

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 18th DAY OF MAY 2010  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson  
Bart A. Whatcott. .... Commissioner  
  
Richard Waddingham ..... County Attorney  
Norma Brunson ..... County Clerk  
Marki Rowley. .... Deputy County Clerk

ALSO PRESENT: John Pelczar . .... First Wind  
Cindy Gubler. .... UNEV  
Jerrell Bryan . .... UNEV  
Chris Fornelius . .... UNEV PPL  
Jim Eisenhayer . .... UNEV PPL  
Ricky E. Moss ..... UNEV PPL  
Daryl Howell ..... UNEV PPL  
Jody Oria ..... UNEV  
Wayne Jackson . .... American Legion  
Shelly Teuscher. .... First Wind  
Paulette Staples. .... Sheriff's Office

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 Smith to the public and Commission members.

OPENING STATEMENTS

Commissioner Smith asked if anyone had an opening statement to give. 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

John Pelczar, Construction Manager, reported the following:

- Construction has not started yet.
- The survey process is being done at this point.
- All of the roads, the turbine sites and the BLM right-of-ways have been laid out.
- They will start on the collection system next week which should all be laid out by the end of next week.
- They have ordered all the long lead items; transformers, wire, rebar, and the inbed plates.
- They are in the process of finalizing the contract with the trucking company who will be hauling all the turbines to the site.
- They are expecting to have turbines delivered on site by the last week in June or the first week in July.
- The development group is diligently working on Phase III. It will probably have anywhere between 200 - 400 megawatts.
- Phase III will be about the size of Phase I and Phase II put together with approximately 200-250 turbines placed on site.
- They are also starting on the Environmental Impact Study (EIS) of Phase III which will be in the same location as discussed.

POSSIBLE ADOPTION OF RESOLUTION 10-05-18, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH APPROVING THE MULTI-COUNTY APPRAISAL TRUST (MCAT) COMPUTER ASSISTED MASS APPRAISAL SYSTEM (CAMA)

Pat Manis said that the state has come up with a mass appraisal system through Colorado Systems, and has mandated that all the counties use the system to value properties throughout the state. The county pays into an appraisal trust which overtime will pay for this system. Millard County was moved up on the list to have the system put in this year. The county will have to come up with an additional cost of approximately \$15,000 for hardware.

Commissioner Smith said that he feels that this is a really good thing to have. Assessor Manis said that the current Tyler System which is the valuation system the county uses to appraise, has not pushed Marshal and Swift into the system, causing the county to use a factoring process to keep up. This new system will do away with the factoring process and make it so the county is standard statewide. Commissioner Smith said that the rest of the cost is funded by the state assessing and collecting money that goes into MCAT, plus the legislators are appropriating an increase in the assessing and collecting rate to cover the CAMA. The resolution is the county's agreement with MCAT stating that the county will support, fund and participate in the process as soon as it can. Commissioner Whatcott also supports the process and he appreciates Auditor Grace for her participation on the MCAT board.

Auditor Grace said that the resolution commits the county to take care of its responsibility. There is no money in the budget for the current year, so the county will have to open the budget or find funds to take care of its cost required for the hardware.

Commissioner Whatcott made a motion to adopt Resolution 10-05-18, a resolution approving the MCAT CAMA.

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

#### UPDATE ON THE UNEV PROJECT - CINDY GUBLER

Cindy Gubler said that since her last meeting with the commissioners a lot has happened. She brought with her a group of team members who are now on board with the project.

Ms. Gubler introduced each team member to the commissioners: Chris Fornelius, Operational Liason; Jody Oria, Construction Manager; Jerrell Bryan, Construction Manager; Ricky Moss, Chief Safety Inspector; Jim Eisenhauer, Chief Inspector for section 3, 4, and 5; and Daryl Howell, Field Safety Inspector for sections 3, 4, and 5. Each gave a brief description of their role on the project.

##### Update on the project:

- The preconstruction video of the roads that will be used should be completed by May 28, 2010. They will then take the video to the traffic manager for approval.
- They are on target with all the deliverables that are a part of the conditional use permit.
- The final EIS was posted on the federal register on April 16, 2010 and there is a 30 day public comment period.
- They are hoping to get the record of decision in the first part of June and will then start construction right after that.
- They are hoping to have the pipeline built and fully operational by early 2011.
- She clarified that the alignment that was agreed upon in the beginning which will be west of Delta, Utah is still the alignment they are going to use.
- The origination pump station in Salt Lake City, Utah which was started in June 2009 has all the mechanical and electrical completed and will be ready to operate once the pipeline gets put in.
- The pipeline terminal in Cedar City, Utah which was also started in June 2009 has all six product tanks completed. The mechanical and piping is about 98% complete. They still need to hydro test the tanks. They are installing the acceleration and deceleration lanes as part of the conditional use permit. This terminal should be completed and operational around the first part of July.
- The pipeline terminal in Las Vegas, Nevada has all 9 tanks completed. A lot of the canopies are done, as well as a lot of piping and electrical. This terminal should be completed around August 2010.
  
