

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 20th DAY OF OCTOBER 2009
AT THE COURTHOUSE, FILLMORE, UTAH

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

Richard Waddingham County Attorney
Marki Rowley Deputy County Clerk

EXCUSED: Norma Brunson County Clerk

ALSO PRESENT: Michael Staheli Mayor of Oak City
Tom Christensen Jones & DeMille Engineering
John Pelczar First Wind
Ryan Jolley Jones & DeMille Engineering
Bryant H. Anderson Commercial Business Radio LC
Robert Dekker Millard County Sheriff
Dave Christensen Fillmore City
Brandy Grace County Auditor

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN
PROVIDED TO

each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, as required by law, the following proceedings were had:

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 Thomas Jefferson, "With all the imperfections of our present government it is without comparison the best existing or that ever did exist." Commissioner Whatcott said the invocation.

Everyone stood and said the Pledge of Allegiance to the Flag.

MILFORD WIND PROGRESS AND CONSTRUCTION UPDATE

John Pelczar reported the following:

- Things are going really well.
- All 39 GE Turbines are 100% in commission and operating.
- 35 of the 58 clippers are commissioned.
- They are still on schedule for the commercial operation date of November 15, 2009.
- They are doing cleanup, seeding and restoring all the sites to BLM requirements.

Phase II

- They have started the geo-technical work and have sited all 68 turbine sites.
- They have drill rigs on site doing the geo-technical investigations so they can design the foundations.
- The start date has been moved from November 1, 2009 to December 1, 2009.
- Phase II is located North of Phase I.
- 62 turbines are in Millard County and 3 are in Beaver County.
- They have re-vegetated on the land where the transmission lines and the wind farm are located.

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH RURAL PUBLIC LANDS COUNTY COUNCIL

The County received a letter from Rural Public Lands County Council (RPLCC) executive committee encouraging Millard County to renew the contract with Robert K. Weidner who is Millard County's lobbyist in Washington D.C.. He has made great efforts in Washington D.C. on Millard County's behalf and has significantly increased PILT and SRS funding. The 2010 annual dues for Public Land Environment and Natural Resources work done by Robert K. Weidner on behalf of Millard County and Washington D.C. is \$15,000.

Commissioner Whatcott made a motion to approve the contract with Rural Public Lands County Council with Robert K. Weidner for the year 2010. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND PRESENTATION BY NRCS AND THE TOWN OF OAK CITY ON PROPOSED PROJECT FOR FLOOD CONTROL ABOVE

OAK CITY TOWN

Mayor Staheli said that in 2006 there were two major fires that affected the water sheds above Oak City. The Oak Creek Canyon fire affected the acreage on the south side of Oak City. Then in August the devastating Devils Den fire took the life of a local firefighter as well as damaged a significant portion of the water shed which eventually led to the flooding. Around the latter part of October 2006, Oak City had a major storm system that resulted in significant runoff from the fire damage area of Devils Den and Lime Kiln Canyon. In July of 2007 there was another storm system that caused even more devastation than the initial flooding in 2006. There were several homes damaged by this flooding.

In 2008 Oak City Town contacted NRCS who initiated a study funded through an appropriation which was completed in May of this year. It outlined a more comprehensive approach to solutions for Oak City's water shed and to alleviate the types of flooding situations that occurred.

This study identified alternatives that would reduce storm runoff risk to the residents of Oak City, which includes cleaning and armoring the existing channel, as well as replacing three existing municipal box culverts and one county road box culvert with culverts that can safely pass larger storm flows. Oak City is requesting funding for cleaning and armoring the existing channel as well as replacing several box culverts. The total cost for the improvements would be \$950,000. Oak City Town is asking the county for its help in funding this project through grants.

Oak City Mayor Michael Shaheli wanted to express his appreciation to the County for its efforts on behalf of Oak City during the time of the flooding. Mayor Staheli and Tom Christensen of Jones and DeMille Engineering presented to the Commissioners the project proposal description and its existing situation, as well as the funding that could be available for application with the County's contribution.

DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED CONTRACT RENEWAL BETWEEN MILLARD COUNTY AND COMMERCIAL BUSINESS RADIO, LC - BRYANT ANDERSON

Bryant Anderson expressed his appreciation to the county. Mr. Anderson reviewed the Millard County Service Contract Summary with the Commissioners. The departments, type of equipment, annual checkup, quantity, repair costs per month and the annual repair costs were listed on the handouts given to each Commissioner.

Commissioner Smith made a motion to approve the new Commercial Business

Radio, LC radio maintenance contract in the amount of \$42,862.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. ****Need copy of contract when it is signed.****

Mr. Anderson also mentioned that Motorola has extended the warranty through the end of this year to fix and service the units but the units will have to be sent out to be fixed. After this year the charge will be a flat rate of around \$1450 to fix them. The Sheriff's office is looking into a variety of vendors to maybe replace the units as well as a grant to accommodate a new system.

POSSIBLE ADOPTION OF THE 2010 MILLARD COUNTY TENTATIVE BUDGET

Auditor Grace said that they are trying to stay within the current year's budget, therefore, they are using that budget as the tentative budget.

Commissioner Whatcott made a motion to adopt the 2010 tentative budget.

Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried. Copies of the tentative budget will be available for review at the Auditor's Office in Fillmore and the County office in Delta. The budget hearing will be held December 8, 2009 at 7:00 p.m. in Fillmore.

