

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 15th DAY OF FEBRUARY 2011  
AT THE COURTHOUSE, FILLMORE, UTAH

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

ALSO PRESENT: John Pelczar . . . . . First Wind  
Kody Jones . . . . . DWR  
Blair Stringham . . . . . DWR  
Dough Messerly . . . . . DWR  
Trevor Townsend . . . . . UNEV  
Cindy Gubler . . . . . UNEV  
Dean Draper . . . . . Chronicle Progress  
Sheryl Dekker . . . . . County Planner  
Linda Gillmor . . . . . MEDA  
Nola Whatcott, James L. Weaver, Patti Weaver, Errol Dearden,  
David Sturlin, Judy Peterson, J. Larry Peterson, Doyle Larsen,  
Rand Crafts, and Billy Shepard . . . . . Citizens  
Gale George . . . . . G & G Excavation  
David Susong . . . . . USGS  
Phil Cardwell. . . . . USGS  
Mike Laum . . . . . Utah Geological Survey  
Hugh Hurlow . . . . . Utah Geological Survey

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 Whatcott to the public and Commission members.

OPENING STATEMENTS

Commissioner Whatcott 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 Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

## MILFORD WIND CONSTRUCTION AND PROGRESS UPDATE

John Pelczar reported the following:

- They have the first 2 circuits energized and turned over to GE for commissioning.
- The third electrical circuit should be to the point of energizing next week.
- There is a total of 36 turbines completely erected.
- 5 turbines are partially erected and have bases and mids on them.
- Everything is going well with the exception of delivering components. They are having difficulty with the trucking contractor.
- The crews are down to working 4/10's until they get more parts in.
- They have turned over a total of 21 turbines for commissioning and another 14 turbines will be turned over next week.
- Basically, over half of the sites are ready to start generating electricity.
- The arrays are 8-10 roto diameters apart.
- The arrays get a lot of wash as they rotate.
- Phase III is coming along. They are hoping to get some work started the last quarter of this year.
- They are back to the season where they are having to start watching for wild life, such as Burrowing Owls and Migratory Birds.
- They are monitoring the site for the environmental assessment.

## DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR TESS EYRE, OWNER TESS EYRE

Tess Eyre, owner Tess Eyre, submitted a business license application for a cleaning service business. After a review of the business license application and finding all the signatures in order, Commissioner Smith made a motion to approve the business licence for Tess Eyre.

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

## DOUGLAS MESSERLY, DIVISION OF WILDLIFE, TO DELIVER A PILT PAYMENT

Douglas Messerly, Division of Wildlife, presented the commissioners with the PILT payment in the amount of \$9,266.74.

Mr. Messerly explained that this is the annual payment in lieu of taxes. He expressed his gratitude and appreciation that the commissioners discussed wildlife as part of its discussion with Milford Wind. He introduced Blair Stringham, Wildlife Biologist and Kody Jones, Conservation

Specialist.

Mr. Messerly said to let them know of any issues that may come up. They are continuing to work on the deer issues in town and in oak city. They will continue to try to develop good wildlife habitat and give updates on what they are doing in the future.

Mr. Messerly discussed the hunting changes that will take effect in 2012. It was suggested that people come to the public meeting and voice their opinions regarding those changes.

#### POSSIBLE APPOINTMENTS OF MILLARD COUNTY TOURISM COMMITTEE MEMBERS

Commissioner Smith made a motion to table the appointments of Millard County Tourism Committee Members.

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

#### POSSIBLE APPOINTMENT OF A MILLARD COUNTY WEED BOARD MEMBER

Commissioner Smith made a motion to table the appointment of a Millard County Weed board member.

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

#### POSSIBLE APPOINTMENT OF SHIRLEY WESTENSKOW TO THE MEDA BOARD AS MEDA CHAIR FOR A ONE YEAR TERM, NOT TO EXCEED TWO CONSECUTIVE TERMS

Commissioner Withers made a motion to appoint Shirley Westenskow to the MEDA Board as the MEDA Chairperson for a one year term, not to exceed two consecutive terms as chairperson.

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

#### POSSIBLE APPOINTMENT OF STEVE ROBISON AND BOB CHEVALEIR TO THE MEDA BOARD FOR A SECOND TERM OF THREE YEARS

Commissioner Withers made a motion to appoint Steve Robison and Bob Chevaleir to the MEDA Board for a second term of three years.

