

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF NOVEMBER 2010
AT THE COURTHOUSE, FILLMORE, UTAH

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

Richard Waddingham County Attorney
Marki Rowley. Deputy County Clerk

EXCUSED: Norma Brunson County Clerk

ALSO PRESENT: Tiffany James..... Magnum
Brian Pugh. Magnum
Gae R. Dean Citizen
Julia Petersen Citizen
Eleanor Dalton - Wood Citizen
Wayne Jackson American Legion
Sheryl Dekker County Planner
Dean Draper Chronicle Progress
Linda Gillmor County EDD
Cindy Gubler UNEV
Trevor Townsend UNEV
Connie Hansen County Recorder
Terry Scottorn American Legion Post 61
Brandy Grace County Auditor
John Hansen County Treasurer
Pat Manis County Assessor
Klint Penney..... East Millard Maintenance

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 excused Clerk Norma Brunson from today's meeting due to the election. Commissioner Smith asked if anyone had an opening statement to give. Commissioner Whatcott read a short story entitled "The law of the garbage trucks." Commissioner Greathouse said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

RATIFICATION OF A PREVIOUS BOE VOTE

Commissioner Whatcott made a motion to enter into a BOE.

Commissioner Greathouse SECONDED the motion. The voting was unanimous and the motion carried. BOE began at 10:07 a.m..

Commissioner Greathouse made a motion to approve the list of changes presented by Auditor Grace during BOE on October 19, 2010.

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

Commissioner Whatcott made motion to close BOE.

Commissioner Greathouse SECONDED the motion. The voting was unanimous and the motion carried. BOE ended at 10:09 a.m..

RATIFY THE APPROVAL OF THE INDIGENT BURIAL FOR WILLIAM INCE

Commissioner Greathouse made a motion to ratify the approval of the indigent burial process in the amount of \$1,400 for William Ince.

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

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

Commissioner Whatcott explained what the agreement entailed with Millard County and Coca Cola.

Commissioner Whatcott made a motion to ratify the approval of the agreement between Millard County and Coca Cola subject to language changes.

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

POSSIBLE ABATEMENT FOR JULIA PETERSON FATHER

Julia Petersen came before the commission to ask that the commission waive one of the Advanced Life Support (ALS) Emergency charges on Bernard Dashwood's (her father) ambulance bill because it was unnecessary. When Ms. Petersen called the ambulance to come transfer her father

to the hospital she explained to them that he broke his hip and would need a ride to the hospital because she was afraid that if she transferred him in her car she would hurt him.

Commissioner Whatcott made a motion to abate one of the ALS Emergency charges in the amount of \$707 charged on Mr. Dashwood's ambulance bill.

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

ELEANOR DALTON TO DISCUSS BILL JACKSON

Eleanor Dalton stated her opinions on Bill Jackson's termination. Attorney Waddingham explained to Ms. Dalton that the Board of Commissioners would have to be very cautious on how they respond to her statements due to they will be the appeals board if needed for Mr. Jackson.

UNEV CONSTRUCTION UPDATE - CINDY GUBLER

Cindy Gubler reported the following:

- Things are going good.
- The right-of-way is moving ahead in Millard County.
- The pipeline crews have caught up with the front end.
- They are now ditching, stringing welding and lowering pipe into the ground.
- The dust issue is under control.
- They will be in Millard County for about 2 months.
- County Inspector Derrel Owens will be going out to do the inspection next Tuesday.
- They are planning to introduce Mr. Owens to the local inspector, Bob Johnson, and to have him meet the BLM inspectors and the environmental inspectors. They will also take him out on the right-of-way to see what is happening there.
- She invited the commission to go visit the site on Tuesday along with Mr. Owens.
- All of the landowners who live in the center of the county have been notified. They will notify the landowners who live in the south part of the county next week.

MAGNUM GAS STORAGE LLC, PRESENTATION FOR PIPE LINING

Brian Pugh and Tiffany James, Magnum Gas Storage LLC, gave a presentation on the brine evaporation pond which explained the process of pipe lining as well as the site reclamation plan.

REVIEW AND POSSIBLE DECISION FOLLOWING A PUBLIC HEARING HELD AUGUST 3, 2010 AND HAVING RECEIVED A FAVORABLE RECOMMENDATION FROM THE MILLARD COUNTY PLANNING COMMISSION REGARDING A CONDITIONAL USE PERMIT (CUP) FOR A NATURAL OR MANUFACTURED GAS STORAGE AND DISTRIBUTION FACILITY (MAJOR) (SALT CAVERN NATURAL GAS STORAGE FACILITY) PROPOSED BY MAGNUM GAS STORAGE, LLC - APPLICANT. THE PERMIT IS FOR PROPERTY LOCATED SOUTH AND EAST OF THE IPP POWER PLANT AT THE

INTERSECTION OF BRUSH WELLMAN HIGHWAY AND JONES ROAD, APPROXIMATELY
10 MILES NORTH OF DELTA. PERMIT # Z-2010-008

Sheryl Dekker, County Planner, stated that Magnum has gone far further than the extra mile to cooperate with the county and do the things that have been asked of them. It would be her recommendation that the commission take the recommendation of the planning commission and approve the CUP.

