

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF AUGUST 2010
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson
Bart A. Whatcott. Commissioner
Craig Greathouse..... Commissioner

Richard Waddingham County Attorney
Norma Brunson County Clerk
Marki Rowley. Deputy County Clerk

ALSO PRESENT: John Pelczar First Wind
Hannah Jones..... Chronicle Progress
Cindy Gubler. UNEV
Connie Hansen..... County Recorder
Kevin Morris. West Millard Maintenance
Tony Fuller.. ADF Holdings
Don Fuller. ADF Holdings
Pat Manis. County Assessor
John Hansen..... County Treasurer
Brandy Grace..... County Auditor

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:

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 Greathouse 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:

- They started earthwork a couple weeks ago.
- The array ten road is completely cut in and graveled.
- All the sights on array ten have been cleared and grubbed and are ready for excavation.
- They should finish graveling array nine road this week.
- All the turbine sites on array nine have been cleared and grubbed.
- They are working on clearing and grubbing array eight.
- They are scheduled to take delivery of turbines mid October or the first of November.
- The power purchase agreement was signed by LADWP but still needs to be ratified by the LA City Council which is expected to be done at the LA City Council meeting held September 7.

A meeting time was discussed for the commissioners to visit the site of Phase II.

UPDATE OF SURVEYS - CONNIE HANSEN

Recorder Hansen presented the original of the signed state contract for the AGRC grant for filing.

Recorder Hansen stated that the surveys for which the budget would allow have been completed. There are surveys that were started but cannot be completed until more funding is received. The AGRC grant - if received - will be for \$27,200 and can only be used for cadastral surveys.

The survey information collected will be sent to the state and will then be distributed to surrounding entities for the federal E911 upgrade.

The surveys scheduled for next year will consist of the areas by Holden, and Fillmore. They have finished most or all of the areas by Delta. Eventually they will survey near Garrison, if finances will allow.

RATIFY THE APPROVAL OF THE AGREEMENT BETWEEN US FOREST SERVICE AND MILLARD COUNTY

Commissioner Greathouse made a motion to ratify the approval of the agreement between US Forest Service and Millard County.

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

This agreement states that the US Forest Service will pay the county \$20,000 to mag chloride six miles of road up Chalk Creek Canyon.

RATIFY THE APPROVAL OF THE AGREEMENT BETWEEN COCA COLA AND MILLARD COUNTY

This item was tabled until the next commission meeting.

UNEV UPDATE - CINDY GUBLER

Cindy Gubler reported the following information:

- They received the notice to proceed in July.
- The survey crew just finished freshening the survey line.
- Crews are in Juab County grading, fencing and pot holing. When they are finished they will move into Millard County which should be in the next couple of weeks.
- The landowner notification process has been smooth, with positive relationships being maintained as the project moves into construction. Land owners have been sent two letters, one being certified, notifying them about the commencement of construction. Landowners will be called ahead of time as crews move it to Millard County.
- Several members of the crews are staying in surrounding RV parks which are starting to fill up.
- They have been meeting and coordinating with the BLM and grazing permittees on installing temporary and permanent fencing.
- They have been moving pipe from the Lynndyl pipe yard.
- They received a request from the town of Lynndyl asking that they not use Center Street, which is a designated access road on the road maintenance agreement with the county. They have coordinated with Lynndyl Town and the Road Department to use Railroad Avenue and 100 West instead of Center Street. Both are town roads and do not affect the road maintenance agreement.
- They will be purchasing water for dust control from Delta City, the town of Lynndyl and from two private sources (Magnum Gas and Michael Barney).
- They have received the notice to proceed from BLM. Construction of the UNEV petroleum pipeline has begun.
- They will start trenching and stringing pipeline in Millard County around September or October.
- There will be an average of 150 workers on each spread.
- Commissioner Smith said that Jim Townsend sent a letter thanking the county for allowing the project to be done in Millard County and also informing them that all the necessary permits have been received.

DISCUSSION AND POSSIBLE APPROVAL OF PURCHASING PORTABLE BLEACHERS

Kevin Morris, West Millard Maintenance, presented to the commissioners an estimated cost of about \$125 to \$135 per seat for portable bleachers. He also presented a list of places and events that could use the portable bleachers. The bleachers will have a five year warranty and a fifteen to twenty year life expectancy.