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

#### POSSIBLE APPOINTMENT OF TERESA THOMPSON TO THE MEDA BOARD FOR A THREE YEAR TERM

Commissioner Withers made a motion to appoint Teresa Thompson and Tony Dearden to the MEDA Board for a three year term.

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

#### UNEV CONSTRUCTION AND PROGRESS UPDATE

Cindy Gubler reported the following:

- They are behind on schedule.
- The terminal in Iron Co is built and they are hydrotesting the tanks.
- The terminal in Vegas is about 95% complete.
- They are about halfway finished laying the 20 miles of pipeline in Millard County
- There is not a lot of work that can be done at this time in Millard County. The crews are on the Millard County/ Juab County line.
- They are waiting for BLM to release them to go back to work in Millard County.
- They have mats laid out and a temporary bridge down by the Sevier River.
- They will be boring the pipes in under the river bed about 20-25 ft.
- Greymont lime plant will have a tour.
- BLM is being very restrictive due to the weather conditions.
- The crews moved two of the signs back away from the road by the Lynndyl pipe area.
- The commissioners informed Ms. Gubler that there is another area in which the signs will need to be moved as well. Ms. Gubler will pass that information on to Tom Hawk who is the contractor for that yard.
- There were a few emergency responders from Millard County who attended the safety meeting in Provo. There will be a meeting held in Cedar City and in St. George for anyone who missed the meeting in Provo.
- The commissioners will ask Thayne Henry if he wants his department to attend one of the meetings.
- They have been going through the process of notifying land owners.
- They are not sure how long they will be in Millard County. The Construction Manager will not commit to a time due to the BLM and the weather.

#### DISCUSSION REGARDING MISS MILLARD - LYNETTE MADSEN

Lynette Madsen reported that due to personal reasons she needs to step down as chairman of Miss Millard. She suggested that Brenda Stevens be her replacement. Ms. Stevens has whole heartedly said she would love to fill the chair. She has worked with the girls and has already done a lot so far by helping with Miss Millard.

Ms. Madsen said that she would like to still be involved and is willing to help Ms. Stevens with this year. She will let Ms. Stevens know of the commission's decision.

Ms. Madsen gave a brief overview of the Miss Millard program.

Commissioner Smith made a motion to appoint Brenda Stevens as the chairperson for Miss Millard.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE MILLARD COUNTY GENERAL PLAN - FEDERAL AND STATE LANDS ELEMENT - MILLARD COUNTY RESOURCE MANAGEMENT PLAN. (MILLARD COUNTY DESIRES TO CLARIFY AND RE-AFFIRM ITS POSITION AND POLICY IN FAVOR OF MULTIPLE USE/SUSTAINED YIELD MANAGEMENT FOR PROPOSED WILDERNESS AREAS AND AGAINST DESIGNATING THESE AREAS WILDERNESS, OR MANAGING THEM AS WILDERNESS, OR OTHERWISE TREATING THEM AS WILDERNESS)

Commissioner Smith made a motion to enter into a public hearing for the purpose of receiving public comment on proposed amendments to the Millard County General Plan - Federal and State Lands Element - Millard County Resource Management Plan.

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

Present were: Dean Draper, Sheryl Dekker, Linda Gillmor, Nola Whatcott, Patti Weaver, Jim Weaver, Gale George, Evrol Dearden, David Sturlin, Judy Peterson, J. Larry Peterson, Doyle Larsen, Rand Crafts and Billy Shepard.

Commissioner Whatcott called the public hearing to order at 11:00 a.m..

Sheryl Dekker, County Planner, said that in 1964 Congress created the Wilderness Act of 1964. In 1984 they came in and staked out the wilderness study areas. In 1991 they came back and did another study and made different recommendations. In 2003 Millard County created its own wilderness proposal but it was never adopted as an official document.

The Secretary of Interior's order number 3310 requires the BLM to go out and look at the lands and see if there is any wilderness quality in any of the land owned by the federal government that might be considered as wilderness designation or as wild lands.

Anytime BLM does inventory on the land they have to look at the county's general plan and give it some consideration. Millard County has worked diligently over the years to try and come up with what is the most appropriate stretches of land that should be proposed as wilderness. The county is only making a recommendation.

