

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 17th DAY OF NOVEMBER 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  
Paul Crossland First Wind  
Jim Kaufman Land Owner  
Robert Dekker Sheriff's Office  
Dean Draper Chronicle Progress  
Jim Edwards Edwards Surveying  
Richard Crabtree Liberty National  
Josh Coffman Liberty National  
Lindsay Mitchell Sheriff's Office  
Shelly Teuscher First Wind  
Bryan Harris First Wind  
Emery Polelenima Six County  
Todd Thorne Six County  
Howard Western Property owner

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 Abraham Lincoln, "Let us, have faith that right makes might and in that faith, let us, to the end, dare to do our duty as we understand it." Commissioner Whatcott read a quote from Eleanor Roosevelt, "No one can make you feel inferior without your consent." Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

Commissioner Smith received congratulations on recently becoming the new president of Utah Association of Counties (UAC).

### MILFORD WIND CORRIDOR UPDATE

John Pelczar, Construction Manager, reported the following information:

- The project is now commercial as of Monday, November 16, 2009 at 12:01 a.m..
- Phase I is 100% completed.

### Phase II

- They have already surveyed two county roads that they may be using.
- They started the geo-technical work, which should be finished this month.
- They were hoping to start the construction on Phase II before the end of this year, but will not be able to start until the first of next year.

### RATIFY THE SIGNING OF THE SPECIAL SERVICE DISTRICT NUMBER 8 SIGNATURE CARDS

Attorney Waddingham said that the document is entitled Resolution and needs to be adopted as a resolution.

Commissioner Smith made a motion to adopt Resolution 09-11-17 to authorize the signing of the Special Service District Number 8 signature cards.

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.

### DISCUSSION OF PHONE TOWERS - HOWARD WESTERN

Howard Western wanted to express some concern from property owners. They

are not in favor of the towers being placed on the hill by their property. He read a comment from a property owner who has been trying to sell his home and feels that the towers are a distraction to the home value and is making it hard for him to sell his home. Mr. Western and other property owners of that area are concerned that having these towers in their property area would have a negative impact on their property. Delta City's intent is to re-zone or to annex that property into Delta City. The property owners and Mr. Western are asking that the commissioners have a good relationship with the property owners during this process by being aware that this is an issue for them.

#### SIX COUNTY AOG - APPROVAL OF FINAL CIB LIST

Emery Polelonema and the commissioners decided that they would meet on December 4, 2009 to further discuss the CIB list. Commissioner Whatcott made a motion to table this item until December 21, 2009. Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF A PORTION OF THE BEAVER COUNTY AND MILLARD COUNTY BOUNDARY LINE

Jim Edwards said that Beaver County has signed the plat maps. Once Millard County signs the plat maps they will be filed with Millard County, Beaver County and the Governors office. Recorder Connie Hansen presented a map for the commissioners to review. They all agree that this portion of the boundary line is accurate. Commissioner Smith made a motion to approve this portion of the Beaver County and Millard County boundary line as identified on this map, as well as give the Commission Chairperson the authority to sign the map. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF A 2% LAW ENFORCEMENT CONTRACT INCREASE

Commissioner Smith made a motion to table this item until the next commission meeting. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

## DISCUSSION AND POSSIBLE APPROVAL OF LIFE INSURANCE BENEFIT OPTIONS - RICHARD CRABTREE

Richard Crabtree and Josh Coffman from Liberty National came to the commissioners to offer a life insurance plan for the county employees. After listening to what they had to say the commissioners felt it would be unfair to make any changes using this company when they have turned others away. The commissioners thanked them for their time and informed them that they would decline the insurance plan offer.

## DISCUSSION AND POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT - LINDSAY MITCHELL

Lindsay Mitchell presented an abatement application for Sheila Wilden. Ms. Wilden had an emergency transfer to Utah Valley from Fillmore in the ambulance. Ms. Wilden is raising her granddaughter and is struggling to pay all the medical bills accumulated. She is asking that the commissioners abate some of the ambulance bill. The commissioners reviewed the application and all the information Ms. Wilden provided.

Commissioner Smith made a motion to abate 30% of Sheila Wilden's ambulance bill and set up a payment plan that she would be able to afford. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

## PUBLIC INPUT

Jim Kauffman has been a resident of Millard County for 50 years or more. He is living at Black Rock just north of the wind farm. He expressed that from the start of the wind farm being built, his concerns have been ignored. He received a contract in the mail from First Wind asking him to incorporate his property with this project. He is concerned that there is no benefit to the private property owners with the wind farm being built or what happens to the structures when it terminates.

