

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 19th DAY OF JULY 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: Mark Cram . . . . . Siemens  
Paulette Staples . . . . . Sheriff's Office  
Tanisha Jorgenson . . . . . County Sheriff's Office  
Robert Dekker . . . . . County Sheriff's Office  
Alan Peacock . . . . . County Sheriff's Office  
Cheri Dean . . . . . County Sheriff's Office  
Del Barnhurst . . . . . USDA Forest Service

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 Whatcott to the public and Commission members.

OPENING STATEMENTS

Commissioner Whatcott asked if anyone had an opening statement to give. Commissioner Whatcott read two quotes from unknown authors: "You cannot legislate the poor into prosperity, by legislating the wealthy out of prosperity." "When half of the people get the idea that we do not have to work because the other half is going to take care of them, and when the other half get the idea that it does no good to work because someone else is going to get what they worked for, that is the beginning of the end of the nation." Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

RATIFY THE APPROVAL OF THE AGREEMENT WITH UTAH STATE LIBRARY DIVISION FOR BOOKMOBILE SERVICES

Commissioner Withers made a motion to ratify the approval of the Utah State Library Division agreement for bookmobile services.

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

REVIEW AND POSSIBLE APPROVAL OF A JOINT USAGE AGREEMENT BETWEEN MILLARD COUNTY AND MILLARD COUNTY SCHOOL DISTRICT FOR RECREATIONAL ACTIVITIES

Commissioner Withers said the only change that will be made to this agreement is that it will be for 5 years instead of 4 years.

Commissioner Withers made a motion to approve the joint usage agreement between Millard County and Millard County School District for recreational activities.

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

CONSIDERATION AND POSSIBLE APPROVAL OF AN AGREEMENT FOR ENGINEERING AND TECHNICAL SERVICES BETWEEN MILLARD COUNTY AND SUNRISE ENGINEERING INC. REGARDING BUILDING INSPECTIONS AND PLAN REVIEW SERVICES WHEN THE MILLARD COUNTY BUILDING INSPECTOR IS UNAVAILABLE

Commissioner Smith made a motion to table the approval of this agreement.

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

UNEV CONSTRUCTION AND PROGRESS UPDATE (VIA E-MAIL)

Commissioner Whatcott said that in a previous meeting the commission suggested to have Cindy Gubler, UNEV, give her UNEV construction and progress update report via e-mail, fax or telephone.

Commissioner Whatcott read the construction and progress update report provided by Cindy Gubler via e-mail. *See attachment.*

SIEMENS INDUSTRY TO DO A PRESENTATION ON HOW THE COUNTY CAN SAVE MONEY ON UTILITIES - MARK CRAM

Commissioner Whatcott said that Mr. Cram gave him some ideas on how to save money on utilities costs.

Mark Cram, Siemens Account Executive, gave a presentation on performance contracting

and legislative overview on how the county can save money on utilities.

#### SHERIFF DEKKER TO DISCUSS THE STEP AND GRADE SCALE

Sheriff Dekker said that he had discussed the part-time dispatch positions regarding step and grade with the commissioners before the step and grade for part-time and seasonal employees came out. After that discussion he was under the impression that the part-time dispatch employees would be scaled differently from other part-time positions due to the requirements of that position putting them into a different classification.

In Sheriff Dekker's opinion, the Sheriff's Office should have been on a separate step and grade scale. He reminded the commissioners that this was his opinion from the onset of the step and grade plan. He feels like the Sheriff's Office cannot be fairly compared to other county positions.

Sheriff Dekker reminded the commission that the county positions which require employees to work 24/7 including holidays, etc were to be raised up on the step and grade scale, due to the odd hours, time on holidays and nights and weekends the employee would have to work. None of this was mentioned on the step and grade scale.

Sheriff Dekker discussed with the commission a part-time employee who was made full-time approximately two weeks before she was scheduled to receive a raise. When Sheriff Dekker submitted a request for her raise it was denied, due to her status being changed from part-time to full-time. He said that he feels that the part-time dispatch employees are being treated unfairly.

Sheriff Dekker explained that the part-time dispatch employees are required to get all the training and certifications of a full-time dispatch employee. A part-time dispatch employee works an average of 8 hours less a week than a full-time employee.

The step and grade for part-time and seasonal employees will freeze the salaries of the part-time dispatch employees for over 28 years.

Sheriff Dekker said that when these employees were hired they were promised that their wages would be treated the same as full-time employee wages. That agreement is not being honored and these employees are being punished for that.

Commissioner Smith asked if it would be better to turn these part-time positions into full-time positions. Sheriff Dekker said that he has one employee who has requested to be part-time.

The three part-time dispatch employees made some comments as to their concerns with the step and grade scale.