With the Secretary of Interior's order number 3310 the county came up with a resource management document which was presented to the Planning Commission. The Planning Commission agreed with the proposal but wanted to include some language about private land owners who are adjacent to public land. Those land owners should be able to lease or purchase public land if it interferes with their farming operations.

They also stated in their motion that in order for them to give a favorable recommendation they did not want to give up anything they did not have listed in their 1991 proposal.

Ms. Dekker read the proposals with the Planning Commission's recommendation.

Rand Crafts is the Environmental Analyst for Intermountain Power Corp. He said that based on the comments at the Planning and Zoning Commission meeting the recommendation read today did not follow what was recommended at the meeting.

Mr. Crafts said that he was the chairman for the committee that was involved with the wilderness effort in 1999-2003.

When the Wilderness Study Area (WSA) effort was completed, they already knew the numbers that were presented in 1994 and the 1991 re-inventory numbers. They felt that many areas of the west desert did not meet wilderness characteristics, so they revisited the issue with a focus on the county's needs and wants.

Participants from the county went out and walked the areas to make sure that they had something workable for a public use policy. They tried to recognize that people had a sincere and strong desire to preserve the historical stomping grounds for multiple use. They tried to protect that so that people could still get to their favorite campgrounds.

They also tried to have buffer zones correctly defined and protected. They made recommendations for transmission lines and increased their zones for protection as well.

Mr. Crafts personally believes that the Planning and Zoning Commission did not take the comments into consideration to the extent of what he just explained. He recommends that the commission take into consideration what they have done before and accept the draft plan as it was revised and to keep those things in mind.

David Sturlin, Eskdale Community, said that he has a different request today with regard to the recommended modifications to the plan from the Planning and Zoning Commission with regards to the Utah Testing Training Range (UTTR).

The restrictions that the department of defense has put on the BLM in order to allow private land owners to expand their property in the contiguous areas next to them has been restrictive to people in the west desert for some time.

Mr. Sturlin said that he feels that he speaks for a lot of the property owners in the west desert who have gone to the BLM, asked for property and were denied based on the restrictions of the UTTR.

He said that looking at the Scoping Authority Resource Management Plan, the scoping authority number 4 requires federal agencies to honor, respect and give due consideration to Millard County's General Plan. Mr. Sturlin recommends that the county modify the proposed Resource Management Plan, section 2, as it relates to the UTTR to include language to provide for the sale, exchange or lease of such BLM lands for the economic benefit of Millard County and private landowners.

Ms. Dekker said that the commission has the option to accept, reject or modify the planning commission's recommendation of the Resource Management Plan. She read a comment that was received from Craig Stump on February 8, 2011.

There were no other comments made.

Commissioner Withers 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 11:22 a.m..

The regular meeting reconvened.

Commissioner Whatcott explained a map that Ms. Dekker held up for the public to see. Commissioner Smith answered questions addressed by the audience.

Dean Draper, Chronicle Progress, made comments and told stories of people back east who have no idea what goes on in the west desert.

Commissioner Whatcott said that he received an email from the county's lobbyist Bob Wiedner which stated that people back east do not understand the western desert because they have never been here. Commissioner Whatcott said that maybe the job of the county is to bring them around and to educate them. He also explained that there are vast minerals in the west desert area. He thanked Sheryl Dekker for her effort in putting this plan together.

#### REVIEW AND POSSIBLE ADOPTION OF ORDINANCE NO. 11-02-15 FOLLOWING A PUBLIC HEARING HELD FEBRUARY 15, 2011 ON PROPOSED AMENDMENTS TO THE MILLARD COUNTY GENERAL PLAN - FEDERAL AND STATE LANDS ELEMENT - MILLARD COUNTY RESOURCE MANAGEMENT PLAN AND OFFICIAL MILLARD COUNTY RESOURCE MANAGEMENT PLAN MAP

Commissioner Smith asked if he would need to identify the county Resource Management Plan in his motion. Attorney Waddingham said that the Resource Management Plan and the map will be attached to the ordinance.

Commissioner Withers asked Mr. Crafts to explain the things that he said were discussed at the Planning Commission and were not taken into consideration. Mr. Crafts explained by using the map.