Attorney Waddingham stated that the County has a site reclamation plan built into the conditional use permit if this terminates. First Wind is not suppose to abandon everything. It is understood that First Wind has bonded with the federal government and the state for site reclamation. The County also has a letter of credit covering private property on the wind farm. The conditional use permit also requires First Wind to re-vegetate the area when they are done with

each phase of the project.

Sheriff Dekker questioned the cell phone allowance policy. Attorney Waddingham explained that the commissioners are not trying to micro manage the departments. The elected officials will still have the say as to who will receive a cell phone. The commissioners are only approving the amount of the reimbursement.

## STATUS REPORT OF PHASE II FIRST WIND - SHELLY TEUSCHER

Shelly Teuscher introduced Bryan Harris, the new Project Manager for First Wind's Phase II. Mr. Harris gave an update of where the project is with Phase II. He said that they have reached a big milestone. First Wind just signed a power purchase agreement for Phase II with Southern California power producers and it's cities. This will be finalized within the next month.

First Wind has drafted a road maintenance agreement and a voluntary assistance agreement that will need to be signed, as well as a site reclamation plan that is part of the CUP. First Wind is working with Bruce Parker, Millard County Planning Consultant, to get these signed.

Mr. Harris stated that of the 68 turbines in Phase II, 62 turbines will be placed in Millard County; 31 turbines will be on BLM property, 5 turbines will be on SITLA property and 26 turbines will be on private property. The remaining 6 turbines will be placed in Beaver County; 3 turbines will be on BLM property and 3 turbines will be on SITLA property.

First Wind is working on a planned development that they plan to submit in a few months to the BLM for basery on Phase III. Commissioner Smith asked how many phases there will be when they are all done. Mr. Harris stated that they built the power line to hold 1000 megawatts and they are hoping to fulfill this in the future. Phase I is at 200 megawatts and Phase II is at 100 megawatts.

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 12:16 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 1:46 p.m..

#### APPROVAL OF NOVEMBER 3, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 3, 2009 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Smith made a motion to approve the minutes of November 3, 2009, as corrected. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

#### MILLARD COUNTY CLERK NORMA BRUNSON - PRESENTATION OF PROPOSED 2010 COMMISSION MEETING DATES

County Clerk Brunson and the commissioners discussed the proposed dates for the 2010 Commission meetings.

January 5, 19 July 6, 20

February 2, 16 August 3, 17

March 2, 16 September 7, 21

April 6, 20 October 5, 19

May 4, 18 November 2, 16

June 1, 15 December 7, 21

Commissioner Whatcott made a motion to approve the above proposed dates for the 2010 Commission meetings.

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

#### DISCUSSION BY EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Commissioner Smith reported that on November 9, he and Commissioner Walker attended a meeting in Salt Lake City with the representatives of the Apple Program to discuss options.

November 10, Commissioners Smith attended a long range planning meeting with UAC in St. George, Utah.

November 11, Commissioner Smith and Auditor Grace attended the Centrally Assessed Litigation Committee meeting and the MCAT meeting.

Commissioners Smith and Walker attended the UAC General Board meeting.

November 11, 12, and 13 all three commissioners attended the UAC conference.

November 16, Commissioners Smith and Walker attended the Snake Valley Water Aquifer Advisory Council meeting in Salt Lake City. Commissioners Walker and Smith asked Governor Herbert to delay signing any agreement with Nevada until all legal appeals have been exhausted in the state of Nevada. The Advisory Council said that it is important to continue working towards revising the current draft agreement.

Commissioner Smith said that one of the main issues talked about at UAC conference was that UAC took a position opposed to the current ballot initiative on ethics reform. UAC's statement was that they support reform of legislative and other local elected officials but not by the process described in the ballot initiative that will be going around this fall.

Commissioner Whatcott reported that he felt that the conference went really well and was very productive.

Commissioner Whatcott, Brandon Bartholomew with the Assessor's Office and Adam Britt with GIS are holding regular Monday morning meetings to work on the assessing process. They have gone through the mapping, what has been done so far and what information Adam is transferring. Brent Bennett with the Recorder's Office has been a big part of this process as well with the GIS/Eagle process.

Commissioner Walker reported that Commissioner Smith was appointed President of UAC for the year 2010. She said that they are extremely pleased with Commissioner Smith's contribution that he has made and will continue to make to Millard County through his association with UAC.

