

**MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF JUNE 2009
AT THE COURTHOUSE, FILLMORE, UTAH**

PRESENT: Kathy Y. Walker Chairperson
 Daron P. Smith Commissioner
 Bart A. Whatcott Commissioner

 Richard Waddingham County Attorney
 Norma Brunson County Clerk
 Marki Rowley Deputy County Clerk

ALSO PRESENT:

David Smith	TransWest Express
Randall Simpson	EPG
Nate Ferguson	EPG
Aaron Gibson	Rocky Mountain Power
Cindy Smith	EPG
Dean Draper	Chronicle Progress
Sheri Dearden	Treasurer's Office
Scott Corry	Kanosh Town Councilman
Sheryl Dekker	Millard County Planner
Connie Hansen	Recorder
Shelly Teuscher	First Wind
Krista Kisch	First Wind
Mark Cox	Rocky Mountain Power
Tom Heaton	Remp
Brandy Grace	Millard County Auditor
Bruce Parker	Planning and Development Services
Susan Duncan	Millard County Assessor's Office
Mark Ward	UAC

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 months of June and July 2009.

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

Commissioner Whatcott read of a hero who went above and beyond his call of duty to save at least 30 wounded soldiers during the Vietnam War in 1965. This hero was awarded the Congressional Metal of Honor and has since passed away. Commissioner Whatcott read this in respect to the upcoming Flag Day.

Commissioner Walker 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.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR NATURE'S ORGANIX, LLC-OWNER VERNON FISHER

Commissioners reviewed the business license and found all the signatures in order.

Commissioner Smith made a motion to approve the business license for Nature's Organix, LLC -Owner Vernon Fisher.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR CENTRAL UTAH ANIMAL HOSPITAL-OWNER JOHN ANDERSON

Commissioners reviewed the business license and found all the signatures in order.

Commissioner Smith made a motion to approve the business license for Central Utah Animal Hospital-Owner John Anderson.

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

POSSIBLE APPROVAL OF LYNETTE MADSEN AS A MISS MILLARD SCHOLARSHIP PAGEANT DIRECTOR

Commissioner Whatcott made a motion to appoint Lynette Madsen as a Miss Millard Scholarship Pageant Director.

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

POSSIBLE APPROVAL OF SHARI OPPENHEIMER AS A MISS MILLARD SCHOLARSHIP PAGEANT DIRECTOR

Commissioner Whatcott made a motion to appoint Shari Oppenheimer as a Miss Millard Scholarship Pageant Director.

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

REQUEST FOR COMMISSION WAIVER-DELTA HIGH SCHOOL WRESTLING DERBY

There was an error to the agenda on this item, it should read as Delta High School Football Derby instead of Delta High School Wrestling Derby.

Commissioner Smith made a motion to waive 50 percent of the fees for the use of the Millard County Outdoor Arena for the Delta High School Football Derby.

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

DISCUSSION AND POSSIBLE AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE MOSQUITO ABATEMENT DISTRICT

Commissioner Smith proposed that the Millard County Commission amend the Interlocal Agreement with the West Millard Mosquito Abatement District (WMMAD) with the following changes:

- The County will loan the District \$375,000 total without interest
- If the district in the future suffers from economic hardship the County may reconsider the loan repayment or schedule at the request of the District.
- The District shall pay the county over an 8 year period as follows:
 - \$50,000 annual for the first 7 years, with the first payment of \$50,000 due and payable on or before the first day of April 2010.
 - Then payments of \$50,000 due and payable on the first day of April each and

every year thereafter

- The final payment of \$25,000 will be due on or before the first day of April in the eighth year

The agreement allows the District to repay the County more than the required yearly amount and to be able to pay the total amount off sooner than the agreed eight years.

The other provisions of the agreement shall remain the same.

Commissioner Smith made a motion to approve the amendment to the Interlocal Agreement between Millard County and the WMMAD.

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

DISCUSSION AND POSSIBLE ADOPTION OF A RESOLUTION 09-06-02 REGARDING MILLARD COUNTY CELL PHONE USAGE POLICY

Auditor Brandy Grace stated that she was unable to get the policy drafted, but she wanted to highlight the things that the department heads would need to be aware of:

- No meal reimbursement unless an overnight stay is required.
- Meal reimbursements for travel days with an overnight stay would be based on a 75 percent per diem paid by the County.
- No personal use of county vehicles, unless in an emergency situation.
- Those employees who are using a county vehicle for the purpose of commuting will be charged \$3.00 a day taxing purposes for the value of commuting.
- The County will no longer provide cell phones. Employees who have county paid cell phones will now be required to provide their own cell phones.
- The cell phone allowance will be given on a taxable basis of \$40 a month for a basic plan, \$65 a month for a plan that requires the use of text messaging and more minutes and \$120 a month for those who require email and internet access.

