

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 18th DAY OF AUGUST 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

EXCUSED: County Attorney Richard Waddingham (morning session)

ALSO PRESENT: John Pelczar First Wind
Bruce Costa Central Utah Public Health
Sheryl Dekker Millard County Planner
Brian Whipple Central Utah Counseling
Farrel Marx Central Utah Counseling
Robert Dekker Millard County Sheriff
Maria Nye Mountain View Dairy
John Nye Mountain View Dairy
John Henrie Citizen
Dave Kenney Citizen
Mel Bolling US Forest Service

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 Smith read a quote from Tomas Jefferson. Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

MILFORD WIND CORRIDOR, LLC PROJECT PROGRESS AND CONSTRUCTION UPDATE

John Pelczar reported the following:

C Transmission lines are 100% complete and the substations are 99.9% complete.

C They are hoping to energize as early as next week.

C They will have back feed power to the substation by the end of the month.

C They will have all 39 GE turbines erected by the end of next week.

C They have 21 clippers fully erected, the completion of this will go into the end of September.

C They are hoping to be fully energized and in commission of the plant by the end of November.

C GE clipper turbine is a 1.5 megawatt turbine and the clippers are a 2.5 megawatt turbine.

C They are still negotiating on the second phase to get either 50 Gomasa turbines that are 2.0 megawatt or 64 GE turbines that are 1.6 megawatt. There will not be any clipper turbines on the second phase because they are not available.

C There will be some layoffs after the completion of Phase I but when Phase II starts they will hire more people to help with the completion of Phase II.

C They will have the road built to a normal 16' wide road.

C They will soon start to reseed the area, with the BLM's monitoring.

C They will keep the water trucks onsite until the seeding is complete.

C They will have a maintenance staff on site at all times.

RATIFY THE SIGNING OF THE STATE OF UTAH CONTRACT AGREEMENT

Commissioner Smith made a motion to approve the signing of the state of Utah contract agreement.

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

RATIFY THE APPROVAL TO SUBMIT TWO COUNTY ATV ROADS AS RS2477 ROADS

Commissioner Smith said that he pulled a map of both of the roads. The road that is at the top of the Amasa Basin (ATV) trail road was not GPS'd and therefore it is not listed as an RS2477 on the county's records. So the county would need to go GPS that road. The Hell'n Moriah Kitchen road may already be classified, but will need to be verified as the road that is already designated. If it is not then it would need to be added to the list and submitted to the state for review.

Commissioner Smith made a motion to submit the two county ATV roads: Top of the Amasa Basin ATV trail road and Hell'n Moriah Kitchen Road as RS2477 roads.

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

RATIFY THE MOTION TO APPROVE THE HARDSHIP ABATEMENT APPLICATIONS FOR THE JOHNSONS, THE DEVERS AND MR. BARKER

Commissioner Whatcott made a motion to approve the hardship abatement applications for the Johnsons, the Devers and Mr. Barker.

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

POSSIBLE APPROVAL OF RESOLUTION 09-08-18, A RESOLUTION AMENDING RESOLUTION 09-06-16, FOR CREATING AN ADDITIONAL CELL PHONE ALLOWANCE OF \$120.00.

This item was tabled until later in the meeting.

Later Attorney Waddingham stated that Resolution 09-08-18 is the same as the previously adopted resolution 09-06-16, with the exception of the last item of adding an additional cell phone allowance of \$120.

Commissioner Smith made a motion to approve Resolution 09-08-18, A Resolution amending Resolution 09-06-16, creating an additional cell phone allowance.

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

Clerk Norma Brunson called for a roll call vote. Commissioner Whatcott YES. Commissioner Smith YES. Commissioner Walker YES.

POSSIBLE APPROVAL OF A PROJECT AGREEMENT BETWEEN MILLARD COUNTY AND THE US FOREST SERVICE FOR ROAD MAINTENANCE

Commissioner Smith stated that this agreement has been looked at before and would just need to be signed and sent back.

The agreement is for the maintenance of the Maple Hollow Road and the Oak Creek road for placing magnesium and gravel installation. The US Forest Service would pay the County a total sum of \$40,000 for the services on the specific forest service roads.