The commissioners will get with Sheriff Dekker and discuss this issue further. This agenda item will be brought back to the August 2, 2011 commission meeting for a possible decision.

#### PACO ALCALA TO DISCUSS CONCERNS REGARDING THE MILLARD COUNTY FAIRGROUNDS

Mr. Alcala was not present so this item was tabled.

#### OTHER BUSINESS

The commissioners discussed ideas of possibly adding more parking to the long term care

facility in Delta.

Commissioner Withers has been working with Attorney Waddingham on a possible agreement between Millard County and the River Bridge Apartments owner regarding a verbal agreement made to help keep the building from flooding. Attorney Waddingham will send the River Bridge Apartments owner an agreement and a bill for \$5,000.00

Commissioner Smith said that the golf course in Delta has been experiencing problems with grubs. It is going to cost around \$3,000 to spray about 5 holes. They want to control and isolate it down to a few holes. They were going to bid it out but having a contract person do it would cost the county quite a bit of money.

Commissioner Whatcott said he had a soccer mom come talk to him about the soccer fields last week. Lynn Wall has talked to the commissioners regarding issues with the soccer field on the race track. Mr. Wall has talked to the school district to try and get a soccer field at a different location than the race track.

Commissioner Whatcott said that the people with the soccer program have the field at the race track in the middle of the day when it is hot. The horse riders have the track in the morning and the evening when its nice and cool.

The commission discussed looking into the middle school grassy area to be used for soccer.

Commissioner Smith said that after the commissioners met with TransWest representatives he called Val Jones from Juab County. Mr Jones said that Juab County would be supportive in doing a joint resolution with Millard County on identifying proposed right-of-ways with TransWest Express. TransWest is also in support of a joint resolution.

TransWest has been having some discussion with BLM on the possibility of moving the line to the west wide corridor.

Attorney Waddingham will create an Interlocal Agreement to support a preferred alternative in Millard County and Juab County for the TransWest Express transmission line.

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

Commissioner Smith attended a meeting with the State Tax Commission on July 7, 2011. Also in attendance were Auditor Grace, Treasurer Hansen, a representative from First Wind and Beaver County Commissioner Chad Johnson. They discussed First Winds valuation.

Commissioner Smith and Commissioner Whatcott attended the National Association of Counties (NACo) General Business Conference July 13 through July 18.

Commissioners Smith and Whatcott attended a tour of wind farms in the state of Oregon on July 14, 2011. They discussed how the wind farms are valued and how property taxes are generated from them. It took Oregon a few years to develop a process to use but now the law allows a county to enter into agreements to do different things, as far as tax revenues, and support projects in its

county. Commissioner Smith said that the information received was very beneficial and it gave them a few ideas.

Commissioner Smith and Commissioner Whatcott attended a NACo Steering Committee meeting on Agriculture and Rural Development on Friday and Saturday. They talked about a number of issues that deal with rural counties and agricultural communities.

They also talked about safe food in the country and the legislation around trade agreements and terrorists. He heard a report that only 1% of imported food gets tested. They urged the USDA to be more involved in inspecting imported food.

Commissioner Smith met with other elected officials to talk about issues in their counties, services they provide and how they deal with federally funded mandates. They worked together to try and make things better for counties who provide a service to the citizens.

Commissioner Smith attended a Western Interstate Region (WIR) board meeting on which he serves. The commissioners have attended a seminar on the Grant Kelly coordination concept used with the Forest Service and BLM on the legalities and litigation situations. Some people claim the process works, based on a court case that is in the 9<sup>th</sup> Circuit Court of Appeals which may not apply in the 10<sup>th</sup> Circuit Court of Appeals. He said be careful when you get into litigation and really know what you are doing.

Commissioner Withers and Commissioner Whatcott attended a Board of Equalization (BOE) training in Richfield, Utah, on July 12, 2011. Also in attendance was Auditor Grace.

Commissioner Withers and Sheryl Dekker, County Planner, met with Rocky Mountain Power on July 13, 2011, to discuss the Red Butte power line that will be going through the county.

Commissioner Withers met with Max Wood and Millard School District Business Administrator Keith Griffiths to discuss the Joint Usage Agreement regarding recreation between Millard County and the Millard School District.

Commissioner Whatcott attended a Six County AOG legislative summit. They held a skype conference with Senator Lee on July 6, 2011.

Commissioner Whatcott met with Fillmore Civic Leaders Terry Scottorn, Arlene Bartholomew and Fillmore City Mayor Eugene Larsen on July 7, 2011.

Fillmore will host the 91<sup>st</sup> Legion Conference next year, which will be a three to four day conference. They are already lining up golf tournaments and historic tours around town.

Commissioner Whatcott had lunch with Ellen Shrunck from Senator Lee's office on July 5, 2011. This was an introduction meeting for the commission to get to know her. They discussed issues that are facing Millard County.