- The project is broken up into 7 spreads. Millard County is in spreads 3 & 4.
- When the notice to proceed is given they will begin to work on spread 3 starting in

- Juab County, which is estimated to be around the third or fourth week in June.
- There is about 35 miles of pipeline to run in Juab County before they reach the Millard County boarder. This is estimated to be around mid August.
- There is a total of approximately 85 miles of pipeline to be run through Millard County and should be completed around mid November.
- They will give updates as the construction moves forward.
- Last week notices were sent out to the land owners giving them an update as to when construction will start.
- Cindy Gubler will put notices in the paper to inform the general public of when construction is going to start.
- There will be an estimated crew of 150 people per spread.

#### DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT BETWEEN MILLARD COUNTY AND SPORTSITE

Commissioner Whatcott said that this agreement is for an online program for recreation fees and team placements. How the program works is when registering for a particular sport a parent can go to the website, enter the child's information and pay the required fees via credit card. The coaches will then rate the players by level and the program will place the players on a team. This will make the teams fair and even.

The game schedules would be posted on the website and if for some reason the game is canceled or rescheduled the program will email all the players with the information of the change.

The program is intended to create less paperwork for the recreation departments, to make it easier to create evenly talented teams, to better inform players and to add the convenience of paying and registering online. If parents do not want to pay online they are still able to pay via check or cash at the recreation office.

Sportsite will charge 3% of the registration fee, not to exceed \$5.00 per registration, and then will issue a check to the county for the amount paid by participants, less the 3% registration fee.

The county may have to raise the cost of registration fees by around \$3 to \$5 to compensate for this charge.

Attorney Waddingham expressed some changes that he would like made to the agreement before it is signed. He will make the necessary changes and then inform Sportsite of those changes.

This item will be discussed further at the next commission meeting.

#### PUBLIC INPUT

There was none.

#### PUBLIC HEARING TO DISCUSS THE APPLICATION FOR A PERMANENT COMMUNITY IMPACT FUND BOARD (CIB) GRANT FOR THE PROGRAM YEAR 2010

Commissioner Whatcott made a motion to enter into a public hearing for the purpose of receiving public comment on the application for a permanent CIB grant for the program year 2010.

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

Present were: Linda Gillmor, Wayne Jackson and John Hansen

Commissioner Smith called the public hearing to order at 11:09 a.m..

Linda Gillmor said that the county applied for the grant a year ago. This is a re-application. Last year when the county applied for the grant they were waiting to see if the county would receive the Community Development Block Grant Funds (CDBG) it applied for. The county has since been awarded those funds.

Ms Gillmor is in the process of writing the environmental assessment for that part of it. They had the engineering estimate updated last fall and it was a few thousand dollars less. If the project gets started they will have to go through that process again.

The grant is being applied for to build a new ambulance building in Fillmore north of the sheriff's office. The total value of the project is \$449,970 which includes the \$60,000 value of the property already owned by the county, \$20,000 in the budget that is revolving loan fund money, \$195,000 awarded from the CDBG, \$125,000 from CIB and the county committing to fund \$49,970.

If the costs go above the said amount the county would be responsible to come up with the extra amount. The \$49,970 will be budgeted in next year's budget.

Millard County supports the program and the CIB application.

Attorney Waddingham asked about the certification requirements in the application. Ms. Gillmor said she will email them a list and wait for a response.

There were no other comments made.

Commissioner Whatcott made a motion to go out of the public hearing.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at 11:16 a.m..

The regular meeting reconvened.

## OTHER BUSINESS

Attorney Waddingham presented the certificate of insurance for the Delta High School football derby, and the application renewal for the commissioners to review and sign for Nevada out of state counsel for Mark Ward, Utah Association of Counties (UAC) Attorney, and County Attorney Richard Waddingham regarding the SNWA change application proceedings. \*need a copy of each\*

Commissioner Smith said that the county has an agreement with the United States Department of Interior which is the USGS groundwater study model that is being done with other counties. He presented a contract letter sent by Mark Ward, UAC Attorney, for the commissioners

to sign. The contract letter commits Millard County to fund it's portion of the groundwater study for the next four years. The county has applied for a grant and Juab County and Tooele County have also committed to help fund the groundwater study.