Commissioner Smith made a motion to approve the project agreement with Millard County and the US Forest Service for road maintenance.

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

Commissioner Whatcott stated that he talked to Mel Bolling from the US Forest Service. He was wondering where the County was with the proposal. Commissioner Smith said that they were supposed to submit a corrected agreement for the Commissioners to sign. Commissioner Smith said he will call him to discuss this issue with him.

Later Mel Bolling came to the Commissioners to discuss the progress of the agreement between Millard County and the US Forest Service on the Willow Creek road milling project 40078, which consists of 5.9 miles and is for the sum of \$80,000. Commissioner Smith said that there were some corrections that needed to be fixed on the contract.

It was decided that Attorney Waddingham would make the necessary changes on the contract and would submit it back to the US Forest Service for their approval. After both parties have looked over the agreement it would then be signed.

Commissioner Smith made a motion to approve the agreement with the US Forest Service on road 40078 and designate the chairman to have the authority to sign the agreement with the necessary corrections.

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

DISCUSSION: H1N1 FLU VIRUS, BRUCE COSTA

Bruce Costa came to the Commissioners to discuss the H1N1 Flu virus. He said that there have been a lot of confusion between the seasonal flu and the H1N1 flu. He reported the following information:

C The health department will start distributing the seasonal flu vaccine as soon as they can.

C They are trying to keep the two flu vaccines separate. The H1N1 is going to be a massive program for the local health departments throughout the state. The H1N1 virus is showing the same symptoms as the seasonal flu virus, with much more severe headaches appearing a lot sooner. The seasonal flu virus seems to hit the elderly more so than the younger population, whereas, the H1N1 virus is hitting everyone.

C The local health departments are responsible for giving the vaccines. This will result in a huge cost to the health departments.

C The first shipment should be arriving around late September to the first of October.

C The H1N1 flu vaccine will consist of two shots. The second shot should be received around 24 to 28 days after the first shot has been given.

C The vaccine will only be distributed to the local health departments. The local health department will then decide what private providers will receive the vaccines for distributing. "Private providers" means hospitals, doctor's offices, community health clinics etc. This is because the private providers will need to first enter into an agreement with the state and local health departments, promising to distribute the vaccine as follows: The virus seems to be hitting pregnant women the hardest, therefore, it will be required that pregnant women receive the vaccine first. Babies 6 months to 36 months of age should be given the vaccine second. All the EMTs and any health care workers should be vaccinated third. Then from ages 36 months and up. Then people 20 to 50 years of age with any kind of medical problems. Healthy senior citizens will be one of the last groups to receive the vaccine.

C They will set up point of distributions at the local high schools to distribute the vaccine. They are planning on having 8 point of distributions at the same time to make it easier for the communities.

C The population of the United States and all of the world have no immunity to

the H1N1 flu virus at this point.

C The CDC and the health department fear that the virus will return with a “bigger punch” this fall. They also fear that this virus will hook up with another virus such as the Bird flu.

C They do not want to panic the people but to make them aware.

C They are trying to develop an immunity to this virus. Developing the immunity may be a 3 year project.

C They are only going to receive about 20 million doses of the vaccine within the country. There probably will be people who will refuse the vaccine.

Therefore, they will not require everyone to get the vaccine.

C The health department will try to keep the cost of the vaccine received by them at a low price versus the doctors prices.

C They may enlist the help of an MRC group as well as nurses from Snow College nursing to help distribute the vaccine.

C They are figuring on getting about 30,000 doses with the first shipment and 30,000-50,000 doses the second shipment. They will distribute the vaccine based on population.

OTHER BUSINESS

Millard County Commissioners will be holding a public hearing for public comment and to present their position on the Snake Valley Water draft agreement on Tuesday September 8, 2009 at 7:00 p.m. at the Delta fair building. This will be advertised.