Commissioner Greathouse made a motion to approve the CUP # Z-2010-008 for Magnum Gas Storage.

Commissioner Whatcott SECONDED the motion.

After further discussion, Attorney Waddingham said that if the commission approves the CUP "as is" it could be a problem because the revised provision pertaining to ground water is not contained in the final document. Attorney Waddingham stated that if the CUP was to be approved at all he suggests that it be approved subject to the new language being incorporated into the CUP and that approval of the CUP be conditioned on both the Commission and Magnum agreeing on the new language.

Commissioner Greathouse amended his motion to incorporate the suggested language.

Commissioner Greathouse made a motion to approve the CUP #Z-2010-008 for Magnum Gas Storage subject to the approval of both parties agreeing to the language changes.

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

DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED CONTRACT RENEWAL WITH
COMMERCIAL BUSINESS RADIO, L.C. - BRYANT ANDERSON

Bryant Anderson, Commercial Business Radio, L.C., said that he appreciates the opportunity to serve the county. Mr. Anderson reviewed the Millard County Service Contract cost 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 Whatcott made a motion to approve the new Commercial Business Radio, L.C. Radio Maintenance Contract in the amount of \$33,618.

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

DISCUSSION AND POSSIBLE DECISION REGARDING THE APPLE PROGRAM

Commissioner Smith said that for the past two years the county has contracted with Apple Incorporated to provide a wellness program to Millard County Employees. The incentive to participate was that if the employee participated they would receive a discount on the cost of their insurance rate. There have been some issues with the Apple Program.

Discussion was to go back to using Healthy Utah to provide the resources for the wellness program. The incentive for the county employees would need to be adjusted.

If the county chooses to go back with Healthy Utah it would be a voluntary participation for the county employees which could have cash incentives for that participation instead of tying the incentive to the benefits.

The commissioners feel that a wellness program is very beneficial to the employees.

Commissioner Greathouse made a motion to suspend the contract with Apple Incorporated for the next year, find out the dates for contract termination, and properly do due diligence.

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

OTHER BUSINESS

Wayne Jackson, and other members of the American Legion District 6 and Fillmore Post 61 presented a plaque of appreciation to the county for all the support the county gives to the legion.

Commissioner Whatcott was asked by the American Legion Post 61 if they could use the jail work crew to help do some maintenance work and winterizing to its building. Commissioner Whatcott reported that the jail will allow the work crew to help with these projects and the commission will waive the work crew fee.

Commissioner Smith signed the notices of vacancy for each Millard County Drainage District 1-4 which was received from Leann Hepworth, Waddingham & Associates, for publication. The date was set for December 21, 2010 to fill the vacancies. Interested parties should contact the clerk's office on or before December 17, 2010.

Commissioner Smith said that every year the commissioners have to appoint someone from Millard County to serve as a representative and an alternate representative to vote at the Utah County Insurance Pool (UCIP) board meetings. This will be presented at the next commission meeting.

Commissioner Smith discussed the idea of Millard County participating in the County Seat Program through the Utah Association of Counties (UAC). A number of counties have been talking about trying to get issues out there through the media that affect county citizens. They have talked about putting together some documentary television programs.

The county will have to commit some money. UAC has met with some corporate sponsors statewide who are willing to participate financially.

The most the county would have to pay for a 52 week segment would be \$29,000 without any state corporate sponsorships. This would have to be budgeted in next year's budget. Approximately \$12,000 to \$15,000 would be the budgeted amount for next year to do some of the segments.

UAC would come down and interview those who will be involved in educating the public.

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

Commissioner Whatcott reported he attended the Great Basin Water Forum in Reno, Nevada. The forum was a productive meeting where they met with three western states: California, Nevada and Utah. All three states have similar issues in dealing with water shortages for agriculture and household use.

They also talked about critical water resource issues in the Colorado River, the challenges of monitoring and mitigating adverse impacts of groundwater pumping, water needs and strategies for a sustainable future in the west. This was the second annual water forum. He gained useful information regarding water issues in Utah.

Commissioner Whatcott attended the flag retirement ceremony hosted by American Legion Post 61. It was held at the Fillmore Race Track. Approximately 200 flags were retired.

Commissioner Whatcott was invited to speak at Wasatch Elementary School in Provo, where he gave a patriotic speech to a group 5th graders.

Commissioner Whatcott attended the Millard County Economic Development (MEDA) committee meeting.