Commissioner Smith made a motion to approve the agreement that Millard County has with the US Department of Interior and the USGS Survey on the Millard County groundwater flow study.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. Attorney Waddingham recommended the contract letter not be signed until Millard County receives a written commitment from Tooele and Juab Counties. \*need copy\*

#### DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Commissioner Smith reported that he met with SITLA and had a tour of the lime kiln plant and the quarry. There were about 15 people on the tour including staff from SITLA and the governor's office. Commissioner Smith said that he appreciates them coming and their interests in supporting the county and the business.

That afternoon SITLA board had a meeting at IPP with representatives from Magnum. Also in attendance were representatives from IPP, members of Planning & Zoning, Attorney Waddingham, Commissioner Smith and others who were interested. Magnum gave an overview of its project and its time line. Magnum is leasing ground from SITLA as part of their project and right of way.

It was a good opportunity for them to meet the people and to look at the project so that the whole board would support what is being done there. They all seemed to be very excited about Magnum's potential and the potential it brings to the block of SITLA property that sits between IPP and Brush.

Monday, May 17, Commissioner Smith and Attorney Waddingham attended the Mosquito Abatement District meeting where they talked about how the board should be organized.

Attorney Waddingham said that currently there are six members on the board but by statue there should only be five members. This will be taken care of shortly.

The law has been amended. Instead of the county appointing all five members to the board, the statute now states that all or part of a municipality located within the boundaries of the district shall appoint a member to the board. There are 4 cities and towns included in the Mosquito Abatement District: Delta, Hinckley, Lynndyl and Leamington. Each municipality will appoint one member to the board. Millard County will also appoint one member. This will change the format of how the board is created.

Attorney Waddingham thinks that when they changed the law it was created to address issues affecting Special Service Districts in Northern Utah. He and Commissioner Smith talked about seeing if they could get our senator and representative to propose some legislation that would exempt 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, & 6<sup>th</sup> class counties from the law. Until then, the county will do what the statute requires.

The next Mosquito Abatement meeting will be held June 21, 2010.

Commissioner Smith said that he met with Treasurer Hansen, Auditor Grace and Assessor Manis and worked on reviewing the values of districts. The assessor tries to put all those together to make sure there are no glitches or issues as they head toward the date of finalizing the values.

Thursday, May 6, 2010 Commissioner Whatcott met with Star Murray at the Senior Citizen Center and went over some budget concerns. They also expressed the need for internet access at the Senior Citizen Center. Ms. Murray has been doing the internet required reports on her internet at home.

The Senior Citizen Center is also looking for two new cooks who will be paid minimum wage.

Monday, May 10, 2010 Commissioner Whatcott met with Carl Thurgood with Sportsite regarding the county signing up for an internet program for sports events.

Wednesday, May 12, 2010 Commissioner Whatcott attended a Six County Association of Governments (SCAOG) meeting. They talked about the elk herd and the impacts it can have on our forest. The state wants to increase the elk herd by as much as 20,000 elk. The cattlemen are being affected by the amount of grazing the elk herd is doing on their property.

He also learned the importance of the aspen tree to our ecosystem.

Thursday, May 13, 2010 Commissioners Whatcott and Smith met with Julie Mack and Mark Ward regarding the wilderness bill as well as some issues on the west desert. They went over the different areas and voiced the county's concerns. Each gave his/her proposal.

Commissioner Smith reported that the rock crawl was held this weekend in Delta, which was very well attended. Between the movie being filmed in Millard County and the rock crawl the motels in Delta were full making it hard to get a room. There was talk about having the rock crawl held in Millard County several times a year.

Commissioner Whatcott, Assessor Manis and Treasurer Hansen had a phone conference with Magnum regarding the project, properties and what is going to be done. The main focus was Magnum's taxing status. The first part of it will be mining salt.

Attorney Waddingham and Commissioner Smith met with Councilman Bruce Curtis and Delta Mayor Gayle Bunker. They went through the law enforcement contract which was approved and signed.

#### APPROVAL OF MAY 4, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 4, 2010 were presented for consideration and approval. Following review, Commissioner Whatcott made a motion to approve the minutes of May 4, 2010, as presented.

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

## REVIEW OF THE 2010 FINAL TAX SALE LISTING

Auditor Grace presented the current tax sale listing and suggested that the commission review it and make any necessary removals before the final tax sale.

The Commissioners, Auditor Grace and Treasurer Hansen have gone and looked at the properties that are listed on the final tax sale listing.

Commissioner Smith said that there has been great effort made in trying to contact everyone that would be affected by the sale of the properties, as well as trying to identify and determine what is involved with each property.

The commissioners, Auditor Grace and Treasurer Hansen discussed the properties listed on the final tax sale list.

Commissioner Smith made a motion to give Attorney Waddingham, Auditor Grace and or Treasurer Hansen the authority to remove a parcel from the tax sale if a 50% payment is made up to the time of the tax sale or if it would be in the best interest of the county.