The elected officials of each department will determine what plans will be required for their departments. These changes have to be done in order to be compliant with the IRS guidelines.

This item was tabled until the next agenda meeting.

DISCUSSION REGARDING EMPLOYEES-SHERIFF ROBERT DEKKER

Sheriff Robert Dekker requested that his Sergeant, who recently passed away,

still receive his acquired sick leave that he would be entitled to when he retired in August.

Commissioner Whatcott made a motion to grant the accumulated sick leave to Sgt. Robison.

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

Sheriff Dekker also presented the commissioners with a report of the Speed Enforcement Statistics.

DISCUSSION AND POSSIBLE DECISION REGARDING KANOSH ROAD DEPARTMENT-SCOTT CORRY

Scott Corry, Kanosh Town Councilman, talked about the Kanosh Road that desperately needs repairing. At the last meeting they discussed that they needed \$20,000 to complete the project. Mr. Corry said that they decided to postpone a few future projects so that they will be able to come up with the \$20,000 themselves, but would still need help from the county to chip seal the road. The County discussed the option of participating \$5,000/\$10,000 to help with labor and man power for the chip sealing project.

Commissioner Smith made a motion to enter into an Interlocal agreement with Kanosh Town for the future participation in a road project. The County would be willing to participate in helping Kanosh get this project done, while deferring some of Kanosh's future costs to complete this project now.

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

DISCUSSION AND POSSIBLE DECISION ON PUBLIC LAND USE BILL

Commissioner Walker stated that a few weeks ago Randy Johnson who is the public lands consultant, gave a presentation on proceeding with Beaver, Piute and Millard county, possibly doing a regional land use bill to try and resolve some of the issues with the Wilderness Study Area (WSA) on public ground. He is starting to work on the bill and is wondering if the county would be willing to participate in helping to fund the communication entities. The County has participated in the past with the help of Mr. Johnson. The current expense would be around \$1,000 a month. This would cover his travel expenses going back and forth from Utah to Washington, DC trying to put together a bill. Commissioner Walker asked the other Commissioners if they are willing to

commit at this time, or should they give it some more thought. She then stated that Millard County has five WSA's. She said that if the County can resolve their wilderness issues and get a bill passed with congress, it will help prevent further encroachment wilderness areas within the county.

Commissioner Smith said that the commitment would be for a period of a couple of years. The County has not budgeted for that amount of money, so he suggested to go over their budget cycle and decide if the value is there for the County to participate. The Commissioners decided to table the decision until 2010.

PROPOSED ENERGY GATEWAY SOUTH AND TRANSWEST EXPRESS TRANSMISSION PROJECTS, BLM AND EPG, AMANDA O'CONNOR

Cindy Smith, EPG Manager, gave the Commissioners an overview of the two major projects, the Energy Gateway South Project that is being proposed by Rocky Mountain Power, and the Transwest Express Project that is being proposed by Transwest Express, LLC. These are two separate projects in one general project area.

The transmission lines cross four states and several counties in several jurisdictions. Last year both components submitted an application for right of way across federal lands to the Bureau of Land Management (BLM). Since that time EPG has been working with the BLM field offices in Utah to discuss the preliminary alternative routes. The Fillmore Office recommended EPG provide an overview to the County Commission and to follow up with a work session with the Millard County Planning Commission to discuss the alternative routes they are considering.

She stated that BLM will announce the project publicly through public scoping in September of this year. They are still working on preliminary alternative routes, working closely with the land management agencies and local entities to try and refine these routes before going into the public scoping period.

In May 2007, Rocky Mountain Power announced an aggressive program to reinforce their existing transmission system by developing an additional 1900 miles of transmission lines to provide for growing customers needs, ease the transmission congestion and improve the flow of electricity throughout their service region.