If purchased, it is estimated that the bleachers will be completely paid for in about five or six years by charging a fee for the use of the bleachers.

Community events that do not charge a fee will not be charged to use the bleachers; only those events that will make a profit will be charged for the use of the bleachers. Mr. Morris will check with event coordinators to see who would be interested in paying to use the bleachers. He will report back to the commissioners at a later meeting.

There was discussion regarding the possibility of purchasing portable bucking shoots owned by Frank Noyse which are currently being used by West Millard Recreation.

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 10-08-17, A RESOLUTION TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN SALT LAKE COUNTY AND MILLARD COUNTY FOR A SNAKE VALLEY GROUND WATER STUDY

Commissioner Whatcott made a motion to adopt Resolution 10-08-17, a resolution to approve an interlocal cooperation agreement between Salt Lake County and Millard County for the Snake Valley Ground Water Study. Salt Lake County agreed to contribute \$10,000 toward the cost of the study.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE MILLARD COUNTY EQUESTRIAN PARK FEES

The Commissioners and Kevin Morris discussed the fees associated with the East and West Millard Equestrian Parks. There will be an option to purchase a yearly usage pass for the East Millard Equestrian park for \$35.00, or a one day usage pass for \$5.00. This discussion will be brought back to the commission as a resolution to amend the facility use policy.

DISCUSSION AND POSSIBLE DECISION REGARDING A SURETY BOND FOR ADF HOLDINGS

Tony Fuller, ADF Holdings, said that he has been looking into getting the surety bond to release the cash bond which they currently have with the county.

Mr. Fuller split off the twenty acres of the gravel pit by deeding the gravel pit back to himself and prepared a title report showing the title is free and clear. He asked Rhonda Williams from First American Title Company to prepare a deed of trust and he prepared a note to go with that.

He has an engineer coming tomorrow to give an environmental clearance letter to ease Attorney Waddingham's concerns of hazardous waste material being contained on the property. He also went through Steve Hatch who signed off on the report for the appraisal value.

Mr. Fuller gave a brief update as to when they opened the gravel pit and why there is a \$35,000 cash bond on the property. He said that he has the idea of leveling off the property as gravel is extracted making it less of an eye soar when the gravel pit is used up. Doing this, he feels it will

be a lot easier to reclaim the property.

He has had an offer of around \$70,000 for the property but he feels that the property and what it has to offer is worth a lot more than that. He said that they have only impacted about five acres of gravel withing the last four years. He is pretty confident that there is still around \$150,000 worth of gravel on the property.

Mr. Fuller said that he will get a contractor's estimate to show how much it will cost to reclaim the property, as it is now, back to its original state. He will also get the commissioners the environmental assessment.

The commissioners and Attorney Waddingham will discuss this more and look at the conditional use permit to see if the conditions are still maintained. They will get back to the Fullers.

OTHER BUSINESS

Attorney Waddingham said that the Public Defender's Contract is effective August 4, 2010 to August 4, 2011. He was wondering if the commission would like to prorate the contract for the year 2010 and present a new contract to run from August 4, 2010 to December 31, 2011 to follow a normal calendar year.

Tate Bennett said that he and his family have found a home in Fillmore, and are in the process of moving to that home.

Commissioner Whatcott made a motion to accept the contract extending it from August 4, 2010 to December, 31, 2011.

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

Clerk Brunson received a call from Jan Neth from Iron County. She wanted to see if the county would be interested in supporting the Veterans Nursing Home in Cedar City. Ms. Net had previously discussed this with the commission.

Commissioner Whatcott said that originally they wanted to build the nursing home in St. George, Utah but Iron County wants to have it built in Iron County.

This item will be brought back as a resolution at a later commission meeting.

Commissioner Greathouse said that he was approached by a person who was inquiring about building cabins on dry property. Commissioner Whatcott explained the county's ordinance regarding this issue. A person may set a movable trailer on the property for no more than 30 consecutive days in a calendar year. Planning and Zoning Commission will not approve a permanent structure to be built on dry properties because there is no water or sewer on the property.