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

Commissioner Whatcott made a motion to remove the following properties from the final tax sale; Douglas F. Turner parcel no. DO3374-2-3 and First Capital Estates LLC parcel no. 6649-4.

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

## AUDITOR'S REPORT

Auditor Grace presented the check edits of May 17, 2010 for the commissioners to review and sign.

Auditor Grace said at the last meeting she presented an invoice received by Clerk Brunson from the State Library Division. She has since received a followup letter stating that they have been able to reallocate some of their resources to cover the bookmobile contract. Therefore, there would be no additional funding necessary from the county.

She received the new invoice covering January 1 to June 30 in the amount of \$58,171 and needs commission approval to pay the invoice.

Auditor Grace received a letter from the Department of Interior explaining that the county had received mineral management money for the geothermal leases and that the Department of Interior determined that those were unauthorized payments due to the 2010 Interior Appropriations Act which was repealed. The letter indicates that there is \$31,910.75 that must be paid back within 30 days or interest and other fees will be applied. Another option would be to sign an agreement for repayment allowing until December 31, 2010 to pay the money back. This option also indicates that in the event the law that authorizes those payments is enacted this agreement would become null and void.



Auditor Grace reported on her attendance at the Utah Counties Insurance Pool (UCIP) personnel workshop in St. George, Utah. She felt it was worthwhile to attend. They discussed bills that were passed in this year's legislature that will affect the county.

Auditor Grace discussed the Utah Retirement System updates and changes that would take place and that will affect the county employees:

- Any employee hired after July 1, 2010 will be considered a tier 2 employee which will result in an extended length of service by 5 years.
- Effective July 1, 2010, employees who retire and then are rehired within a 12 month period would be considered a regular employee and all retirement payments will be canceled.
- If an employee is injured on the job and is receiving workers' compensation they will no longer be allowed to sell their accrued sick time or vacation time until they return to work.

Auditor Grace will provide the commissioners with the sample policy language given out by UCIP so that at some point this language can be used to implement a new policy for Millard County.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

#### POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

Auditor Grace said that she has a note to call Jane Beckwith regarding the Topaz Museum exempt property. She will call her after the meeting.

Commissioner Smith made a motion to enter into a BOE.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The BOE began at 2:03 p.m..

Treasure Hansen said that he has a request from Keith and Brenda Taylor, regarding Keith Taylor and Associates property in Leamington, Utah, parcel numbers X2548-2 and X2546-2.

They had talked to the assessor regarding their disclosure and tax notice which was substantially in error. The assessor told them that the value was wrong and to only pay what they had paid in the past and if any more is owed they could take care of it later. After paying what they were told they noticed that the value had not been reduced to what it should of been reduced to and now fees and interest have been applied. They feel that they paid what they were told to pay by the assessor so they shouldn't have to pay the penalties and interest accrued.

Assessor Pat Manis said that there was an error on the land guide which was used to value the Taylors' property. He said that there is record of this being brought up in BOE. The assessor went through the process and changed the value.

Commissioner Smith made a motion to waive the penalties and interest on parcel numbers X2548-2 and X2546-2.

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

The commissioners, recorder, treasurer and assessor discussed property involving Fabulous Five, LLC and Washington Mutual which sits on the boundaries of Kanosh Town and Millard County. There were upgrades and buildings put on the property of Fabulous Five, LLC but due to the city boundaries being in the wrong place, Washington Mutual's property was being assessed the fees for the upgrades and the buildings. When the county became aware of this a letter of correction was sent to the property owners.

Commissioner Smith made a motion to waive the penalties and interest on parcel numbers K-8080-1 and 8080 if the property owner will pay the balance due within 45 days from the date the notice of correction letter was sent.

Commissioner Whatcott 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 2:15 p.m..

#### TREASURER'S REPORT

Treasurer Hansen received a notification from the State Auditor's Office requesting that he withhold funds on several different entities within the county. Lynndyl Town was listed but it has since corrected its issue. The following entities will not receive anymore funds until they have resolved their issues: Drainage District II, Drainage District IV, Fire District, Water Conservancy District and the Mosquito Abatement District.

Treasurer Hansen received notification that the county has received \$50,652.27 in mineral revenue sharing from the state of Utah for the third quarter of its 2010 fiscal year, which will be put in the general fund.

#### OTHER

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

There was none.

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 12:31 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 2:02 p.m..

WORK SESSION FOR ALL DEPARTMENT HEADS AND ELECTED OFFICIALS

A work session was held for all department heads and elected officials to discuss the purchasing policy. *A recording of this work session in its entirety is on file at the clerk's office and is available for review.*

WORK SESSION TO DISCUSS PROPERTY TAX VALUES

A work session was held to discuss property tax values. No decisions were made. *A recording of this work session in its entirety is on file at the clerk's office and is available for review.*

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 2:29 p.m..

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

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