

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 15th DAY OF SEPTEMBER 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: John Pelczar First Wind
Russ Cowley Six County AOG
Dean Draper Chronicle Progress
Emery Polelonema Six County AOG
Wayne Jackson Citizen
Brandy Grace County Auditor
Lynette Madsen Miss Millard Director
Connie Hansen County Recorder

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 by Thomas Jefferson: "I consider the people who constitute a society or nation as the source of all authority." Commissioner Smith also said a quote by Abraham Lincoln, "Let us have faith that right makes might and in that faith let us dare to do our duty as we see it." Commissioner Whatcott added "Broken eggs cannot be mended." Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

MILFORD WIND CORRIDOR LLC, PROJECT PROGRESS AND CONSTRUCTION

John Pelczar reported the following:

- There are only four turbines left to do. They will be 100 percent stacked by tomorrow.
- They started commissioning turbines and started feeding power into Delta two weeks ago.
- They have 38 turbines mechanically complete and 8 turbines totally commissioned that could actually generate power back to Delta.
- The end user has limited them to no more than 15 megawatts in any given time back into the system until they finish their communication system between Las Vegas and back into California.
- They are diligently looking at starting phase II by November 1, 2009.
- They will have 68 GE 1.5 turbines in Phase II, all of which are in Millard County.
- They plan on going out in the next week to week and a half to do all the micro-siding of all the turbines and to do all the geotechnical work.
- Mr. Pelczar said he may have a layout of the turbines to present at next month's update.

RATIFY THE RENEWAL OF THE STATE OF UTAH CONTRACT FOR THE COUNTY PREDATORY CONTROL PROGRAM FOR FISCAL YEAR 2010

Commissioner Smith made a motion to ratify the renewal of the State of Utah contract for the county Predatory Control Program for fiscal year 2010. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

RATIFY THE APPOINTMENT OF SANDRA ENGLAND AS SECRETARY AND BOARD MEMBER OF SPECIAL SERVICE DISTRICT NUMBER 8

Commissioner Smith made a motion to ratify the appointment of Sandra England as secretary and board member of Special Service District Number 8. Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried.

RATIFY THE MOTION TO ACTIVATE A CREDIT CARD FOR TRENTON WILDE, THE NEW AG AGENT FOR USU EXTENSION

There was an error on the agenda which read SUU Extension when it should have read USU extension.

Commissioner Whatcott made a motion to ratify the activation of a credit card in the amount of \$1500 for Trenton Wilde, the new Ag agent for USU extension.

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

DISCUSSION AND POSSIBLE APPROVAL OF A DATE SET AND VENUE FOR MISS MILLARD - LYNETTE MADSEN

Lynette Madsen, Miss Millard Director, said that she would like to have the Miss Millard Pageant as well as Lil' Miss Pageant in Fillmore at Millard High School this year and then move it back to Delta next year. She thinks that it would be a benefit to the pageant to alternate it between East and West Millard each year. The decision was that the Miss Millard Pageant will be held at Millard High School on March 20, 2010.

Lynette Madsen also said that Kirby Heyborne contacted Marcia Garcia about possibly having a Christmas Program in Millard County this year. He was hoping to find a few sponsors to help put this on. The Commissioners suggested that he talk to Ron Draper, West Millard Community Council, and/or Doug Jenkins.

EMERY POLELONEMA, SIX COUNTY ASSOCIATION OF GOVERNMENT (SCAOG) - CIB LIST

Russ Cowley, Executive Director of SCAOG, and Emery Polelonema, SCAOG came to the Commissioners to present the infrastructure list for CIB. They also wanted to make sure the Commissioners were okay with them going out in the community and updating the CIB list. They said that after compiling the list they would come back to the Commissioners and re-present the list to them.

Emery Polelonema thanked the Commissioners for letting them come back to Millard County and help with the list. He said that the state has adopted the CIB list format that he and Mr. Cowley put together and have mandated that the CIB be put on the capital improvements list. There is still room for flexibility if emergency projects come up that were not currently on the list.

Commissioner Walker asked to have the new Fillmore ambulance building project changed from a “B” priority to an “A” priority due to damage to the existing building. Other projects were changed by priority as well and a few more projects were added to the list.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 09-09-15, A RESOLUTION ADOPTING A POLICY ESTABLISHING RATES FOR RESEARCH AND COPYING COSTS ASSOCIATED WITH RECORDS REQUEST

After brief discussion this item was tabled until September 29, 2009.

OTHER BUSINESS

Recorder Hansen said that she got the final information on the surveys that they have right now, and it has been submitted to Shawn Fernandez for the Cadastral Grant that they are giving the County. She sent it down to Adam Britt, GIS Coordinator, to make sure it is in the format that is needed. She also wanted to work on extending the contract with Sunrise Engineering to continue the survey process. Recorder Hansen said that she will bring this up at the budget meeting in October.