Commissioner Walker stated that in July 2008 the Commissioners approved a salary of \$7.10 an hour for the lifeguards. Minimum wage increased in July 2009 and has raised that salary for the lifeguards to \$7.25. The pool managers Cindy Manning and Terri Cummings asked the Commissioners to consider increasing the salaries for the Water Safety Instructor, the Shift Supervisor and the Water Safety Instructor trainer. To accommodate the responsibility differences between them and the lifeguards.

Commissioner Smith made a motion to approve an increase of \$0.15 in the hourly wages for the Water Safety Instructor, the Shift Supervisor and the Water Safety Trainer. The motion dies for the lack of a second.

Commissioner Whatcott made a motion to increase the salaries of the Water Safety Instructor, the Shift Supervisor and the Safety Instructor trainer \$0.25 an hour.

Commissioner Smith SECONDED the motion. The voting was unanimous and

the motion carried.

County Clerk Norma Brunson said that she talked to Howard Western and asked that he include a device for the hearing impaired into the upgrade. He said he will work it into the proposal and get back to her as soon as he has it ready.

Commissioner Whatcott said that he has had more people ask about the signs that were supposed to be posted in the Flowell area; specifically 850 North Dern Williams Road. Commissioner Smith said that he will check with Thayne Henrie, Road Department Supervisor, on the status of the of the signs.

Commissioner Whatcott also reported that a group of families in Flowell commented that they would almost rather put up with the dust on the roads in front of their houses than the mag chloride that is on their roads now. They would like to get their roads oiled. It is a stretch of road about a mile and a half long with sections of oil in between in front of their houses that go for about 100-200 yards.

Commissioner Smith said that unfortunately at this time the County does not have the funds in their budget. They will look at it during the budget process that will start in September/October. Commissioner Whatcott said that he will inform Jodi Robison of this.

GIS talked to Commissioner Whatcott this morning about more signs that need to be put up in addition to the “Dern Williams Road” sign. He will get a list together and email it to Commissioner Smith. Commissioner Smith said that the County used to have a gentleman whose job was to do all the signs. Now, basically, the person who grades the area is responsible to look and make sure that a road sign is there. If it is not, they are then responsible to repair or fix it and then to put it back up.

Commissioner Whatcott stated that he noticed that the budget for the signs showed a zero balance. Commissioner Smith said that they can look at another budget to maybe help fund the new signs.

Commissioner Walker said that Laurie Mathews came to the Commissioners at an earlier meeting to discuss water rights on recreational property. Laurie said that the ordinance that is currently in place is keeping her from selling property for recreational use. She referenced Sevier County’s ordinance when she was before the Commissioners .

Commissioner Walker asked Linda Gillmore, Millard County Economic Development Director, to contact Sevier County to find out what their

ordinance states.

Linda Gillmore contacted Malcolm Nash, Sevier County Economic Development Director. He said that the ordinance was not recently changed to accommodate use of recreational property without water, it was changed to reel in abuse of property owners in relation to recreational vehicles. There are areas within the county that have become RV parking lots and dumping grounds. The new ordinance that Sevier County requires is a water supply, a limit on RV's (what kind and how many) and they no longer allow two lots to share the same water supply.

Larry Hansen, Sevier County Planning and Zoning director, said that they do not require water with the new recreational dwelling ordinance but they now require trailer owners to maintain a current vehicle licensing and have the trailers road ready, or they need to get a building permit and put them on a foundation etc. to make them permanent dwellings.

This ordinance covers about 90% of the County. They are now required to have a state inspected septic tank as well. Larry Hansen said this has been a very controversial issue in Sevier County, so this ordinance has been put in place to clean up a mess. There has never been an ordinance requiring water or any other regulation before 1999. Any trailers put in before 1998 were grandfathered in.

Larry Hansen said that he worked with Washington County Planning and Zoning before moving to Sevier County. Washington County's ordinance does require water etc. the same as Millard County's ordinance. He said that he would encourage Millard County Commissioners not to change their subdivision ordinances.

Commissioner Walker asked Linda Gillmor to write a letter to Laurie Mathews to pass on the information obtained from Sevier County.

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 possible purchase, exchange or lease of real property.