Attorney Waddingham gave the Clerk's Office the official certificates of annexation on Delta and Oak City for filing.

County Clerk Brunson informed the commissioners that the candidacy filing dates for the 2010 General Election are March 12, 2010 through March 19, 2010.

Commissioner Walker informed County Clerk Brunson that there is money available in special service projects to replace and update the current sound system in the commission chambers. County Clerk Brunson will contact

Howard Western and let him know so that he may get started on the process.

## OTHER BUSINESS

The commissioners received a letter from Clark Price, Office Manager/Appraiser. This letter will be an attachment to the minutes.

At the November 3, 2009 Commission meeting, Oak City Town asked if the County would be able to donate \$250,000 towards the flood control drainage system. After discussion, the commissioners decided that they would only be able to donate \$40,000 in-kind and \$40,000 cash. Commissioner Walker will inform Oak City Mayor Stahli of this decision.

Brandon Bartholomew with the Assessor's Office said that as of last Friday, the property assessments, value changes, and assignment of new neighborhoods have been completed. Now the Assessor's Office will be starting on the reappraisal process.

Commissioner Smith said that at the Snake Valley Aquifer Advisory Council meeting in Salt Lake City on Monday, the board adopted a resolution that allows wireless or electronic meetings. The Commission has talked about doing this in prior meetings. Commissioner Smith will give the paper to Attorney Waddingham so he can draw up an ordinance for Millard County.

Attorney Waddingham said that Jetta Swalberg, who works on Risk Management in his office, needed to know which commissioner would be attending the Risk Management meeting on December 3, 2009. She needs the information to forward to Risk Management.

Commissioner Smith made a motion to appoint Commissioner Walker to represent Millard County on the Utah Counties Insurance Pool (UCIP) board with the authority to vote on Millard County's behalf, and Attorney Waddingham as the alternate.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. This item will be ratified at the next regular commission meeting by resolution.

Commissioner Whatcott presented letters written by Millard High School Coach Marshall Sheriff and Tressa Cranney, East Millard Recreation Director, asking the Commission to upgrade the ball fields. Coach Sheriff said that he has been approached by several outside entities inquiring about having



tournaments held in Fillmore. They are asking the commissioners to bring the ball fields up to standards so that they would be able to hold tournaments in Fillmore.

Commissioner Walker stated that she would like to see a priority list for repairs to the ball fields. It was also stated that the ball fields belong to the LDS Church, the County just leases and maintains the property. The commissioners would like to go through the lease with the LDS Church and see what it says before they make any decisions on this issue.

Commissioner Whatcott said that he has heard a lot of good comments about the work Ms. Cranney has done. Although she is being stressed while trying to get everything done, she really likes her job and she is doing the best she can, but she needs some help. Commissioner Whatcott suggested to Ms. Cranney to get a volunteer committee together to help her manage all the jobs that is required of her. Attorney Waddingham said that if she were to put a volunteer committee together each volunteer would need to fill out the volunteer form which can be obtained from the Auditor's office.

Commissioner Whatcott will inform Ms. Cranny and Coach Sheriff of the suggestions made today.

## AUDITOR'S REPORT

Auditor Grace presented the check edits of November 12 & 16, 2009 for the commissioners to review and sign.

Auditor Grace presented a letter for the commissioners to review and sign, naming Michael Sharp as the County's Agent of Record for dental insurance.

Auditor Grace presented the Book Mobile Services contract for the amount of \$116,574.50 which is an increase of \$232.50 from last year's contract.

Commissioner Smith made a motion to sign the bookmobile agreement contract.

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

Commissioner Smith discussed an invoice received by Millard County from a private contractor, CA Johnson Rock Processing LLC, for work done on Willow Creek Road.

Auditor Grace presented the Days of the Old West Rodeo's year to date accounting: revenue \$51,964.42, expenses \$73,809.01, and net loss \$21,844.59.

Discussion was had that if anyone has a benefit package that they want to offer to employees, they are welcome to leave the information with the Auditor's Office but will not need to come before the commissioners.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

#### TREASURER'S REPORT

Treasurer Hansen asked that the commissioners allow him to waive penalties and interest on taxes for the people who he knows will not receive their tax notices in time.

Commissioner Smith made a motion to allow Treasurer Hansen to waive the penalties and interest on the taxes for those who will not receive their tax notices in time.

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

#### OTHER

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

There was none.

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Whatcott made a motion to adjourn the meeting.

Commissioner Smith **SECONDED** the motion. The voting was unanimous and the meeting adjourned at 3:23 p.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_