

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF DECEMBER 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: James Withers Commissioner Elect
Bryan Harris First Wind
Howard Allred Wild Land Fire
Linda Gillmore MEDA
Trevor Townsend UNEV
Cindy Gubler UNEV
Wayne Jackson..... Legion
Marv Turner Wild Land Fire
Fred Johnson Wild Land Fire
Brandy Grace..... County Auditor
John Hansen County Treasurer

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.

APPROVAL OF JANITORIAL CONTRACT FORMS

Commissioner Smith said in the past the county has had contracts with people who placed

bids to clean some of the county facilities. Basically this form will be used as a model form for all janitorial contracts.

Commissioner Whatcott made a motion to approve the standard janitorial service agreement.

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

APPROVAL OF COMMISSION DATES FOR 2011

Millard County Commission Meeting Schedule for the year 2011:

January	4, 18	July	5, 19
February	1, 15	August	2, 16
March	1, 15	September	6, 20
April	5, 19	October	4, 18
May	3, 17	November	1, 15
June	7, 21	December	6, 20

Commissioner Greathouse made a motion to approve the commission dates for 2011.

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

POSSIBLE APPROVAL OF A BUSINESS LICENCE FOR COUNTYWIDE SERVICES, LLC - OWNER TAMMY SMITH

Countywide Services, LLC's - owner Tammy Smith, submitted a business license application for a carpet and upholstery cleaning business. After a review of the business license application and finding all the signatures in order, Commissioner Whatcott made a motion to approve the business licence for Countywide Services, LLC - Owner Tammy Smith.

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

POSSIBLE APPROVAL OF A CONTRIBUTION TO PANARAMALAND RESOURCE CONSERVATIVE DEVELOPMENT COUNCIL (RC&D)

Linda Gillmor explained that Panaramaland helps communities get grants.

Commissioner Whatcott made a motion to approve a \$100 contribution to Panaramaland RC&D.

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

POSSIBLE ADOPTION OF ORDINANCE NO. 10-12-07, FOLLOWING A PUBLIC HEARING

HELD NOVEMBER 16, 2010 ON PROPOSED AMENDMENTS TO THE MILLARD COUNTY GENERAL PLAN - UTILITIES ELEMENT AND MAJOR UTILITIES CORRIDOR OFFICIAL MAP

Commissioner Greathouse made a motion to adopt Ordinance 10-12-07, an ordinance on proposed amendments to the Millard County General Plan - Utilities Element and Major Utilities Corridor Official Map.

Commissioner Whatcott SECONDED the motion. Clerk Norma 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 SIGNING THE WILD LAND FIRE BUDGET

Howard Allred, Marv Turner and Fred Johnson came to discuss the Wild Land Fire Budget with the Commission. Fred Johnson explained the Wild Land Fire Budget.

Commissioner Whatcott made a motion to approve the Wild Land Fire Budget between Millard County and the Division of Forestry, Fire and State Lands.

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

DISCUSSION AND POSSIBLE SIGNING OF THE CONTRACT CONCERNING "RURAL BUSINESS OUTREACH PROGRAM" WITH THE UTAH SMALL BUSINESS DEVELOPMENT CENTER

Linda Gillmor, Millard Economic Development Association (MEDA), gave an overview of the program. This grant will help create a virtual business resource center. The State is very interested in this program and is considering putting \$100 toward each visit that Ms. Gillmor will be making. The State is paying 2 times and the county is paying 1 time. As of Monday, Six County has done a contract with Division of Work Force Services so they will pay \$25 a visit. This is a program that the county is already doing but now will be reimbursed by the state for doing it.

Commissioner Greathouse made a motion to approve and sign the contract concerning "Rural Business Outreach Program" with the Utah Small Business Development Center.

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

Attorney Waddingham wanted to clarify certain things on the contract. After discussion it was decided that the contract was good and would be signed by the commission.