Henriquee DeAgostini, Director of Sales and Marketing for LiquaDry in Abraham, Utah, gave an excellent motivational speech. Mr. DeAgostini emphasized creating value in what Millard County has to offer, and to look at what is offered through the eyes of the customer and not so much as through the eyes of the businessman.

Commissioner Whatcott attended the Millard County Council of Governments (COG). Emery Polelonema talked about projects on the CIB grant list and prioritizing community projects. The community leaders were briefed on what is happening in the county and then given a chance to ask questions and voice their concerns.

There were horse races held on October 31. There were approximately 500 individuals in attendance. The race was sponsored by a private individual from Fillmore and was very successful.

Commissioner Whatcott said that Trent Wilde is looking at hiring a replacement for Jim Stevens for the county 4-H program. This position will be listed in the paper and the job will begin the first of January.

Commissioner Smith reported that COG was held on November 27. Emery and Russ from Six County AOG discussed the CIB list and getting projects on the short list. Russ and Emery are going around and meeting with the city councils to determine their priority and future projects on the list.

Commissioner Smith attended the safety training meeting with the Road Department

November 1. They are getting their equipment geared up and ready for snow plowing.

Commissioner Smith attended a board meeting of the Millard County Special Service District No. 8 on October 20. The board went through its finances and presented its audit. A copy of the audit will be filed in the Auditor's office for review.

Commissioner Smith said the county maintenance department has leased a tractor for the last couple of years. They have looked around for another tractor because the lease was going to be a lot more than they wanted to spend. They discussion buying the tractor because it would be a better deal than to lease the tractor again. The company agreed to accept this year's lease amount for the down payment if the county chooses to take this option. Kevin Morris will present this at the next commission meeting.

Commissioner Greathouse reported that he attended the Great Basin Water Forum in Reno, Nevada with Commissioner Whatcott and thought it was well worth the trip.

Commissioner Whatcott said that Adult Probation and Parole's (AP&P) rental contract has expired and is currently operating on a month to month lease until the new agreement can be approved. He talked to Sheryl Searle from AP&P who said that unless the county does the renovations it agreed to do in 2008 they will not be renewing the contract. Commissioner Whatcott put an add in the paper requesting estimates to do the promised renovations to the AP&P office. These bids will be opened at the November 16 commission meeting.

Commissioner Greathouse made a motion to recess for lunch.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:34 p.m..

NOON LUNCH BREAK

The meeting reconvened at 2:25 p.m..

APPROVAL OF OCTOBER 19, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 19, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of October 19, as corrected.

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

PUBLIC INPUT

There was none.

AUDITOR'S REPORT

Auditor Grace presented the check edit of October 25, 2010 and November 1, 2010 for the commissioners to review and sign.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

At the last commission meeting, Auditor Grace presented a hardship abatement application from Bill and Sara Lister. After reviewing the application the commission requested that the Listers provide more information.

Auditor Grace presented the additional information requested for the commission to review.

Commissioner Whatcott made a motion to abate 50% of the Listers property taxes.

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

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen presented the October 2010 tax collection distribution and the balances for the taxes and trust for the commission to review.

Treasurer Hansen received the release letter from the State Auditors office allowing the release of the Fire District funds. The Fire District will be getting its distribution this month.

The distribution for November will be substantially larger and will show up on the report the first of December.

Treasurer Hansen submitted a request for tax relief from James C. Dutson account #0097643 and account #0141748. Both parcels are located in Hinckley, Utah. One property is his home the other property is farm ground.

Mr. Dutson submitted a letter explaining his circumstances, along with a copy of his income tax return and what he calls a profit loss statement.

Mr. Dutson is behind on his 2006, 2007 and 2010 taxes.

Commissioner Greathouse made a motion that if Mr. Dutson pays the balance of his delinquent taxes before the end of October 2011, the penalties and interest will be waived.

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

OTHER

Commissioner Greathouse said that the county has been leasing a tractor for \$7,500 a year. It has been discussed to purchase the tractor instead of leasing it.

The price of purchasing the tractor was \$52,900 and has been reduced to \$45,000. The company will allow the county to use the \$7,500 lease payment from this year as a down payment bringing the price down to \$37,500.

Kevin Morris, West Millard Maintenance, said that he may have \$1,500 in his budget to go toward the purchase of the tractor bringing the cost of the tractor to \$36,000.

Commissioner Greathouse made a motion to purchase the tractor for \$36,000.

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

After further discussion, the commission learned that the maintenance department does not have this amount in its budget. The commission may have to open the budget to purchase the tractor. Purchasing the tractor will be the best value in the long run.

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 Greathouse SECONDED the motion. The voting was unanimous and the meeting adjourned at 3:03 p.m..

Attest: _____

Approved: _____