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

After the closed executive session the regular meeting reconvened at 12:03 p.m..

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 12:05 p.m..

NOON LUNCH BREAK

Commissioner Whatcott made a motion to reconvene the meeting. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:30 p.m..

PUBLIC HEARING - FOR PROPOSED AGRICULTURE PROTECTION AREA, FILED BY JOHN B. AND MARIA W. NYE

Commissioner Whatcott made a motion to enter into a public hearing for the purpose of receiving public comment of a proposed agriculture protection area filed by John B. and Maria W. Nye on property located adjacent to 3250 North 696 West, Delta Utah.

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

Present were: John Nye, Maria Nye, John Henrie, Sheryl Dekker and Dave Kenney.

Commissioner Walker called the public hearing to order at 1:31 p.m..

County Planner Sheryl Dekker stated that the purpose of the agriculture protection area is to protect the agriculture from unreasonable or any kind of ordinances being created by the county or the state that would impair their ability to produce their product, as long as they are adhering to sound agriculture practices. This would also protect the owners from frivolous nuisance type lawsuits that might come from neighboring properties.

County Planner Sheryl Dekker said that in 1995 there were a number of agriculture protection areas created. She pointed them out and showed where the Nye property is located on the map. She said that 293.9 acres is already an existing Ag industrial zone under the county ordinance. The remaining property is 223.37 acres and is in the Ag 20 zone. The Nye property overlaps the current Ag zone.

The Planning and Zoning Committee as well as the Agriculture Protection Area Board have reviewed the application and have given a favorable recommendation.

Sheryl Dekker said that the Commissioners have the right to accept the application as it is, modify it and accept it or deny it.

The statute states that the final decision needs to be made within 120 days of the date the application was filed. If the Commission does not make a decision within the 120 day time limit, the application is deemed approved as submitted. The Nyes filed their application on May 1, 2009, therefore, any decision by the Commissioners would need to be made no later than August 28, or the Nyes application is deemed approved as submitted.

John Nye and Maria Nye presented the Commissioners with their response to their neighbors concerns.

John Nye said that the neighbors with concerns were Wayne Spencer and Mike Melville. The Nyes invited them to come and have a tour of the property to help better address their concerns. The Nyes feel like the tour was helpful to Mr. Spencer and Mr. Melville. They no longer have concerns about the Nyes moving forward with the Ag Protection process.

Maria Nye said that the reason they are doing this now is because at first they were trying to get their dairy up and running. They now feel that they are ready to pursue this and protect their property and their business.

John Henrie stated that he is a neighbor of the Nyes and he supports the Nyes getting the Agriculture Protection Area for their property.

John Nye introduced David Kenney from Andrade Dairy.

David Kenney stated that he had just moved here about 8 months ago and would like to support the Nyes effort to protect their property.

There were no other comments made.

Commissioner Smith made a motion to go out of the public hearing. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing closed at 1:50 p.m..

The regular meeting reconvened.

Commissioner Whatcott read a letter of recommendation from the Agriculture Protection Area Committee. They state in their letter that the Nye Dairy operation meets all of the criteria required by the statutes of the Utah Code:

- A) The land is currently being used for Agricultural Production.
- B) The land is zoned for agricultural use.
- C) The land is viable for agricultural production.
- D) The operation is in compliance with all regulatory agencies that monitor this type of operation.

Commissioner Walker asked the Nyes about present and future production and how they plan to use their non agriculture property. John Nye responded by explaining what takes up all of their 517.27 acres. He said that you cannot have it all in one concentrated area. It takes up some extra area to comply with the setbacks that the county has and the ordinance to stay away from adjoining land owners and their houses with ponds, dairy and potential for dust etc. He said the first thing is just trying to stay in business. There is room in between the two existing dairies to maybe develop another dairy site if it made sense to do so in the future. They would also like to maybe purchase some extra land on either side of then for waist disposal and crops.

Commissioner Walker stated that she wants to make sure all the statutes are being followed. After hearing the statements she thinks that they addressed all the required statutes.