UNEV PROGRESS AND CONSTRUCTION UPDATE

Cindy Gubler reported the following:

- Things have been slowing down because of the holidays. Construction will start back up January 3, 2011
- They started doing some dynamiting on Monday to get through some rock just west of Delta.
- They are still following protocol with notifying the land owners. When they get within a couple of days of the land owners they will make courtesy phone calls informing them.
- They are working with BLM to get a list of all their permittees. They have tried to come up with a plan for the BLM land and how they will coordinate with them regarding fencing.
- They are working with the farmers who have certain requirements regarding their land and animals.
- There are five different spreads that have been put on hold for the winter.

Commissioner Smith said that the commissioners and Derryl Owens, County Inspector, took a field trip of the UNEV project where they inspected the trenches and the lines. He thought it was interesting on how the backfilling was done. He also said that this project has been a positive thing and he has not heard of any complaints so far.

OTHER BUSINESS

Brian Harris, First Wind, confirmed the meeting for Monday December 13, 2010 with Millard County and Beaver County to discuss Milford Wind's value.

Commissioner Smith said that he and the other commissioners had a meeting with the BLM on the application of Phase III of the wind farm. They will send a letter to the BLM stating that Millard County will be a cooperating agency on the project for Phase III.

Commissioner Whatcott said that the Coca Cola Contract should be a done deal. Attorney Waddingham said he has concerns over the indemnification clause of the contract. However, Fred Christensen, Coca Cola, stated that the company would not change any of the language in the contract. The commissioners will contact Mr. Christensen and get the contracts signed.

Attorney Waddingham presented the Commercial Radio Business Contract for the commissioners to sign. This contract was approved at a previous meeting.

Commissioner Smith said that Attorney Waddingham put together a letter and presented it to Mr. Rick Schwermer, Court Administrator's Office, notifying the Judicial Council that Millard County will be dissolving one of the justice courts, leaving one Justice Court known as the Millard County Justice Court. **need copy of letter**

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

Commissioner Greathouse reported that he and the other commissioners went on a tour of the UNEV Project.

Commissioner Whatcott attended the Economic Development Corporation Utah (EDCUtah) Board of Trustees meeting in Salt Lake City on November 17, 2010.

Commissioner Whatcott attended the Six County AOG meeting in Manti, Utah.

Six County AOG gave Fillmore City a plaque for its efforts regarding the Fillmore Main Street Beautification Award which included new street lights and sand stone benches.

Double T Feed, owned by Tim and Ruth Ann Tuttle, was this year's "business of the year" for Millard County.

Linda Gillmor received an award for her role in economics.

Commissioner Whatcott attended the East Millard County Posse meeting.

Commissioner Whatcott met with contractors to review the scope of work for a minor remodel job within the AP&P office space that has been in the works for some time now. They are removing a wall and making another office for an adult probation officer.

Bids on the project are due to the Auditor's office no later than 5:00 p.m. on December 27, 2010. Sealed bids for this project will be opened at 10:00 a.m. on December 28, 2010 at a Special Commission Meeting.

Commissioner Whatcott attended the county's benefits briefing on Friday at the POD.

Commissioner Whatcott attended the BLM coordination meeting on Phase III of the Milford Wind Project.

Commissioner Smith reported that the county has been spending a lot of time working on the budget over the past week or two and he appreciates everyone's efforts with the budget.

Commissioner Smith attended a Weed Board Meeting Monday, December 6, 2010.

The County Road Department had its training meeting on Monday which Commissioner Elect James I. Withers attended.

Commissioner Smith said that open enrollment for the county employees was held on Thursday, December 2, and Friday, December 3.

PEHP was there to explain the benefits package to the employees. There were a lot of people who thanked the county for the benefits the county provides.

The county employees will receive a cheese platter instead of a ham this year to say thank you for all the hard work they have done throughout the year.

Peggy Roberts contacted the clerk's office to set up a meeting with the commissioners on Wednesday, February 9, 2011 regarding the TransWest Project. The commission decided that they

would meet with Ms. Roberts at 10:00 a.m. in the Commission Chambers.

