

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 7th DAY OF JUNE 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: Forrest Roper . . . . . Sheriff's office  
Klint Penney . . . . . East Millard Maintenance  
John Orullian . . . . . East Millard Maintenance  
Linda Gillmor . . . . . Millard County Economic Development  
Keith Griffiths . . . . . Millard School District  
Beverly DeWyze. . . . . Millard School District  
David Styler . . . . . Millard School District  
Dean Draper . . . . . Chronicle Progress  
Cindy Gubler . . . . . UNEV  
Lindsay Mitchell . . . . . County Sheriff's Office  
Randy Beckstrand . . . . . BLM Fillmore Field office  
Joelle McCarthy. . . . . BLM Fillmore Field Office  
Michael Gates. . . . . BLM Fillmore Field Office  
Glen Carpenter . . . . . BLM West Desert District

EXCUSED: 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:

WORK SESSION TO DISCUSS THE AMBULANCE BUILDING PROJECT

A work session was held to discuss the ambulance building project. Present in the work session were the Commissioners, Forrest Roper, Klint Penney, John Orullian and Linda Gillmor.

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 Thomas Jefferson; “The glow of one warm thought is to me worth more than money.” Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

## MILLARD COUNTY BOARD OF EDUCATION TO DISCUSS THE UPCOMING BOND ELECTION - SUPERINTENDENT DAVID STYLER

David Styler, Superintendent, Keith Griffiths, Business Manager, and Beverly DeWyze, School Board Member came to discuss the upcoming School Board Bond Election which will be held on June 28, 2011.

Mr. Styler said that they are anxious to hear how the voters are feeling about the bond election. He said that building new schools will be less expensive than to repair the existing buildings.

They have held fourteen public meetings so far and will be holding nine more public meetings. Mr. Styler said the response has been very good for the most part. There are people who are obviously concerned about taxes and how this bond will affect them. The people who have looked at the proposal and have understood the reasons for the new buildings have said: “We see the need, but please be careful with our tax dollars”.

Mr. Styler said there are some people who are very opposed to the bond because of various reasons, and we understand and appreciate their feelings.

Mr. Styler said that it has been a good experience to go and visit with the people. A lot of things have been brought to the school board’s attention as far as the things the people want to see done to improve the schools.

Mr. Styler said that they are interested in feedback from the commissioners as well as the public.

Commissioner Whatcott said that he has had a lot of people talk to him regarding this issue. He said that people need to be able to make a good informed decision.

He also said that it has been a plus to have the superintendent hold these public meetings. It has given the people a chance to get to know who he is.

Mr. Styler said that they are not just focusing on the building issue, they are still focusing on all the issues including academic and education. They have taken some time to try and explain the plans for improving the educational product where it needs to be.

Commissioner Withers said that he appreciates the time Mr. Styler has put in for these public meetings.

Commissioner Smith asked what the square footage is of the proposed school vs. the existing school in Delta. The current school is 100,000 square feet (sf) and the proposed building will be

120,000 sf gross and 80,000 sf net.

Commissioner Whatcott said that he thinks that they are doing the right thing by getting information out to the public, talking to as many people as they can, and putting to rest some of the issues people have with this bond. He does think that this should have been planned better in the past, so that we would not have to get such an amount with a bond.

Mr. Styler said that he appreciates the commissioners for talking to their neighbors because there has been a lot of misconception regarding the bond. He said that you can accomplish more in a three hour meeting sitting face to face with people having a discussion than you can in a five year period of exchanging letters in the newspaper.

He said that they respect the right of the people to come to the meetings and express their concerns and have their questions answered. It is better to agree to disagree and to leave as friends.

They expressed their gratitude to the clerk's office for handling the upcoming election.

They discussed questions regarding the First Wind Project.

#### RATIFY THE SIGNING OF THE RELEASE, INDEMNIFICATION AND HOLD HARMLESS AGREEMENT BETWEEN MILLARD COUNTY AND CONK WATER USERS ASSOCIATION

Commissioner Smith made a motion to ratify the signing of the Release, Indemnification and Hold Harmless Agreement between Millard County and Conk Water Users Association.

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

#### RATIFY THE SIGNING THE CONTRACT WITH THE STATE OF UTAH FOR GRANT MONEY THAT WILL BE USED FOR SURVEYS

Commissioner Smith made a motion to ratify the signing of the contract with the State of Utah for Grant Money that will be used for surveys.