Rocky Mountain Power's purpose is to:

- Provide redundancy to existing system
- Improve ability to provide reliable service to their customers

- Support future growth of electrical load in their service region
- Provide increase transmission capacity to other transmission users, such as municipal and rural utilities
- Deliver electricity that is planned to be generated to facilities in Wyoming, this includes renewable sources as well as thermal sources
- The construction time line for Gateway South is estimated to be about 3-4 years, then there is additional permitting that needs to be done, with a date of about 2014 or 2016

Cindy Smith presented a simple diagram of the 500kv electrical system that is needed and being planned by Rocky Mountain Power.

She then turned the time over to Randy Simpson, EPG Manager, who gave a presentation on the TransWest Express Project that is being proposed by TransWest Express, LLC.

He stated that the primary purpose of this project is to allow for transmission of renewable energy in the form of wind projects in Wyoming to the major markets in the southwest desert region, which includes southern Nevada, southern California and southern Utah. These projects are trying to allow access to wind energy through large scale transmission. Economic advantages of doing these projects would be to increase employment for the current construction as well as long term employment. There will also be tax benefit contributions.

- The component identifies the nature of the project and conducts regional transmission planning studies
- The EPG assisted them to identify the network of transmission corridors
- Evaluate the electrical systems and the reliability requirements
- The component then develops a project description
- The TransWest Express Project is wanting to be a little more aggressive but will follow a similar path as Rocky Mountain Power. They are looking at completing this project in about 2015.

This project and its entities will be working closely with Bruce Parker, Planning Consultant, and Sheryl Dekker, Millard County Planner. Commissioner Smith asked whether this would supplement Utah's power? Mr. Simpson replied that they would have to convert the transmission lines and a local station would have to be put in place. He stated that this is not currently in the plan for the project at this time.

Mr. Simpson presented the Commissioners with a map of the Proposed and

Alternative Routes in the Fillmore Field Office. This map is on file in the clerk's office.

DISCUSSION ON PUBLIC LAND ISSUE UPDATES-KEN BROWN

Mr. Brown was unable to attend due to a conflict in his schedule. He requested to be moved to the June 16, 2009 Commission Meeting.

MILFORD WIND CORRIDOR LLC, PROGRESS AND UPDATE STATUS ON PHASE 2

Krista Kisch, First Wind, reported on the Milford Wind Corridor project status on Phase 1. She presented the following information:

- 34 of the 97 foundations are completed
- 365 of the 400 transmission line poled power structures are set
- They are on track to have the project completed by mid November
- Three of the transmission pole structures foundations that were close to IPP have been poured
- RMT is the balance plant contract for the wind farm as well as the transmission. Derrell Owens has been down to the wind farm to look at the foundation pourings to give him an idea of how the construction process is going
- 12 water trucks are run for the wind site and one for the transmission site for the purpose of dust control
- They have 2 compliance inspectors on site, one represents BLM and the other represents First Wind
- She said that if there is feedback concerning any issue, she suggested to give them her and or John Pelczar's contact numbers.
- There is a lot of wear and tear on the roads. She said that they have a roads maintenance contract in place and will work out what needs to be fixed when the project is completed

An update of Phase 2 was also presented with the following information:

- They need a limited building permit as of July 1st or an extension of time in order to complete Phase 2
- They want to be in full construction by September of this year on Phase 2 and want to be completed by June 2010
- They will require a lot of support from the county during this phase of the project
- They will need a cost recovery budget in place for Derrell Owens to do the

turbine foundation inspection.

Bruce Parker, Planning Consultant, stated that they do not expect any great issues with Phase 2. He thinks that it will go quite quickly. He and Attorney Waddingham want to visit with Krista about the limited permit. They both feel that it would be preferable to grant an extension of time as allowed by the conditional use permit. He stated that he wanted to recognize Krista for her work on representing her organization and that she is very responsive when issues come up. She is excellent to work with, and gives a great example of a good cooperative working relationship with the county and a private enterprise.

OTHER BUSINESS

Attorney Waddingham discussed the procedure and notice requirements that must be followed to establish an Agriculture Protection Zone according to state law.

Recorder Connie Hansen gave copy of the signed survey contract for Sunrise Engineering to Commissioner Walker for her signature. This contract has already been approved in a prior meeting.

Commissioner Smith made a motion to approve the signing of the survey contract for Sunrise Engineering.

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

Recorder Connie Hansen said that Annexation Plat Process or some special districts require the County Surveyor to review, approve and sign off on the plat before it can be sent off to the Attorney General's office to be certified. She said that the county surveyor is under contract and the process will cost the county more. She suggested that the county be reimbursed for the fees by the entity that is requiring the review. In HB 61, that was passed this year, allows the county the option to collect the fees. She asked if the County decides to do this will the commissioners need to draw up a resolution to be able to impose this fee.