Commissioner Smith said that the county has scheduled an employee Christmas luncheon to be held at 12:00 p.m. on December 21, 2010 which is a tradition done each year.

APPROVAL OF NOVEMBER 16, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 16, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of November 16, 2010 as corrected.

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

PUBLIC INPUT

Wayne Jackson, American Legion, said that he attended the Department Executive Committee with General Tarbet and the Commander of the State of Utah. They discussed holding the American Legion birthday party in Fillmore again next year since it was such a success this year. After discussion the National Executive Committee man called for it to be held in Ogden, Utah instead.

Mr. Jackson said that hopefully the following year it will be held here in Fillmore. He also said that they lost about 80 people from the last birthday party because of mess-ups with Comfort Inn reservations.

Commissioner Whatcott said he appreciates Mr. Jackson for all the work he does with the Legion, he does a great job.

AUDITOR'S REPORT

Commissioner Smith presented an approval of a cell phone allowance increase from \$40 - \$80 for Deb Haveron, Justice Court Judge.

Commissioner Whatcott made a motion to increase the cell phone allowance from \$40 - \$80 for Deb Haveron.

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

Auditor Grace presented the check edit of December 6, 2010 for the commissioners to review and sign along with the third quarter centrally assessed litigation fees in the amount of \$2,415.81.

Auditor Grace also presented the multi-line invoice from UCIP for liability insurance in the amount of \$182,696 and the 2011 Indigent Capital Defense fund in the amount of \$10,259 which will not be paid until the 2011 budget.

Auditor Grace presented the agreement with PEHP for providing the health, dental and life

benefits, along with the agreements for PEHP administering the cafeteria plan.

Auditor Grace received a letter from the Department of Interior stating that the counties will not receive any geo-thermal lease money in 2011 due to the appropriations act repealing the funding.

Auditor Grace and the commissioners discussed the balances of Fund 75 and Fund 57.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

In August, Auditor Grace presented a hardship abatement application for Ron Stephenson on his home in Holden. He had surgery and is now living in an apartment in Montana. Due to that reason and the home being placed as a non primary residence the commission denied his request for abatement. He since has called the auditor's office and asked if the commissioners would reconsider his application. The commission decided that since he is living in Montana and not in Millard County they would not be able to abate his property taxes but would be willing to set up a payment plan for him to pay off his taxes before 2011 taxes are due. Auditor Grace will send him a letter informing him of this.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen set up a meeting this afternoon to discuss property # K-8080-1. This is property located in Kanosh that had delinquent property taxes when the property was sold. The question is whether or not those delinquent taxes were paid.

Treasurer Hansen received notification that the mineral lease bonus money in the amount of \$23,406.83 has been received and deposited. He is not sure if the SITLA mineral revenue sharing has been received in the amount of \$31,904. He will watch for that.

Treasurer Hansen said the distribution as to taxes received through November were \$13,334,484.29 and will be distributed to the schools, county and all other tax entities throughout the county on Thursday. The schools will receive around 60% of that amount.

Doug Turner called Treasurer Hansen regarding canal property that he owns. A while back he said that he would deed that property over to the county so he was wondering why he received notice on it. Attorney Waddingham said that he remembers that the property is also owned by Mr. Turners ex-wife who would also have to deed the property over to the county. The commissioners decided that they would try and contact Mr. Turner's ex-wife to see if she would also deed it over to the county. If they are unable to get a hold of her they will just leave the property on the tax sale.

OTHER

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

Commissioner Whatcott 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 12:31 p.m..

Commissioner Smith said that there will be a public hearing tonight at 7:00 p.m. as well as an elected officials meeting later this afternoon.

WHERE UPON THE MEETING ADJOURNED

Commissioner Greathouse made a motion to adjourn the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:32 p.m..

Attest: _____

Approved: _____