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

#### RATIFY THE MOTION TO APPOINT TANYA STEPHENSEN AS THE MILLARD PAGEANT DIRECTOR

Commissioner Withers made a motion to ratify the appointment of Tanya Stephensen as the Millard Pageant Director.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR UTAH FARMS, LLC - OWNER, UTAH DAIRY FARMS COOP

A business license application was presented for Utah Farms, LLC - Owner Utah Dairy Farms Coop. After review of the business license application and finding all the signatures in order, Commissioner Withers made a motion to approve the business license for Utah Farms, LLC - Owner Utah Dairy Farms Coop.

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

#### POSSIBLE APPROVAL OF THE APPLICATION FORM FOR STORING EXPLOSIVE MATERIAL IN MILLARD COUNTY

Commissioner Smith made a motion to table the approval of the application form for storing explosive material in Millard County.

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

#### UNEV CONSTRUCTION AND PROGRESS UPDATE

Cindy Gubler discussed the following:

- The project is going well.
- The terminal in Iron County is 99% complete and the terminal in North Las Vegas is 95% complete.
- There is still about ten miles of pipe to be put in the ground in Millard County. There have been delays due to birds nesting on the rights-of-way.
- The dust control is going well, though yesterday, the crews had to stop working due to the wind.
- The BLM looked at the re-vegetation areas and are pleased with the results.
- The construction crews will be in Millard County for a few more weeks. Once construction is finished, there will be crews that will stay to hydro test the line and valves, monitor the rights-of-way, do maintenance and place signs.

#### DISCUSSION AND POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT - LINDSAY MITCHELL

Lindsay Mitchell presented an ambulance abatement application for Mary Hagland. This application was presented at an earlier commission meeting. At that meeting the commissioners requested more income information. The requested income information was presented.

Commissioner Smith made a motion to abate 30% of Mary Hagland's ambulance bill which was \$154.00.

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

Lindsay Mitchell presented an ambulance abatement application for Jodi Thompson. Ms. Thompson was transferred from her residence to the Delta Hospital and then transferred to Utah Valley. Her combined ambulance bills are \$4,653.59. Ms. Thompson works at White River

Academy with a monthly gross income of \$986.00. Her monthly bills are around \$1,385.00, \$500 of which is for diabetic supplies. Her total debt, not including her ambulance bills, is over \$15,000.

Commissioner Smith made a motion to abate 45% of Ms Thompson's ambulance bill in the amount of \$985.56 and to fully abate the ambulance bill in the amount of \$3,668.03.

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

Commissioner Withers reported that a gentlemen who was in a wreck, not too long ago, was absolutely thrilled with the EMTs who responded to the call. He wanted them to know that he appreciated all that they did for him.

#### POSSIBLE ADOPTION OF THE RETIREMENT CONTRIBUTION RATE

Lynette Madsen, Deputy Auditor, presented the retirement contribution rate form for the commissioners to approve and sign.

Commissioner Smith made a motion to adopt the retirement contribution rate of 11.68 which is the same rate as it was last year.

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

#### BID OPENING OF SURPLUS REAL PROPERTY

Deputy Auditor Lynette Madsen opened the following bids for 10.3 acre of surplus property located in the upper part of Virginia Hills:

- Brad Olsen                      \$6,138.25
- Tracy Whatcott                \$7,010.00
- Janice Lix                        \$5,778.00

Commissioner Smith made a motion to accept the bid submitted by Tracy Whatcott in the amount of \$7,010.00.

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

#### REVIEW AND POSSIBLE DECISION ON REQUEST FOR PROPOSALS FOR ENGINEERING ON THE AMBULANCE BUILDING PROJECT

Commissioner Whatcott said that a couple months ago it was announced in a commission meeting that the county will be requesting proposals for engineering on the ambulance building project. They had three engineering firms submit proposals. They narrowed it down to two engineering firms. The commissioners met with Linda Gillmor, Forrest Roper and Klint Penney this morning to discuss those two proposals.

Commissioner Withers made a motion to accept Sunrise Engineering's proposal for engineering on the ambulance building project.

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

carried.

#### CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION 11-06-07 A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING RESOLUTION 11-04-19, WHICH AMENDED THE MILLARD COUNTY POLICIES AND PROCEDURES MANUAL BY ADOPTING A NEW MILLARD COUNTY STEP AND GRADE PLAN TO INCLUDE PART-TIME EMPLOYEES, SEASONAL EMPLOYEES, ELECTED OFFICIALS AND THEIR CHIEF DEPUTIES

Attorney Waddingham explained the reason for the changes to the resolution. The commission discussed the resolution and its attachments. It was clarified that the original step and grade schedule will still be in effect and that elected officials will not be included in the step and grade plan. They will be under a separate pay plan.

Commissioner Withers made a motion to adopt Resolution 11-06-07, A resolution of the Millard County Commission amending Resolution 11-04-19, by amending the Millard County Policies and Procedures Manual to include part-time employees and seasonal employees in the Millard County Step and Grade Plan, and to provide a pay plan for elected officials and their chief deputies.

Commissioner Smith 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.

#### DISCUSSION AND POSSIBLE APPROVAL OF PURCHASING BUCKING CHUTES - KEVIN MORRIS

Kevin Morris said that last week he found out that other entities were interested in purchasing the bucking chutes. Mr. Morris was given approval to purchase the bucking chutes for \$6,000.00.

#### DISCUSSION REGARDING THE COUNTY SPONSORING AND PROMOTING NEW RECREATION EVENTS

Kevin Morris presented the commissioners with some information regarding promoting events and what events would need to be promoted. He said to draw people to Delta you have to promote the events statewide. The county will make more revenue if they promote events.

Mr. Morris said that he has talked to other entities who would like to partner up with Millard County to help get events up and running. There is a lot of possibility for events to be held in Delta and Fillmore.

Commissioner Withers said he appreciates the thought process and he agrees that the only way to pay for facilities is to promote and hold events at them. Mr. Morris gave some examples of what other counties are doing to promote their facilities.

They also discussed events and insurance coverage.

The Commissioners said that Mr. Morris does a great job and they appreciate what he does with the events. Commissioner Withers asked Mr. Morris to put some figures together of what the possible revenue could be.

Commissioner Smith made a motion to recess for lunch.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:31 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 1:34 p.m..

#### OTHER BUSINESS

Commissioner Smith reported that Delta City will be contracting with Sunrise Engineering for building inspection services beginning on June 6, 2011. The county is finishing up any projects that they started with Delta City. Any fees already paid to the county will not be refunded.

#### APPROVAL OF MAY 17, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 17, 2011 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Smith made a motion to approve the minutes of May 17, 2011, as corrected.

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

#### PUBLIC INPUT

There was none.

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

Commissioner Smith reported he attended the Planning and Zoning meeting on Wednesday. Also in attendance was Millard County Planning Consultant Bruce Parker. Some of the items discussed included presenting some recommendations for a new sign ordinance for the county, looking at the county process for doing conditional use permits and redoing the matrix by making it easier to approve minor issues without having to take those issues to the commission. The Planning and Zoning Board is reviewing the process and will make a recommendation to the commission in a few months.

Commissioner Smith inspected the spill ways of the DMAD and Gunnison Bend Reservoir. There is a lot of concern about flooding and the amount of water that is coming our way. He met with some citizens who expressed their concerns. The Sevier River Commissioner, Jim Walker, has agreed to update the commission when things change.

Commissioner Smith said that Secretary of Interior Salazar revoked his wilderness administrative rule because there was no funding available to enact that rule and that Congress is the only entity who has the right to classify wilderness.

He said there was a lot of effort made throughout the United States with the elected officials and state representatives in fighting that issue. It is good to see that reversing it was a success.

Commissioner Smith attended the tax sale on Thursday. He said that it went very well. Auditor Grace conducted the sale in a very professional matter. He said that he thinks the county does a good job in that process and the tax sale was conducted very professionally.

Commissioner Withers reported that he had numerous meetings with the Rodeo Committee to get ready for the PRC Rodeo that will be held in Millard County. The volunteers work hard and he appreciates their efforts to make it work.

Commissioner Withers spent a lot of time with Thayne Henrie and Commissioner Smith regarding the flooding issues. He received a call from Roger Stanworth who expressed his appreciation to the county for providing labor and equipment to clean the canal below Deseret. Mr. Stanworth said to Commissioner Withers: "You do not know how many numerous houses or farms you might have saved."

Commissioner Withers said that he appreciates Thayne Henrie and his crew for the work they did to help with that issue.