Commissioner Smith made a motion to adopt Ordinance 11-02-15, an Ordinance on proposed amendments to the Millard County General Plan - Federal and State Lands Element - Millard County Resource Management Plan and Official Millard County Resource Management Plan Map, and to identify that the Millard County Resource Management Plan be the one that was presented to the Planning and Zoning Commission, which the county refers to as its 2003 Wilderness Plan, and to make an amendment to that plan to include the language on page 5 under section 4 that was read into the record regarding the UTTR. Also, Millard County supports and will work with the BLM to have the Cat Canyon Road and the Bird Canyon road approved and that they will not be in a current WSA. The amendments made to the 2003 Millard County Wilderness proposal will be set forth in the Millard County Resource Management Plan and accompanying map.

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

Attorney Waddingham wanted to clarify that the Resource Management Plan with the map is an attachment to the ordinance. The Commission Chair confirmed that it is attached.

#### OPENING OF SEALED BIDS FOR A 450 SEAT HIGHWAY TOWABLE PORTABLE BLEACHER

The following bids were opened:

- Big T Recreation in the amount of \$61,000.00
- Century Industries in the amount of \$85,314.00

Commissioner Smith made a motion to accept the bids presented and to go through the specifics of those bids then report the decision of which bid the county accepts at a later meeting.

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

#### OPENING OF SEALED BIDS TO REPLACE AC/HEATING ROOF TOP UNIT AT THE WEST MILLARD SWIMMING POOL

The following bids were opened:

- Anderson Heating in the amount of \$13,970.00
- KJ Plumbing in the amount of \$10,600.00

Commissioner Smith made a motion to accept the bid submitted by KJ Plumbing in the amount of \$10,600.00.

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

#### OPENING OF SEALED BIDS FOR SOLID PANELS AND GATES FOR 20 HORSE STALLS AT THE MILLARD COUNTY FAIRGROUNDS

The following bids were opened:

- Scholzen Products in the amount of \$30,707.00
- Steve Reagan in the amount of \$29,665.00
- Oasis Seed in the amount of \$24,324.00
- IFA in the amount of \$31,158.00

Oasis Seed's bid was a non-conforming bid.

Commissioner Smith made a motion to accept the remaining bids presented and to go through the specifics of those bids then report the decision of which bid the county accepts at a later meeting.

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

#### OPENING OF SEALED BIDS FOR A 90" LARGE AREA ROUGH MOWER

The following bids were opened:

- Turf Equipment in the amount of \$40,622.55
- RMT Equipment in the amount of \$41,552.00



Commissioner Withers made a motion to accept the bid submitted by Turf Equipment in the amount of \$40,622.55 and to trade in the old mower the county currently has.

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

## OTHER BUSINESS

Linda Gillmor presented a Resolution asking the county to support Delta City and Topaz Museum on getting funding for their building. This resolution will basically show the county's moral support.

Ms. Gillmor said that Delta City and Topaz Museum have the opportunity to apply for two different grants to help them construct the new building on Main Street for a museum and community center. One grant would be with the National Park Services for \$2,000,000 and the other would be with the CIB for \$1,000,000.

Commissioner Withers made a motion to support the resolution for the Topaz Museum and the Delta Community Center.

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

This resolution will be attached to the application for the grants.

Commissioner Withers made a motion to recess for lunch.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:17 p.m..

## NOON LUNCH BREAK

Commissioner Withers made a motion to reconvene the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:32 p.m..

## PUBLIC INPUT

There was none.

## AUDITOR'S REPORT

Auditor Grace was excused from the afternoon meeting.

Commissioner Smith made a motion to approve cell phone allowances for: Michael Maxwell in the amount of \$40.00, Margene Stevens in the amount of \$80.00 and Patrick Bennet in the amount of \$40.00.

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

The Commissioners reviewed and signed the check edit of February 11, 2011.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

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

There was none.

#### MILLARD COUNTY TREASURER'S QUARTERLY REPORT

Treasurer Hansen presented the collection distribution for tax funds collected for the month of January to the commissioners.

Treasurer Hansen gave Attorney Waddingham a copy of the section of the code that indicates, on certain days of each quarter, the Treasurer is to file a report with the commissioners to settle with the county legislative body for all money collected by the treasurer, and to give a statement under oath showing those transactions and file that statement in the auditor's office.