Fillmore City Mayor David Christensen questioned the budget on revenue and property taxes. Auditor Grace said that at this point the county is anticipating about the same amount of revenue, keeping in mind that the delinquent payments may be increased.

Mayor David Christensen also asked about the interest rate on the Tax Stability Trust Fund. Commissioner Smith said that he thought that the interest rate was about 2%. Auditor Grace said that they were able to get a little better return at Zions Bank.

OTHER BUSINESS

Mayor Christensen said that he has not received the law enforcement contract. Attorney Waddingham said that he will get it to him.

Mayor Christensen said that there is an issue with a street up by the Sand Rock Ridge area that needs to be abandoned. The Commissioners said that they will vacate and take care of it.

Commissioner Whatcott said that Richard Beckstrand, Computer Coordinator,

had been carrying around two electronic device's, one of which was used to carry and access all of the programs required to do his job. To make it more convenient for him and to better do his job he upgraded to a blackberry with email access. Now, he only has to pack around one device instead of two. The cost of this plan is \$109 a month, plus tax. The current cell phone policy only allows him to be reimbursed \$80 a month. After taxes are taken out of his reimbursement it doesn't come close to covering the cell phone bill. He is asking that the cell phone policy be amended so that he will be allowed a reimbursement that will cover his cell phone bill. The Commissioners will discuss this further at the next commission meeting.

Commissioners Whatcott, Smith and Walker received a gift for Boss' Day on Friday, October 16, 2009.

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

Commissioner Smith reported that the Commissioners spent a couple of days this last week to finish up Board of Equalization (BOE). He wanted to thank the Auditor's office and Clark Price for their willingness to get through the BOE. Clark Price was recently hired by the Millard County Commissioners to serve as an office manager/certified appraiser for the Assessor's office.

Commissioner Smith received a call from Representative Brad Winn saying that he will be resigning from his position as State Representative for our district. He is resigning because he is taking a position at the Utah State University. Brad Winn has done a great job and the County wishes him good luck. Commissioner Whatcott wanted to thank him for the work that he did with House Bill 120.

Commissioner Whatcott said that he met with Claire Allen, State of Utah Agriculture and Food Department. The meeting was regarding the grasshopper and Mormon Cricket issues for the county. It was expressed that the help to the local farmer would be the same as it was last year with the 90/10 split. The state will pick up 90% of the cost and the farmer will pay for 10%. There are other programs that are a little different on their split, which would be a 75/25. They visited about the Pine Beetle and its impact on the forest. It is difficult to control the beetle now. It is acknowledged by many that there has been severe damage to the forest lands. Spraying now would be very costly. There is some control measures being done to help protect camping areas from the infestation.

Commissioner Whatcott met with Congressman Chaffetz's office on October 7. Congressman Chaffetz is looking into the Saw Mill fire south of Scipio. Commissioner Whatcott told him that he would talk to local farmers to see if they were receiving any assistance from the BLM, Forest Service or other government agencies to help with fence building, re-seeding or compensation with their losses.

Commissioner Whatcott attended the ribbon cutting ceremony at the Territorial State House Museum. Governor Huntsman donated items that were given to him while he served as Governor. A room has been setup with his mementoes for display. There was a short program with the Fillmore Middle school singing the new state song and a few short speeches. Knox Huntsman cut the ribbon.

There was a meeting with Lt. Governor Greg Bell on October 19. Lt. Governor Bell is touring the state with Fillmore being one of his stops. There was a tour through the Territorial State House Museum given by Carl Camp with a Dutch Oven Dinner at the POD. Lt. Governor Bell was apprized of the upcoming renovations and plans for the POD and the State House Park. They adjourned from the POD and held a meeting on the second floor of the Museum where it was open to the public. Lt. Governor Bell talked, as well as several others who are on the board, to promote the Museum and its potential for Fillmore and surrounding areas.

Christa Iverson gave a power point presentation to include an artist's rendition of the plans for the State House Park. Plans are underway with cooperation with the state road and the planning commission to revise policies on roadway use to accommodate the projected changes.

Commissioner Whatcott reported that he talked to Klint Penney who said that the diving board at the East Millard Swimming Pool is in great need of replacement. It is recommended that the board be replaced, not repaired. The diving board stand has already been replaced now the board itself needs replacing. Terry Cummins, East Millard Swimming pool, was able to obtain a few bids but all of them were pretty pricey.

Maintenance for the swimming pool started on Monday and is scheduled for two weeks of downtime.

Commissioner Walker reported that she and Commissioner Smith attended the Snake Valley Aquifer Advisory Council meeting at the State Capital. They also received a certificate of participation with the Snake Valley Aquifer from the Governor's office.

The Commission has worked diligently with the BOE that was completed Friday, October 16. The Commissioners appreciate all of those who were involved in that process.

APPROVAL OF OCTOBER 6, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 6, 2009 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of October 6, 2009, as corrected. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

PUBLIC INPUT

There was none.

AUDITOR'S REPORT

Auditor Grace said that she has not received the insurance information from Rocky Mountain Atrium's for the East Millard Swimming Pool atrium roof replacement . Commissioner Whatcott said that he will contact Ryan Maynes to see where he is at with workers comp, liability insurance and lien waivers.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

TREASURER'S REPORT

There was none.

OTHER

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

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 11:39 a.m..

Attest: _____

Approved: _____