Sheryl Dekker said that she would like to make the Nyes aware that if anything were to go wrong with their operation that threatens the health and safety of the citizens of the county, they will not be protected under the Agriculture Protection Area.

Attorney Waddingham said that according to the statue they are protected against any nuisances related to agriculture practices, but not nuisances resulting health and safety issues that might result.

Commissioner Smith said that this has been a good learning process. There are stricter requirements now with more of a public process and the formation of the agriculture advisory committee than there was with the original applications filed in 1995. In watching the process he feels like it is a very good process and has accomplished the purpose that it was intended to do.

Commissioner Whatcott said that he appreciates the Nye's patience with this long process. This has been a good learning process for him to get the committee organized. He thanked the Nyes for being a pioneer in this area and in helping the County make this happen.

Maria Nye said that they don't mind being a pioneer if it will help the process

in the future and be perhaps a little easier. It has been a learning process for them too.

Based on the findings, facts and the recommendation from the planning commission and the agriculture protection advisory committee, Commissioner Smith made a motion to approve the Agriculture Protection Area submitted by John B. and Maria W. Nye.

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

Attorney Waddingham read to the Nyes the statues that they would have to follow.

He then read the statue of the time limitations in which to approve the application. The agenda did not list the matter as an action item. Accordingly, Attorney Waddingham advised the Commissioners to hold a special commission meeting and ratify the action taken today, otherwise, the application is deemed automatically approved after 120 days without further action. The Commissioners wanted to take affirmative action on the application.

OTHER BUSINESS CONTINUED

Mel Bolling gave an update on the Amose Canyon fire and the Scipio fire.

PUBLIC INPUT

There was none.

AUDITOR'S REPORT

Auditor Grace presented the check edit of August 14, 2009 for the Commissioners to review and sign.

Commissioner Whatcott questioned an item on the check edit.

Auditor Grace received an invoice from the State of Utah Department of Natural Resources for the full time Fire Warden. The County's share is \$25,459.25. Auditor Grace will forward it on to the Fire District.

Auditor Grace presented to the Commissioners two hardship abatement applications. Elgene Rowley parcel number is hd-4485-2 and Glen and Helen

Quarnberg parcel number is F-167.

Commissioner Whatcott made a motion to approve the hardship abatement of 35 % for the Quarnbergs and 50% of the 80% owned by Ms. Rowley. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

TREASURER'S REPORT

Treasurer Hansen presented the July 31 financial report. He said that the revolving loan fund is out of balance by about \$2 because he gave the Auditor's Office the same interest receipts in July as he had given them for the month of June. This has been corrected. Auditor Grace just needs to do the terminal correction.

Commissioner Walker said that she has been using the revolving loan fund as a county match when she has applied for CIB grants.

Treasurer Hansen received the annual mineral lease money for Special Service District Number 8. It indicates that the amount that they have received this year was \$307,067 which came to the county and was deposited in the trust account then transferred to the State Treasurer's account for Special Service District Number 8. Special Service District Number 8 should now have its money.

Commissioner Whatcott asked about the money that comes from the cinder pits and gravel pits, and whether a portion of it goes to a state fund. Treasurer Hansen responded by saying it depends on how it is assessed. If it is locally assessed as far as value, which it should be once it is in production, it could be locally assessed on the ground the mineral rights and the mining claim should be state assessed because they assess all sand and gravel. They would pay their taxes assessed by the State Tax Commission. In addition to that it also depends on where it is located. If it is on BLM or School Institutional and Trust Lands then they would pay mineral release payments. If it is on private land then there would be no fee. There is only a fee if it is publicly owned land.

Commissioner Whatcott asked if the money would be coming to the County from the cinder pit. Treasurer Hansen said it would need to be verified and if it is the same thing as those items discussed in the prior paragraph then it would come back to the County and would go into the general fund.

Treasurer Hansen received the figures for the settlement on Qwest Corporation on the 2008 appeal. If Millard County were to go through with the adjustment,

then it would result in Qwest owing the county about \$4. He feels like that is a minimal payment and not worth the hassle to pursue.