Commissioner Withers met with the Millard County Stock Show Board as they were preparing for the stock show, which went off really well this year, thanks to the volunteers who make that work.

Commissioner Withers met with Thayne Henrie on a safety meeting. Mr. Henrie has things under control and things are going well.

Commissioner Whatcott attended the Six County Association of Governments (AOG) meeting in Richfield, Utah.

Commissioner Whatcott attended the Millard County property tax sale.

Commissioner Whatcott met with Commissioner Withers regarding the North Pioneer Road. He had some good conversations with the DWR. Its money has already been spent but their new budget year starts in July. They will look at the road and see what they can do.

Commissioners Whatcott, Withers and Smith attended the send off for soldiers from Millard County who are being deployed to Iraq.

Commissioner Whatcott has been updating the sheriff on the potential Kanosh flooding issue. Now things have calmed down and the water has dropped a couple of feet.



Commissioner Whatcott has had several conversations with Congressman Chaffetz's Office regarding water issues in the county. They seemed to be pretty concerned in making sure that something will happen and that people are going through the right channels to help them pay.

#### AUDITOR'S REPORT

Deputy Auditor Lynette Madsen presented the check edit of June 6, 2011 for the commissioners to review and sign.

Deputy Auditor Lynette Madsen presented the information from the 2011 final tax sale proceedings for the commission to approve.

Commissioner Withers made a motion to approve the 2011 final tax sale.

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

Deputy Auditor Lynette Madsen presented invoices from Chadwick Booth and Company for \$4,907.24 and from Utah Association of Counties (UAC) Centrally Assessed Litigation for \$8,442.67

Commissioner Smith made a motion to approve paying the invoices for Chadwick Booth and Company in the amount of \$4,907.24 and UAC Centrally Assessed Litigation fees in the amount of \$8,442.67.

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

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

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

There was none.

#### COORDINATION MEETING WITH BUREAU OF LAND MANAGEMENT (BLM)

Mike Gates, Field Manager; Glen Carpenter, District Manager; Randy Beckstrand and Joelle McCarthy came to report on the BLM quarterly meeting.

Mr. Beckstrand reported on the wild horse program, the grazing permittees and ideas for changes, and the ten year permit plan. If someone is unsure where they are with the ten year permit plan they should contact the BLM.

They discussed the wild life program. They just hired a new seasonal worker that they are training to help with the grazing program.

They discussed the UNEV project and the Desert Tortoises that are holding up the project.

They are also working with UNEV on fixing the Pot Mountain Road and a road north of IPP. They want to put some gravel on those roads. The BLM is also going to work with UNEV on the exclusion fences that they are putting up.

Mr. Gates reported that Federal Energy Regulatory Commission has received Magnum Gas Storage's implementation plan. They are planning on having a pre construction meeting soon.

Mr. Gates reported that Milford Wind is going to change its project a little bit. Phase III is now going to be a project on private lands in Beaver County. The BLM will still be looking at Phase IV of the project. The time line for Phase IV will be changed possibly into next year.

Ms. McCarthy said that they met with the Great Basin Heritage Area. They have drafted their management plan. There is an Environmental Assessment associated with it. It addresses some projects but does not go into a lot of detail.

They discussed the appropriations act which states that there were not to be any funds used for the designation of wild lands. One of the things that Secretary of Interior Salazar referenced in his directive was the Federal and Policy Manual Act, which directs BLM to maintain its inventory on resources on public lands. There was discussion on inventorying lands with wilderness characteristics years ago.

Mr. Carpenter gave a fire organization update. He said that they are watching the areas with the tall sheep grass and the areas that are a huge fire risk right now. He said that for purposes of supervision, the people who are located within Millard and Juab Counties are now a part of the West Desert Fire District Organization. The people who are located within Richfield are part of the Color Country Fire Organization. In the past, there had been one fire management officer located in Richfield for the Central Utah Fire Zone. Now there is an assistant fire management officer in Richfield and an assistant fire management officer in Fillmore.

Mr. Carpenter said that they put together a hand crew who will be made available to assist in other fires that are going on in the country.

#### TREASURER'S REPORT

There was none.

#### OTHER

Commissioner Whatcott presented a map he received at the Six County AOG meeting he attended.

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

The commissioners discussed the contracts needing to be filed at the clerk's office.

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

There was none.

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 4:12 p.m.

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

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