Treasurer Hansen gives this report on a monthly basis instead of on a quarterly basis. He will continue to do that. He will give Auditor Grace a signed statement after the meeting today and will continue to file that statement with the auditor's office on a quarterly basis.

Treasurer Hansen presented the consolidated financial statement for county funds (non tax funds) as of the end of January 2011.

#### TREASURER'S REPORT

Treasurer Hansen presented the Treasurer's Fidelity Bond from UCIP for filing at the clerk's office.

Treasurer Hansen went over the statement of the overrides that have happened on taxable property during the year of 2010.

Treasurer Hansen informed the commission that the quarterly deposit of the mineral lease money was only \$3,481.52 which has gone down dramatically since 2009. He wanted to make the commission aware that they may not have the funds coming in from mineral lease money to operate like they have in the past.

Treasurer Hansen said that he mentioned at the last meeting that in order for the Title III money to be used for 2010 expenditures it has to be filed before the first part of February. The commission did not have any 2010 expenditures for which they wanted to use Title III money.

Commissioner Whatcott said that he sent a letter to the state asking them to reissue the Title III check to the Fire District.

Title III money has to be committed to before September 2012 or it will need to be refunded.

OTHER

### **WORK MEETING: USGS & UGS TO PRESENT ON WEST DESERT WATER WORK**

A work meeting was held with USGS and UGS who gave a presentation on West Desert Water Work. *This meeting was recorded in its entirety and is available for review at the clerk's office.*

OTHER BUSINESS CONTINUED

Commissioner Smith received a letter from BLM stating they had an application from Milford Wind Corridor Phase III regarding its project and the scoping.

Attorney Waddingham received First Wind's irrevocable letters of credit for site reclamation in the amounts of \$100,000 and \$260,000. First Wind extends its letter of credit each February for one year.

Commissioner Whatcott shared a "Thank You letter" he received from Helen Quarnberg.

Commissioner Whatcott gave each commissioner a copy of a letter received by Larry Peterson. Mr. Peterson is going to send the letter to the governor which states his concerns with the closure of the state park.

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

Commissioner Withers reported that he attended the Legislative meeting for one day. He also met with Shelly Tuescher.

Commissioner Withers attended a safety meeting with Thayne Henrie. They discussed a proposal to move the use of vacation time back to January 31 of each year.

Commissioner Withers met with representatives from the TransWest project and BLM to discuss their future plans by bringing the power lines through the county.

Commissioner Withers talked to Shelly Tuescher regarding legislation she thought would pass and help with the appraisal of First Wind.

Commissioners Withers and Smith met with Mike Anderson to discuss an easement road that he owns in Oak City that he might want to sell to the county for a right-of-way road.

Commissioner Smith worked on a number of legislative issues and other meetings with Commissioner Withers.

Commissioner Smith attended the TransWest scoping meeting. It was expressed that the county would prefer the alternative route which would basically follow the UNEV pipeline to where it hits the west wide energy corridor and not TransWest's preferred route that would go right through Leamington Canyon.

Commissioners Whatcott, Withers and Smith attended the Elected Officials training in Salt Lake City, Utah.

The Commissioners attended the Annual Rural Legislation Date at the State Capitol. They met with several representatives and state senators to discuss Millard County and what it is facing, such as the closure of the Fourth District Courthouse and the Territorial State Park.

The Commissioners also met with UAC and discussed several state/county issues that are under consideration.

They also met with Magnum Gas Storage to discuss issues pertaining to its permitting process.

Commissioner Whatcott presented a program regarding Iraq to a group of 4-H kids.

The commissioners had a quarterly meeting with Glen Carpenter, BLM's West Desert District Manager, and Mike Gates, BLM's Fillmore Field Office Manager. They discussed Millard County's resource management plan and potential business development on BLM properties. They also made plans to continue coordinating meetings and to foster good working relationships between governmental bodies.

The commissioners sent a letter to the BLM stating that Millard County acknowledges its official right to coordinate with them. *See attachment.*

Commissioner Whatcott attended a briefing given by TransWest Express. They are proposing to build a 600kv power transmission line across Millard County.

He also attended a scoping meeting at the Millard County School District Building.

Commissioner Whatcott had a couple meetings with Maintenance and Recreation. Recreation has a lot of activities that will be starting in March.