## PUBLIC INPUT

There was none.

#### TREASURER'S REPORT

Treasurer Hansen presented the commissioners with the financial report for county funds for the month of June, which shows monthly activity with balances.

Treasurer Hansen stated that the treasurers, throughout the state, discussed having Tom Peters conduct a class on bankruptcies in Utah County on September 14, 2011. He would need to know if any other officials would want to attend this class.

Treasurer Hansen received a letter in relation to a bankruptcy. The debtor's mortgage company paid one account and the other had a balance. The trustee paid an amount on both accounts.

Treasurer Hansen received a discharge of debtors who are subject to the tax sale next year. Attorney Waddingham looked over the papers presented by Treasurer Hansen.

#### AUDITOR'S REPORT

Auditor Grace said that the check edit will be ready for review tomorrow.

Auditor Grace said that the valuation notices will be going in the mail today. The commissioners and Auditor Grace discussed dates for BOE hearings.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

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

There was none.

#### OTHER

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 12:12 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 2:30 p.m..

## COORDINATION MEETING WITH US FOREST SERVICE

Del Barnhurst, US Forest Service, reported the following:

- Oak Creek, Chalk Creek and Corn Creek all look good. They have a contract for brushing on these three roads.
- They are still on track for rotto milling up Chalk Creek for September 2011.
- They are trying to make the road wider where some kids rolled their vehicle several years ago.
- They are trying to get some cattle guards put in on Shingle Spring road.
- Kanosh Canyon road work is finished. Commissioner Whatcott appreciates the work done on that road.
- Rebuilding the roads from the spring run off for the Fillmore District is pretty well done. They are still working on the Beaver District roads.
- They got a lot of work done up Oak Creek campground. They replaced approximately twelve tables and are hoping to buy the other three tables soon.
- The only new project is the rotto milling of Chalk Creek road.
- They are going to remove the dead Cottonwood trees from Oak Creek Canyon.
- They haven't had many fires this season so far. The forest is still pretty green and moist which helps keep the fire hazard low.
- One issue they will be looking at over the next year is camping at the Oak Creek, Ponderosa area. The area is getting a lot of impacts from people camping along the little spring. They are looking at a recreation plan for that area to help save the vegetation due to camping. They are going to try to keep camping away from the stream by placing some kind of barrier in that area.
- All the grazing permittees' livestock have been going on late this year. Some have just gone on this week.
- They have a bigger trail crew this year.
- There are a lot of fallen trees everywhere this year.

## APPROVAL OF JULY 5, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 5, 2011 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of July 5, 2011, as corrected.

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

## POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

## 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 3:18 p.m..

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

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



## UNEV Petroleum Pipeline Project Update

**In Your Area: July 7, 2011**

- **Overall:** Overall the project is going well and we are expecting to have it finished by this summer. We are still working on spots on Spread 2, 4 and 5, and work has been allowed to start on Spread 7, which is the piece in Nevada that had been put on hold because of the Deseret Tortoise. The terminal in Iron County is 99 percent completed and the terminal in North Las Vegas is 95 percent completed.
- **Millard County:** In Millard County there is still about 10 miles of pipe to put in the ground that we have had to skip around because of birds being in there nesting in three different locations. Once the birds leave we will be able to get in there and finish up this section of pipe. Everything else is done in Millard County. All the revegetation work is done and signage has been put up along the right-of-way. We will have some crews in to hydro test the line and valves, weld the valves, monitor the right-of-way, and do maintenance on it as needed. These crews will be in the County for a couple of months. Once they are finished our presence on the right-of-way will drop, but we will always have people out driving the right-of-way, conducting maintenance and responding to happenings on or near it.
- **Landowner:** Last week we received a call from a landowner in Millard County, Cook Moises. He has just purchased some property and believes that the pipeline is crossing his land but he was not given any type of a landowner agreement with the purchase of his property and cannot find anything on file. As you know there are only eight private property parcels that we cross in Millard County and none of them are under the names Cook provided us. At this time, we are obtaining from him more information on exactly where his property is located so that we can determine if in fact we do go through it.
- **Holly Corporation Merger:** Holly Corporation, which owns 75 percent of UNEV, has merged with Frontier Oil Corporation to form HollyFrontier (NYSE: HFC). This strategic move is designed to position the company for logistical growth and operational marketing, while making it have one of the best balance sheets in the industry. The merger makes HollyFrontier the fourth-largest independent oil refiner in the United States in terms of total capacity. It is ranked second in terms of market and enterprise value because the company's assets are considered to be more competitive and in advantaged markets.
- **Let Us Know:** If you hear something about our project that we need to be aware of or address, please let me know.

If you or anyone else in the County have questions or need to talk to someone working on the project call Cindy Gubler at 801.364.0088 x107 or 801.971.5639.