Attorney Waddingham said that Tresa Cranney, East Millard Recreation, called to see if she could host a year end party on the lawn next to the State House Building. She also inquired if she needed a waiver of release to do the following events: a blow up water slide, bounce house, volley ball, tug of war, rock climbing, a bucking bull and an outdoor movie. Attorney Waddingham said that she would have to have the approval of the commissioners and would need to let the Risk

Management know. All participants must sign a waiver for themselves and their minor children.

Commissioner Whatcott said that she is going to charge a small fee to cover the cost of the activities and attractions. She will also have a barbeque to help put money back into the recreation department.

Commissioner Whatcott made a motion to support Tresa Cranney to conduct the end of the summer fundraiser/thank you party to parents and coaches.

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

Lieutenant Mike Winget presented a contract for the Residential Substance Abuse Treatment Grant (RSAT) for the commissioners to approve. This is a grant for a Drug and Alcohol program that he has been working on through the Commission on Criminal and Juvenile Justice. This program is a combination of both county and state inmates and has been running for about seven years.

Commissioner Greathouse made a motion to approve the RSAT Grant presented by the Sheriff's Office.

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

Commissioner Smith said that the town of Oak City received permission from the CIB Board to use the rest of its money to redo the culvert on the Canyon Road Bridge. CIB wants an agreement between Millard County and Oak City stating that the county will agree with Oak City using the CIB funds to reconstruct the box culvert. Also, that the county will review the plan and the designs and will accept the maintenance on the culvert after it is built. They need a letter this week to the CIB board.

Commissioner Greathouse made a motion to send a letter to Oak City stating that the county will agree with them using the CIB funds to rebuild the box culvert in Oak City.

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

Clerk Brunson informed the commissioners that she received a petition for annexation from Fillmore City and an Affected Entity Notice which she will file in the Clerk's Office.

Richard Beckstrand, IT, needs approval for himself and Adam Britt, IT, for out of state travel to attend a three day RGIS training in either St. Charles, MO, or Houston, TX.

The RGIS server will basically allow anybody to access the GIS database and its maps from any internet. This server and the training will benefit the county.

The Commissioners approved the out of state travel for both Richard Beckstrand and Adam Britt to attend the RGIS training.

PUBLIC INPUT

There was none.

AUDITOR'S REPORT

Auditor Grace presented the check edit of August 16, 2010 for the commissioners to review and sign.

Auditor Grace received a letter from the Department of Interior stating that the county will not need to pay back the Geothermal lease money because the legislation passed, allowing disbursement of those funds, and the county may be receiving additional funding.

Auditor Grace presented a Quick Claim Deed which needed to be notarized.

Auditor Grace presented a letter from the Apple Program asking the county if they want to participate in the work site health promotion award program. There is a \$60 processing fee and a deadline for filing the application on or before August 20, 2010.

Auditor Grace said that when August month end reports are sent out they will include the budget preparation documents for all the departments. A planning meeting will be held for all elected officials and department heads to give them direction for the 2011 budget.

Auditor Grace said that she was approached by Tammy Layne who has the janitorial contract for the East Millard ball fields and surrounding areas. Ms. Layne stated that she bid out the job based on the activity of the fields at the time. It now requires more time to keep the facilities clean since all the extra activity. Could the contract be amended to pay her more money or does it need to be bid out again?

When changes are requested to be made to the contract, the contract would need to be bid out again. Commissioner Smith said that if the job is larger based on the increased activity it should be stated in the new bid. Commissioner Whatcott is going to check into the contract terms and dates and inform Ms. Layne that if changes are made to the contract it would need to be rebid.

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

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

Commissioner Greathouse 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 12:30 p.m..

The Assessor's office presented to the Auditor the personal property billing for Lyman Building and Remodeling and have asked that the property be removed from the tax roll, based on

the death of the owner. The taxes due are \$151.25, which includes a \$100 penalty. The property tax is based on the personal tools associated with the business.

Commissioner Whatcott made a motion to remove the business of Lyman Building and Remodeling from the tax rolls based on the death of the owner and the business having been dissolved.

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

Commissioner Whatcott made a motion to close the BOE.

Commissioner Greathouse SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended at 12:33 p.m..