Treasurer Hansen has had a lot of people contact him regarding the fire district hearing in Scipio. They are under the impression that there will be a discussion on the tax increase. This is not the case.

OTHER

FOLLOW UP ACTION ITEMS FROM AUGUST 04, 2009

There were none.

APPROVAL OF AUGUST 4, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held August 4, 2009 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Whatcott made a motion to approve the minutes of August 4, 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 Whatcott reported that he set up the tourism displays for the county fair on August 5. He attended the fair on Thursday and Friday, August 6 and 7. A lot of hard work went into putting on the event and he would like to thank Betty Jo Western and her committee for their hard work.

He attended the public lands rally in Salt Lake City. They drove their ATVs down State Street and met at the capitol where they were entertained by David Osmond for about 30 minutes. Senator Orrin Hatch, Senator Bob Bennett, Representative Mike Noel and others talked to them on how they can show their support to help keep public lands open to the public. It seemed to be well attended. It was quite a diverse group of supporters which included the Utah Wool Growers Association, ATV riding clubs, horsemen, rock crawlers from Moab, and large groups from the Uintah Basin and Moab area.

Larry Gray, Southwest Regional Manager, stated the construction on the camp

host site hookups began this morning. The camp host will help Carl Camp with tours and grounds maintenance.

Carl Camp said they are not charging admission this summer. July saw more donations, a marginal increase in gift shop sales and higher attendance than last July. He'll continue monitoring to determine whether charging for admission is warranted. He discussed the summer events and plans for more events. The increase in seasonal time and the workers hired with the Federal stimulus package have helped. They saw more visitors from the OHV events than in the past and did more to try and get them into the Territorial State House. Their first youth camp with 40 kids went very well and they got good feedback. He is hoping they can host groups of 100 in the future. They are charging \$30 a child. He has asked the County to fund a promotional brochure for the camps. He is also planning boy scout overnight programs for the winter.

Paul Brown and Krista Iverson discussed what their site planning group has come up with for the Territorial Statehouse using drawings Paul created. They discussed closing off the current street that runs through the center of the block and making it a pedestrian area with minimal vehicle access, creating an arrival experience with some feature enhanced interpretive panels and benches just off of the 100 south parking area. They discussed maintaining the line of site to the State House and enhancing the landscaping at Dino's Pizza.

Larry Gray reported that funding for restroom upgrades at the POD has been secured through the agency's OHV program. Their initial investigation indicates restrooms accessible from the outside and the inside could be added to the POD. His staff is generating some estimates for that project.

Commissioner Smith reported that he attended a state records committee hearing on Thursday August 13, 2009. He said that the County will be getting an order from the state. He asked Attorney Waddingham to comment on the issue.

Attorney Waddingham said that the records committee has five days to issue its order. Basically they had four issues before the records committee. The request was for certain records between September 2, 2008 and March 4, 2009. One dealt with the Chronicle Progress. He had talked to Dean Draper and believes that this issue is resolved.

They also resolved the issue on the Apple Program. There is a contract that the County did not have. Attorney Waddingham told them that he would get a copy of the executed contract to them as soon as he receives it.

The third issue they resolved was a records search of all employees to determine who had received a pay increase or was denied a pay increase. That was narrowed down to a search of the Sheriff's office and is now resolved. The issue that was not resolved was whether the drafts of the step and grade plan are public records or protected records. The records committee ultimately ruled in Millard County's favor that they are protected records. Any correspondence that may have accompanied the drafts are public records but the drafts are protected records.

They also requested that Attorney Waddingham research one more time to determine whether any county officials have any documents in their possession that were requested.

The committee strongly urged Millard County get its records retention back up server in place.

Attorney Waddingham stated that he wanted to express his appreciation to Commissioner Smith for his involvement with the hearing.

Commissioner Smith also attended a meeting with Commissioner Walker and Attorney Waddingham at the Department of Natural Resource (DNR) building. This was an informational meeting on the Snake Valley draft agreement. He spent numerous days and long nights as well as conversations with representatives and Mark Ward, Utah Association of Counties (UAC) attorney, who is representing Millard County, Juab County, and Tooele County in this issue. Millard County has put together some formal points opposing that agreement.

