

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF JULY 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: Robert Dekker Millard County Sheriff
Mel Bolling US Forest Service
Steve Rodriguez US Forest Service
Brian Whipple Central Utah Counseling
Farrel Marx Central Utah Counseling
Brandy Grace Millard County Auditor
Dave Christensen Fillmore City Mayor
Derrell Owens Millard County Building Inspector
David Babcock Magnum Gas Storage

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, as required by law, the following proceedings were had:

COORDINATION SESSION

There was none.

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 Walker asked if anyone had an opening statement to give. Commissioner Whatcott gave a few opening thoughts. "A word of encouragement during a failure is worth more than an hour of praise after success. My father used to say he would worry less about what people think if he knew how little they did. That which does not kill us only makes us stronger." Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

RATIFY THE APPROVAL TO FUND \$465 TO THE BOOKMOBILE FOR THE FISCAL YEAR 2010

Commissioner Whatcott made a motion to ratify the approval to fund \$465 to the Bookmobile for the fiscal year 2010. Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried.

BOARD OF EQUALIZATION (BOE) FOR THE ASSESSOR'S OFFICE - JIM TALBOT

Commissioner Whatcott made a motion to enter into the BOE. Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried. The BOE began at 10:09 a.m..

Millard County Assessor Jim Talbot stated that a couple of years ago he spoke with a lady who owns property in Kanosh. He stated that he assessed a mobile home from the wrong property and added it to her property value. This has accumulated taxes, late fees and interest. Assessor Talbot said that he had told her that he would remove the taxes, interest and fees from the property for the mobile home. He requested that the Commissioners approve the removal of the taxes, interest and late fees for the mobile home assessed value.

The Commissioners stated that they would like more information on this before they make a decision.

Commissioner Whatcott made a motion to close the BOE. Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried. The BOE ended at 10:17 a.m.

LATER: Assessor Talbot came back to the Commissioners with the requested

information.

Commissioner Smith made a motion to enter into the BOE.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 10:50 a.m..

Assessor Talbot presented the Commissioners with the information on the property of Jeneal Wingelaar. It was discussed that she owes a total of \$79.12 of which \$66.66 is for the property taxes, \$2.46 for interest and \$10.00 for penalties for the year 2008.

Commissioner Whatcott made a motion to remove the taxes (including interest and penalties) for the trailer on the property due to an erroneous claim by the county assessor.

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

Commissioner Smith made a motion to close the BOE.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended at 10:53 a.m..

POSSIBLE ADOPTION OF ORDINANCE 09-07-07. AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING TITLE 9, CHAPTER 1 OF THE MILLARD COUNTY CODE ENTITLED "BUILDING CODES" BY ADOPTING A DEFINITION OF "ABANDONMENT" FOR FAILING TO OBTAIN AN APPROVED INSPECTION AT LEAST ONCE EVERY SIX MONTHS UNDER A LAWFULLY ISSUED BUILDING PERMIT.

Attorney Waddingham asked Derrel Owens, Building Inspector, to explain the reasoning behind the ordinance.

Derrel Owens said that the building code states that if you get a permit for a project and don't start it within 180 days, or if you start the project and stop it withing a period of 180 days than the building permit expires. If you don't get an approved inspection at least once every six months then the county will assume that you are not working on the project and consider it abandoned.

Commissioner Smith read the definition of abandonment from ordinance 09-07-07.

Commissioner Smith made a motion to adopt ordinance 09-07-07. An ordinance of the Millard County Commission amending Title 9, Chapter 1 of the Millard County code entitled “Building Codes” by adopting a definition of “Abandonment” for failing to obtain an approved inspection at least once every six months under a lawfully issued building permit.

Commissioner Whatcott SECONDED the motion. County Clerk Norma Brunson called for a roll call vote. Commissioner Whatcott voted YES, Commissioner Smith voted YES, Commissioner Walker voted YES. The voting was unanimous and the motion carried.

POSSIBLE ADOPTION OF RESOLUTION NO. 09-07-07, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING AND RESTATING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH’S 29 COUNTIES ESTABLISHING AN INTERLOCAL ENTITY KNOWN AS THE MULTI-COUNTY APPRAISAL TRUST (MCAT)

Commissioner Walker stated that Auditor Grace was appointed by the County Commissioners as the MCAT representative.

Commissioner Smith made a motion to adopt resolution 09-07-07, a resolution of the Millard County Commission amending and restating an interlocal cooperation agreement between Utah’s 29 Counties establishing an interlocal entity known as the MCAT.

Commissioner Whatcott SECONDED the motion. County Clerk Norma Brunson called for a roll call vote. Commissioner Smith voted YES, Commissioner Whatcott voted YES, Commissioner Walker voted YES. The voting was unanimous and the motion carried.