TREASURER'S REPORT

Treasurer Hansen received a check from First Wind Energy, LLC in the amount of \$500 with no explanation as to what it is for. Commissioner Smith said that he will follow up with Shelly Tuescher to find out what the check was for.

Treasurer Hansen said that there is a process in the banking world called Positive Pay. The county will provide the banks with a list of checks that the county has written out. The banks will compare that list to the checks that the bank receives. If the bank finds a check that is not on the list provided by the county, the bank will put that check in a reject list until the county can verify it.

The cost for this service will be around \$200 to \$300 a month for accounts payable checks only. This charge will not cover the checks written on other accounts.

A Representative will contact Treasurer Hansen at a later time for a decision. There is no money in the Treasurer's budget to cover this process at this time but it would be a benefit to the county to have this protection.

Treasurer Hansen asked if the commissioners had any suggestions for the tax abatement application. Commissioner Greathouse suggested that since the application is requiring financial information, a line should be added for the applicant to sign.

OTHER

Commissioner Smith passed the chair to Commissioner Whatcott for the rest of the meeting because he had to leave the meeting early to attend a meeting on behalf of UAC.

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

Commissioner Whatcott attended a meeting on August 4, with Magnum Gas Storage regarding its proposed gas storage facility North of Delta.

Commissioner Whatcott attended the County Fair Luncheon on August 4. He also attended the Millard County Fair. He said that he appreciates the hard work of Betty Jo Western for putting on this great event. He heard a lot of positive comments on the programs and meals that were planned. There was great entertainment all the way through the event.

Commissioner Whatcott attended the weekly maintenance/recreation meeting with Klint Penney, Tresa Cranney and Jer-E Brinkerhoff. They discussed the upcoming soccer, flag football, and softball events, as well as maintenance issues and scheduled horse races.

Commissioner Whatcott attended a special commission meeting of the Millard County Commissioners on August 11, along with Commissioners Smith and Greathouse.

Commissioner Whatcott attended a meeting regarding events being brought into the Fillmore area to promote the businesses in Fillmore.

Fillmore will be hosting a co-ed baseball league and plans are underway to support the Cider-Fest hosted by Alan Roper and Greg Roper. The Cider-Fest consists of two days of activities with live music, evening meals, ATV riding, dancing, making apple cider and other activities. This event will take place September 17, and 18.

Commissioner Whatcott talked to John Zapell from the Forest Service regarding the Twitchell Canyon Fire South of Kanosh. Mr. Zapell informed Commissioner Whatcott that there were 135 people assigned to the fire, with 3 twenty man crews, which is a type III fire crew. There are also three helicopters working the fire with bucket drops to help direct the fire.

This fire was caused by lighting and so far has consumed 4,000 acres. The fire is being managed at this point by the Forest Service. They are allowing the fire to burn because it is in a forested area which has not been burned for about 150 years. They are watching it closely so that it does not burn into the Kimberly area.

A base camp has been set up at the Kanosh City Park for the type III fire crew. They plan on being in the Kanosh area for one week, after that time they will re-evaluate the fire to see if more time is needed for fire management.

Commissioner Greathouse had nothing to report at this time.

APPROVAL OF AUGUST 2, 2010 SPECIAL COMMISSION MINUTES

The proposed minutes of a Special County Commission meeting held August 2, 2010 were presented for consideration and approval. Commissioner Greathouse made a motion to approve the minutes of August 2, 2010 as presented.

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

APPROVAL OF AUGUST 3, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held August 3, 2010 were

presented for consideration and approval. Following review and consideration of minor corrections Commissioner Greathouse made a motion to approve the minutes of August 3, 2010 as corrected.

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

APPROVAL OF AUGUST 11, 2010 SPECIAL COMMISSION MINUTES

The proposed minutes of a Special County Commission meeting held August 11, 2010 were presented for consideration and approval. Commissioner Greathouse made a motion to approve the minutes of August 11, as presented.

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

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

Commissioner Whatcott stepped from the chair and 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 Greathouse SECONDED the motion. The voting was unanimous and the motion carried.

After the closed executive session the regular meeting reconvened at 1:25 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Greathouse made a motion to adjourn the meeting.

Commissioner Whatcott stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 1:26 p.m..

Attest: _____

Approved: _____