He attended an informational meeting Monday night in Delta with a negotiating team. He spent a lot of effort to notify the public of the meeting.

Commissioner Smith spoke with Brent Gardner, UAC Chief executive, who had a couple of meetings with the current governor as far as Millard County's support or non support on this issue. He also said that he appreciates Brent Gardner and his willingness to help.

On August 10, he attended a UAC Budget Committee meeting in Salt Lake City.

On August 14, he participated in a UAC executive committee conference call in the morning, and a Budget Committee conference call in the afternoon. As the first vice president of UAC, it is his responsibility to put together UAC's budget for next year and have it at the September board meeting so that the counties can budget their upcoming dues in a timely fashion. He reported that UAC dues will be decreased because of some of the policies and changes that they are doing in UAC. The benefit of him participating is that he gets to see

where the expenditures are going and try to reduce the dues that the counties have to pay.

On August 6, Commissioner Walker reported that she attended the Permanent Community Impact Fund Board (CIB) to present Millard County's first application for a \$125,000 grant to help finance a new ambulance building in Fillmore. The CIB voted to advance the application to the Pending List for additional consideration at a future CIB meeting. Community Development Block Grant (CDBG) funding is not available for the county this year, therefore, funding for the project is incomplete. Millard County will work with the CIB staff to identify sufficient funding sources. Thanks to Captain Forest Roper and EMT supervisors, Cindy Staples and Una Rae Taylor for attending the meeting.

Commissioner Walker also presented a funding request for a groundwater flow study by USGS to the CIB for special consideration. Funding was available from USGS and Millard County to meet the required 50% match. However, the CIB chose not to consider the application and suggested other funding resources.

On August 12, Commissioner Walker and Mark Ward, UAC attorney, attended a Baker, Nevada meeting to discuss the Snake Valley water issue at Salt Lake County Mayor Peter Corroon's invitation. It provided the county an opportunity to acquaint the mayor with the county's position. Mayor Corroon spent the day with several Snake Valley residents earlier to tour the area.

On August 13, Commissioner Walker and Mark Ward attended a DNR press briefing in Salt Lake City to release the Snake Valley Water Draft Agreement. Following the briefing, Commissioner Walker had an opportunity to speak on National Public Radio (NPR) to oppose the draft agreement.

Later that afternoon, DNR Director Mike Styler held another meeting to present the draft agreement to County Commissioners. Commissioners Walker and Smith, County Attorney Richard Waddingham and UAC attorney Mark Ward attended the meeting.

On August 15, Commissioners Walker and Smith attended a BLM meeting at the Fillmore BLM Field Office. National Public Lands Day will be held in September and an official Pahvant Valley Heritage Trail opening will take place. The Fillmore Field Office will start construction the second week of September on a new building within the same area.

The status of approximately 8 renewable energy projects was discussed as well as the status of existing EIS projects. They also discussed some geothermal

testing taking place within the county. BLM is planning a proposed re-treatment of blow-out areas using drilling and new dust mitigation measures on the Milford Flat. Two grazing permit renewal groups are ready for signature and a range improvement project and Sand Dune Well is nearing construction.

On August 17, all three County Commissioners attended an informational public meeting on the Snake Valley Water Draft agreement presented by DNR director Mike Styler and Utah and Nevada officials, some of which served on the negotiating team. The meeting was held at the Fair building in Delta with approximately 120 people in attendance. The public hearing for presentation of Millard County's position on the Snake Valley Water Draft agreement is scheduled for Tuesday, September 8, 2009 at 7:00 p.m. in Delta at the Fair Building.

On August 14, Commissioners Walker and Smith participated in the Oak City Days parade.

Sheryl Dekker asked that the fees for the agriculture protection applications be reconsidered because the amount collected on the Nyes agriculture protection application did not come close to covering the costs incurred just for publication alone.

Commissioner Walker asked Sheryl Dekker to come up with a proposed fee and present it to the Commissioners.

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 3:46 p.m..

Attest: _____

Approved: _____