MEETING WITH TREASURER HANSEN, CHIEF DEPUTY AUDITOR GEHRE, ATTORNEY WADDINGHAM AND THE COMMISSIONERS WAS HELD

THE APPLE PROGRAM WORK MEETING WITH COMMISSIONERS WAS RESCHEDULED TO APRIL 21, 2009

WHERE UPON THE MEETING ADJOURNED

Commissioner Whatcott made a motion to adjourn the meeting. Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 2:29 p.m..

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

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