Attorney Waddingham will write up that resolution for the county.

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

There was none.

Commissioner Smith made a motion to recess for lunch.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:02p.m.

NOON LUNCH BREAK

Commissioner Smith made a motion to reconvene the meeting at 1:45 p.m. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

PUBLIC INPUT

There was none.

OTHER

Mark Ward, Utah Association of Counties (UAC), presented the commissioners with a contract for Professional Services between Millard County Utah and Duncan T. Patten. He stated that the Snake Valley water hearing has been continued until the fall of 2010. Millard County as a protestant in this case is to show the impacts to vegetation as a result of pumping water in Snake Valley. He has recommended the County retain the services of Duncan T. Patten who is a college professor of Plant Biology at Montana State University. He is well know in the west for his expertise in assessing the impacts to vegetation from ground water table declines. This contract would facilitate him doing the study, the ground work in Snake Valley, publishing an expert witness report and coming to Carson City, Nevada to testify at the hearing.

Commissioner Whatcott made a motion to approve the contract for Professional Services between Millard County, Utah and Duncan T. Patten, upon corrections to paragraph 4 of the contract.

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

He presented the Commissioners with another document related to the water issues in Nevada for the Commissioners approval and the chairperson's signature. This document is a Proposed Memorandum of Understanding (MOU) among the following parties; Juab County and Millard County in Utah and Inyo County and Mono County in California and the member counties of the Central Nevada Regional Water Authority.

Commissioner Smith made a motion to approve the MOU between Juab

County and Millard County Utah, the Central Nevada Water Authority member counties and Inyo County and Mono County California.
Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Whatcott made a motion to approve the State Court contractual agreement.
Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

Attorney Waddingham said that it is important to have an Agricultural Protection Committee in place as soon as possible. The suggestion was to have the appointment ready for the next commission meeting.

AUDITOR'S REPORT

Auditor Grace presented the Commissioners with the 2009 Tax Sale Reconciliation proceedings that took place last Thursday which needs to be approved by the Commissioners in order to be finalized. There were seven parcels that were presented, two of which did not receive a bid.
Commissioner Whatcott made a motion to approve the reconciliation of the tax sale on May 28, 2009.
Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

She then stated that she has someone who is interested in the purchase of the two remaining parcels that were not bid on at the sale. She wanted to know how the Commissioners would like to go about the sale of the properties.

Attorney Waddingham stated that there was a new ordinance passed on surplus property that talks about the notice requirements. He is going to check on that and inform Auditor Grace of the procedures.

Auditor Grace stated that she did not prepare a financial update for today since Commissioner Whatcott wanted to spend additional time on it.

She questioned if she needed to be aware of any updates to the law enforcement contract. She said that she is still billing them based on last years contract. The Commissioners responded that they will set a date to meet with them to discuss a new contract.

Auditor Grace presented the executive reports from PEHP for Health Insurance

utilization for March 2008 through March 2009.

She presented the Commissioners with the check edit of May 29, 2009 for signing.

Auditor Grace and Susan Duncan reported on the status of the green belt accounts. People who didn't respond to the letters that were sent out for their signatures will be taken off the green belt and put on the roll back tax. Any name change also initiates the same rollback process. The State said that those people who didn't sign the responses will have to pay the difference of what they should have paid from what they did pay within the last five years. They will then have to reapply if they want to be put back on green belt. Susan Duncan stated that she was going to try and get this completed by the allowed time frame.

The Commissioners decided that they will hold a board of equalization to make any decisions regarding this issue.

Auditor Grace reported on the MCAT meeting that she attended on Friday May 29, 2009.

TREASURER'S REPORT

Sheri Dearden, Chief Deputy Treasurer, presented the Commissioners with the monthly reconciliation of tax and trust received undistributed for May 2009.

FOLLOW UP ACTION ITEMS FROM MINUTES OF May 19, 2009

There were none.

APPROVAL OF May 19, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 19, 2009 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Whatcott made a motion to approve the minutes of May 19, 2009, as corrected.

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

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

Commissioner Smith reported that he attended the Road Department training meeting this morning. They will begin chipping the roads next week.