Commissioner Smith said that the Commissioners have visited with the Apple Program representatives. Due to some confusion and misunderstandings some employees had with the program, the Commissioners decided to allow those people who were dropped from the Apple Program, for non-participation in the second quarter activity, to return to the program and participate, if they so desire.

They extended the deadline for two weeks to allow the opportunity for those who hadn't participated in an activity to do so. The Apple Program representatives committed to contact and remind those people.

As a good faith offer by the Commission, they have instructed Apple to let those people back on the program. They will not be refunded the amount that has been withheld from their paychecks. This will be a one-time opportunity

and will not be offered again.

If employees have an issue, it is recommended that they contact Apple because this is their program.

The Apple Program is in its third quarter for the year. The Commissioners are encouraging employees who do not have a coach to participate in one of the quarterly activities if they have not already done so. An employee who has a coach assigned to him/her will not be required to participate in one of the activities. The Commissioners will be sending a letter out to each elected official and department head making him/her aware of this decision in hopes that all employees now understand the process of how the program works.

Commissioner Walker asked Attorney Waddingham if he was able to do a follow up call with West Millard Maintenance Supervisor, Kevin Morris. Attorney Waddingham said he was unable to do so at this point, but hopefully he will be able to by the end of the week.

The Commissioners held a property tax informational public meeting on September 2 in Fillmore and September 3 in Delta. These meetings gave opportunity for the public to address their questions and their concerns about the increase of the property taxes. There were several people in attendance at both meetings.

A recording of the meetings are on file at the Millard County Clerk's office.

The Commissioners held a public hearing on September 8 in Delta for the public to make comments on the Snake Valley water draft agreement. Several people from different counties in Utah and Nevada were in attendance and some of those people expressed their concerns on this matter.

A recording of this meeting is on file at the Millard County Clerk's office.

Commissioner Walker said that the County is having a sale on County cookbooks for \$10.00 each and County history books for \$7.00 each. These books are available for purchase at the County Clerk's Office, the County office in Delta and the old Courthouse on Fillmore's main street.

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

Due to the excessive amount of meetings and public hearings that the Commissioners will have attended this month, it was decided that Commissioner Walker would report for all three Commissioners at the last meeting of September, or the first meeting in October.

Commissioner Smith reported that the Road Department held their safety meeting on the morning of Monday September 14.

APPROVAL OF SEPTEMBER 1, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 1, 2009 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of September 1, 2009, as corrected. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

PUBLIC INPUT

Wayne Jackson said that the Commissioners do good work.

AUDITOR'S REPORT

Auditor Grace presented the check edit from September 14 for the Commissioners to review and sign.

She also made the Commissioners aware that she has received the 2009 charity plan for Delta Community Medical Center and Fillmore Community Hospital. She also received the bookmobile invoice for July through December in the amount of \$58,171.

Auditor Grace said that she talked to Ryan Maynes, Rocky Mountain Atriums, about the bid that he presented for the East Millard Swimming Pool atrium roof. He listed in his bid that the bid price was only good for 30 days. He informed Auditor Grace that he would include the price of the bond in the price of the bid already presented. He was going to continue to work on the other provisions of the contract.

The Commissioners said that until they have proof that all the bonding and insurance requirements are in place they will not move forward with a contract.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented the commissioners with hardship abatement applications for Selma Lazaro, parcel number D-646-1; Terry Hoover, parcel number F38-1; Carolyn Erickson parcel number HD-4847; Sara Lister, parcel number D-786-1; Richard Mecham, parcel number DO-CE-2; and Scott

Stevens, parcel number M-1514.

Commissioner Whatcott made a motion to abate 45 % of Terry Hoover's property taxes based on income.

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

Commissioner Smith made a motion to abate 20% of Sara and Bill Lister's property taxes based on income.

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

Commissioner Smith made a motion to abate 50% of Scott and Laurie Stevens' property taxes based on income.

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

Commissioner Whatcott made a motion to abate 20% of Richard Meacham's property taxes based on income.

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

Commissioner Whatcott made a motion to abate 50% of Selma Lazaro's property taxes based on income.

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

Commissioner Smith made a motion to abate 30% of Carolyn Erickson's property taxes based on income.

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

TREASURER'S REPORT

There was none.

OTHER

Commissioner Whatcott requested a closed meeting.

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

After the closed executive session the regular meeting reconvened at 12:10 p.m..

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 12:12 p.m..

BOE WORK MEETING

A recording of this meeting is on file at the Millard County Clerk's office.

Attest: _____

Approved: _____