REVIEW AND POSSIBLE APPROVAL OF NON PLAT SUBDIVISION APPLICATION BY PATRICK STEFANOFF AND MANDI STEFANOFF FOR PROPERTY LOCATED AT APPROXIMATELY 850 NORTH 700 EAST, DELTA. 1 ACRE.

On July 1, 2009, Millard County Planning and Zoning reviewed the application for Patrick and Mandi Stefanoff and has given them a favorable recommendation for a non plat subdivision.

Commissioner Smith made a motion to approve the non plat subdivision by Patrick and Mandi Stefanoff.

Commissioner Whatcott SECONDED the motion. The voting was unanimous

and the motion carried.

POSSIBLE ADOPTION OF THE COUNTY GENERAL TAX RATE AND LOCAL ASSESSING TAX RATE FOR 2009

Auditor Grace stated that she received the certified tax rate worksheets that calculated the county's general purpose tax rate at .003278 and the assessing and collecting certified rate at .000219.

Commissioner Smith made a motion to adopt the certified tax rate as the county's tax rate for the general fund of .003278 for 2009 and the local assessing and collecting tax rate of .000219 for 2009.

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

DISCUSSION: MEL BOLLING AND STEVE RODRIGUEZ, REGARDING ROAD MILLING CONTRACT

Mr. Bolling, US Forest Service, and Mr. Rodriguez, Forest Engineer, came before the Commissioners to discuss the possibility of entering into a contract with Millard County, the Forest Service and C A Johnson rock processing. The Forest Service is funding a road project on Willow Creek road. They are planning on doing around five of the six mile stretch of road. After discussion on this issue the Commissioners decided to have Mr. Bolling and Mr. Rodriguez come back next Commission meeting with a completed contract for the Commissioners to review.

FOLLOW UP REGARDING A NEW MENTAL HEALTH BUILDING IN FILLMORE, BRIAN WHIPPLE

Brian Whipple and Ferrel Marx came before the Commissioners with information on the possibility of a new mental health building in Fillmore. They are wanting to build a 3,650 square foot building that will accommodate six offices, a large group room, two test rooms and a comfortable size waiting room. This will replace their current building that is not meeting their required needs.

They are wanting to apply for Community Impact Board (CIB) money to help fund this new building project. They will put this project on the CIB list to possibly receive that funding.

At this point they do not have any land in mind for the new building. Mayor Christensen suggested that they look into the Questar Gas building that is currently for sale in Fillmore.

Mayor Christensen requested to be involved with any future decisions and or updates.

The Commissioners talked about the possibility of the Public Health moving their office into the Mental Health building if they move out of it. They are also in a small building that is not suiting their needs.

OTHER BUSINESS

Commissioner Walker presented a request for commission waiver for the use of the outdoor arena by the Hinckley Lions Club for the demolition derby. They are requesting to have some of the rental fee waived for this event.

Commissioner Walker reported that the outdoor arena seats 4,250 people.

There were approximately 5,500 to 6,000 spectators at the event.

There were complaints that there wasn't enough room for all of the people. The suggestion was made to add a few more bleachers to accommodate more people.

There was a suggestion for traffic control in the future due to the amount of people who came to the event.

There was property damage to several different areas of the arena caused by overcrowding. This property damage will need to be fixed and or replaced. The suggestion was made to refund what was left of the deposit after subtracting an amount for necessary repairs and to deny the request for commission waiver.

Attorney Waddingham recommended that the commission consider having the Lions Club submit a plan on parking, traffic control, entrance and exit plans for emergency vehicles, capping ticket sales, providing portable toilets, and other considerations that could affect the health and safety of those who attend. He said it would be preferable to start now instead of waiting until next year.

Commissioner Whatcott made a motion to deny the request for waiver of fees for the Hinckley Lions Club 4th of July Demolition Derby, based on the amount of time and money it is going to take the county employees to clean up and repair the damages caused at the event.

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

David Babcock, Magnum Gas Storage, reported to the Commissioners an update on the status of their project. He reported the following information:

· There will be two meetings held by the Federal Energy Regulatory

Commission (FERC) one will be tonight in Nephi from 6:00 p.m. to 8:00 p.m. and the other tomorrow in Delta from 6:00 p.m. to 8:00 p.m.

- Bureau of Land Management (BLM) is a full cooperative agency and will be attending the meeting
- The purpose for the meeting is to try to give an understanding of what is going on with the project.
- The right of way is acceptable to the BLM and FERC.
- They have incorporated a lot of the issues that were raised and they feel like they have gotten it perfected, at least until the small details of engineering is involved.
- The project site has changed a little bit in an effort to move the ponds over to the east to get them out of the immediate down wind direction from the IPP power facility. That was one of the issues. They are continuing to work through some of the issues with that.
- They will meet with their attorneys in Washington DC and will submit resource reports to the FERC. These reports will be available on the public docket.
- They will incorporate any comments they get from the teams at FERC and make any adjustments along the way.
- They are moving closer to the end of the modifications.
- Sometime in September they will apply for a certificate for public convenience of necessity.
- Approximately six months later in March or April they will receive the certificate and begin construction.
- Approximately two years after construction starts they will start storing gas in the underground caverns.
- During construction they will have a large crew of people working construction.
- During operation they will hire 4-10 people to work on site.
- They will be hiring a machinery operator to operate the electrical panels.
- A few people will be hired to do maintenance.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JUNE 30, 2009

There were none.