On Thursday, he met with Special Service District Number 8 board members, who agreed to fund four roads in Millard County for chip sealing; Cedar Mountain road, Cinder Pit road, Fillmore Canyon road and Flowell main street. These will be the only roads done in Millard County this year. The Road Department submitted proposals to the Special Service District Number 8 to have their loader replaced.

On May 28, he attended the UAC Executive Committee meeting in Salt Lake City. Their next board meeting will be held on June 12, in Ogden.

He will be attending a sponsor dinner on June 5, and a long range planning meeting in Salt Lake City with UAC.

He had a few conversations with Verl Tolbert, Val Jones and Mark Ward about the Yuba State Park recreation plan that affects certain permits and private property residents of Millard County. In order for Mark Ward to be involved, Juab County Commissioners would have to make a special request since the property sits in their county.

Commissioner Whatcott attended the Fire District Meeting on May 20, 2009 at the Millard County Sheriff's Office.

He guided a group of ATV riders from the St. George and Hurricane area across the west desert. They are part of the Tri State ATV club and part of a group to help keep public lands open to the public. They were amazed at what the desert has to offer and are planning on bringing a larger group to ride the desert this fall.

He attended the Constitution Defense Council (CDC) on Capitol Hill on May 26. They received a report from our legal representatives on the progress to keep public lands open. The Public Lands Rally which is scheduled for August 8th to show support for public lands issues was also talked about. He reviewed the expenditures and revenues information.

He attended a meeting regarding the Territorial Statehouse on May 27th. Larry Gray, Regional Manager for Southern Utah, conducted the meeting. They talked about other alternatives to keep the museum open. Carl Camp, museum curator, reviewed several options on business hours to maximize his time in

keeping the museum open up to six days a week as opposed to the one to two days a week as first purposed.

He attended the County Tax Sale. Nothing really to report other that it went well. No one was screaming or yelling.

He had a meeting with Max Wood and Kevin Morris on how to promote the east side of the county better than it is being promoted.

He received a note from Corrina Kessler thanking him for his input for the Millard County Mock disaster.

Attorney Waddingham stated that any individuals or groups who want to use County property are subject to the insurance requirements of our policy, which could include obtaining a TULIP policy from UCIP.

Commissioner Walker received word from the Professional Golfers Association (PGA) President, Jim Remy, that Sunset View Golf Course Pro Todd Mullen earned distinguished recognition on the PGA President's Council on "Growing the Game". Todd Mullen was selected for his tremendous contributions to the sport of golf. The prestigious list of PGA members nationwide are making extraordinary efforts to further the growth of golf and are showcasing some of the best and brightest in the field. Todd Mullen hosted the State Championship at County owned Sunset View Golf Course, which was extremely successful. Twenty-two boys' teams from 1-A high schools and 16 girls' teams from 1-A and 2-A high schools participated. Commissioner Walker reported the highest month of revenues for the golf course in the last five years and possibly longer took place May 2009 with \$40,000 in revenues generated. This was \$11,000 more in revenues than in May 2008.

Commissioner Walker thanked West Millard Maintenance Supervisor, Kevin Morris, for his promotional efforts at the County fairgrounds in Delta. Among the successful events in May were Rock Crawling, Good Sam Club, Panorama Horse Show, Team Roping, Sand Drags and others.

She also thanked Kevin Morris and his crew for exceptional efforts in preparation and clean-up for these events.

Linda Gillmor, County Economic Development Director, helped a local business acquire a \$30,000 Fast Track Incentive Grant administered by the Governor's Office of Economic Development. She also helped another local business secure a targeted business assistance fund loan from the Six County

loan program. Congratulations on jobs well done to Todd Mullen, Kevin Morris and Linda Gillmor.

The Miss Millard Scholarship Pageant has many challenges that will take some time to address. Past Director Tammy Bean had too many commitments and resigned. Lynette Madsen and Shari Oppenheimer have agreed to act as co-directors for the pageant. Some other committee members also resigned due to other commitments. After discussion with past and current directors and fair director, Betty Western, it was decided our best option was to reschedule the pageant from the first weekend in August to spring of 2010.

Due to rescheduling the date, some funds in the budget will not be utilized this year and returned to the General Fund. However, it will be necessary to budget the same amount in the 2010 budget year for the Scholarship Pageant.

Miss Millard and fair directors will work together to meet the needs at the County Fair, which takes place August 6-8.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the meeting adjourned at 3:33 p.m.

Attest: _____

Approved: _____