Attorney Waddingham received an email from Tom Peters regarding the Uintah County lawsuit which seeks to reinstate tax assessments for 2004 and 2005. Attorney Waddingham met with John Hansen, Millard County Treasurer, regarding this matter. Mr. Hansen said that the Uintah County lawsuit would have a minimal effect on Millard County. Attorney Waddingham suggested that the county not intervene at this time but to request the right to do so in the future, if the need arises.

Treasurer Hansen said that Tom Peters is looking at the value from Uintah County's standpoint and the rest are looking at it from the aspect of what is the correct valuation overall. Mr. Peters is representing Uintah County and is not in the position to represent the other counties, as it

relates to the overall valuation issues.

In 2004 the value for Millard County was \$10,493; in 2005 it was \$12,590. In going through the process it turned out to be a difference of \$14.06 in 2004 and \$24.93 in 2005 for Millard County. This amount would not make it worth the effort to try and intervene in the lawsuit.

In 2008 the value increased to \$51,753, which could mean something happened during that time in the valuation from the State Tax Commission where they felt that the value in Millard County was worth that much.

Attorney Waddingham told Mr. Peters that if the lawsuit only affects the two years in question, (2004 & 2005), then the county would not intervene. If they are looking at changing the way the value is proportioned and distributed in other years, the county would like to have notice beforehand and would like to have the chance to appeal.

Commissioner Smith said part of the reason for doing this is to show the county's support.

#### DISCUSSION REGARDING FUTURE PROJECTS INCLUDING THE NEW ZONING ORDINANCE, A CONTRACT FOR THAT WORK AND SERVICES PROVIDED TO THE COUNTY - BRUCE PARKER

Bruce Parker, County Consultant, also attended the TransWest Scoping meeting.

Commissioner Smith said that he made a statement to the Deseret News and submitted a brief statement in writing to the BLM.

Mr. Parker visited with Sharon Dalton, Project Manager, and discussed the west corridor energy project.

Commissioner Smith said after looking at their map and the county's zoning and where the county has been in the past with UNEV, it made sense to go with their alternative route.

Mr. Parker said that the county has the utility zone, west energy corridor and other major transmission lines as the designated corridors. He suggested to amend the general plan and make every major transmission line wanting to come into Millard County a general plan amendment. Even in those corridors the potential could negatively impact agriculture land, homes, etc.

It was suggested to set up an escrow account for those wanting to come into the county and who utilize county resources, including staff. This will allow Millard County to collect any costs incurred even if the company pulls out of Millard County. The county would use the funds in the escrow account to pay for costs incurred and any balance remaining would be returned to the company. This will allow the county to be represented up front.

The costs will be determined up front before an application is filed.

Mr. Parker will work with Ms. Dekker and Attorney Waddingham to put a proposal together and will bring it back to the commission.

Zoning ordinance: Mr. Parker felt that it would be preferable and advantageous for the county to prepare the entire land use document at one time, instead of preparing it piecemeal over years, because land use laws regularly change.

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

Commissioner Withers 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 Smith SECONDED the motion. The voting was unanimous and the motion carried. Present in the closed session were: Commissioner Daron Smith, Commissioner James Withers, Commissioner Bart Whatcott, Attorney Richard Waddingham, County Clerk Norma Brunson, Deputy County Clerk/Commission Secretary Marki Rowley, County Planner Sheryl Dekker and County Consultant Bruce Parker.

After the closed executive session the regular meeting reconvened at 5:36 p.m..

#### APPROVAL OF FEBRUARY 1, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 1, 2011 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Smith made a motion to approve the minutes of February 1, 2011, as corrected.

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

#### OTHER

Commissioner Smith said that at an earlier commission meeting the Commission made an agreement with Darla Haws to help her pay off her property taxes. Ms. Haws has not been able to make the monthly payments originally agreed upon. She is still requesting that her property be removed from the tax sale. Ms. Haws will need to honor the current agreement or pay her balance in full.

Commissioner Smith made a motion to deny Ms. Haws' request to have her property removed from the tax sale unless she pays off the balance in full or will come in and make a separate agreement with the county.

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

Treasure Hansen will send a letter stating the commission decision.

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Withers SECONDED the motion. The voting was unanimous and the meeting adjourned at 5:46 p.m.

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

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