APPROVAL OF JUNE 30, 2009 COMMISSION MINUTES

Sheriff Dekker came to the Commissioners to have a section of the minutes corrected. He wanted to clarify that his office did receive preapproval from the Commissioners for the purchase of vehicles and that procedure was followed. The Commissioners agreed that these items were a budgeted expense.

The proposed minutes of a regular County Commission meeting held June 30, 2009 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Whatcott made a motion to approve the minutes of June 30, 2009, as corrected.

Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. It was later determined that the portion of minutes regarding the Sheriff's Office vehicle purchases would be reviewed for accuracy and possible reconsideration.

Commissioner Whatcott made a motion to recess for lunch.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:10 p.m..

NOON LUNCH BREAK

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:41 p.m..

PUBLIC INPUT

There was none.

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

Commissioner Smith reported that he was contacted by a gentleman who lives out by Sherwood Shores who said that he didn't see any representation of the Division of Wildlife Resources over the Fourth of July weekend, which is not to say that they weren't there. There were concerns for safety with the amount of people who were at the Gunnison Bend Reservoir. It was very chaotic.

The County has a contract with the Utah State Parks to provide law enforcement coverage as park rangers on holidays and weekends.

Commissioner Smith wanted to clarify the terms of the contract and then to contact the Utah State Parks.

Commissioner Smith also wanted to report that he had a wonderful Fourth of July. His uncle, Ray Church who was a prisoner of war in WWII, was one of the Grand Marshals in the Delta City Parade. He appreciates the veterans who served our country as well as the community honoring those veterans who

served in the war.

Commissioner Whatcott attended the general board meeting for Six Counties at the Fish Lake Resort. They discussed frivolous lawsuits, and the time and resources they take up.

He participated in the 4th of July parade celebration for Fillmore City. A Polaris Ranger was donated by Dearden Equipment for him to ride.

He attended a meeting with Utah State University South West Regional, Director, Kris Saunders and representatives from Farm Bureau regarding the agriculture agent position for Millard County.

He attended a meeting with Auditor Grace and Treasurer Hansen. They reviewed budgets from different departments regarding revenues and expenditures.

Commissioner Walker reported that all three of the Commissioners met with Kris Saunders, Utah State Extension, to discuss the importance of having an agriculture agent in Millard County. Farm Bureau representatives, Daniel Anderson, Jared Buhler and Maria Nye were also present.

Ms. Saunders said finding an agent was a priority and that she would work to have a selection in place as soon as possible.

They also discussed selecting someone with a Bachelors degree rather than a Masters degree, which is the Extension's policy.

All three Commissioners met with Auditor Grace and Treasurer Hansen for an informational meeting only to review Millard County's financial status.

The Commissioners also met with Peter Sullivan of First Wind who is the new Project Development Director. Mr. Sullivan will be working on Phase II of the Milford Wind project, which will be located in Millard County and is a 100 mega watt facility adjacent to Milford Wind Phase I near Milford.

Commissioners Walker and Smith participated in the Delta Fourth of July Parade and activities.

Attorney Waddingham reported on the safety meeting.

He also reported that there was discussion and decision for speed zone and possible signs for McBride Lane. He told them that under the statute they

would have to do an investigation.

Sheriff Dekker said they have already done the investigation and they are recommending a speed limit of 45 mph on McBride Lane.

Commissioner Whatcott recommended that the County put up a sign on the road that he calls Dern Williams Road so that it is easier to find.

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

There was none.

AUDITOR'S REPORT

Auditor Grace reported that she received an email from Ari at Utah Association of Counties (UAC) regarding the survey they are doing on TRT money. Commissioner Walker reported that she had already responded to the email.

She also presented an invoice from UAC for the first quarter 2009 centrally assessed litigation fees in the amount of \$13,249.16 for the commissioners approval and signature.

Commissioner Smith stated he wanted to clarify that the fee split used to be a 50/50 split and now it is an 80/20 split.

Auditor Grace stated that along with the centrally assessed litigation, she had made the Commissioners aware of the appeal from First Wind. She presented the rest of the centrally assessed litigation appeals from other companies to the Commissioners.

Commissioner Walker asked for Auditor Grace to keep the Commissioners informed of any updates or further appeals.

Auditor Grace reported that she received an invoice from the Utah Tax Payers Association for the annual subscription of \$50.

The Commissioners decided that they would approve the payment for this year to see if this would be a benefit for the County.

TREASURER'S REPORT

There was none.

OTHER

There was none.

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 2:11 p.m..

Attest: _____

Approved: _____