

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 2nd DAY OF AUGUST 2011  
AT THE COURTHOUSE, FILLMORE, UTAH

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

EXCUSED: Bart A. Whatcott..... Chairperson

ALSO PRESENT: Tiffany James..... Magnum Gas Storage  
Samuel C. Quigley..... Magnum Gas Storage  
Dean Draper..... Chronicle Progress  
Tanisha Jorgenson..... Sheriff's Office  
Raymond L. Stephenson..... American Legion  
Alan Peacock..... Sheriff's Office  
Forrest Roper..... Sheriff's Office  
Robert Dekker..... Sheriff's Office

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

Commissioner Withers served as chair person Pro Tempore in Commissioner Whatcott's absence. The meeting began at 10:00 a.m. after a brief welcome by Commissioner Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Withers excused Commissioner Whatcott from today's meeting. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

INTERIM SUCCESSORS FOR EACH DEPARTMENT

The Interim Successors for the Millard County Attorney's Office are as follows:

- Patrick S. Finlinson
- Kaela Jackson

The Interim Successors for the Millard County Clerk's Office are as follows:

- Sheri Stephenson
- Irene Scott
- Marki Rowley

The Interim Successors for the Millard County Sheriff's Office are as follows:

- Captain Forrest Roper
- Lieutenant Jeff Whatcott
- Lieutenant Morris Burton

Commissioner Smith made a motion to accept and approve the interim successors for each elected official's office, as presented.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN MILLARD COUNTY AND JUAB COUNTY TO SUPPORT A PREFERRED ALTERNATIVE ROUTE IN MILLARD COUNTY AND JUAB COUNTY FOR THE TRANSWEST EXPRESS TRANSMISSION LINE

Attorney Waddingham said that this will be adopted by resolution, not as an interlocal agreement.

Commissioner Smith explained that this is a resolution that Millard County and Juab County entered into for the purpose of commenting in the BLM's process to permit a major transmission line that is coming through the two counties (i.e. Transwest Express).

Commissioner Smith made a motion to adopt Resolution 11-08-02, a joint resolution by the boards of county commissioners of Millard and Juab Counties for a preferred power line corridor in Millard and Juab Counties.

Commissioner Withers stepped from the chair and SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Withers voted YES. Commissioner Smith voted YES. 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 explained that in the past the county had contracted with Mat Ziegler who is now an employee of Sunrise Engineering.

Commissioner Smith made a motion to approve the 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. A question on the motion was raised as to the appropriateness of Sunrise Engineering conducting an inspection on a project to which Sunrise Engineering is the contracted engineer. The commissioners decided that if Sunrise Engineering is a contracted party for a county project and the Millard County Building Inspector is unavailable, the Commissioners will seek the inspection services of another engineer or engineering firm.

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

#### DISCUSSION REGARDING A LETTER SENT TO THE DIRECTOR OF BUREAU OF LAND MANAGEMENT (BLM), JUAN PALMA

Commissioner Smith said that the commission received a letter from BLM Director Juan Palma requesting that local governments be involved or give input to him on the directive from the Department of Interior to review areas in the county that would be eligible for wilderness. The commission wrote a letter of support to Mr. Palma stating that there is no other county land that would qualify as wilderness.

#### DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH DEPARTMENT OF CORRECTIONS HOUSING OF STATE INMATES

Attorney Waddingham asked that this item be tabled for further review.

Commissioner Smith made a motion to table this item.

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

#### MAGNUM GAS STORAGE CONSTRUCTION AND PROGRESS UPDATE

Sam Quigley reported the following:

- Since the permit has been issued Magnum has been focusing on the commercial aspects of the project. The permits are required before anything could be discussed on the commercial aspects.
- The economic environment changed drastically over the past two years.
- They continue to focus on some very important strategic partners and believe they are making significant progress.
- They are also devoting time to working other possible projects on this site that was previously discussed in the presentations given to the commission.
- They are looking at some combined cycle and NGL storage, all of which require the

same infrastructure.

- They are optimistic that they will begin construction in the fall of this year.
- Gas storage is still their focus, but they have a number of shared facilities on this site. As they move forward with the other opportunities, they hope to still have the support they have received on Magnum Gas Storage.
- Pipeline rights-of-way will come when they start the gas storage.
- All projects at the onset will be under Magnum Gas Storage.
- They need to still sign the road maintenance and public health and safety agreements.
- They finalized the brine pond design with the State Engineer's office. The division of water rights has completed its review. They are going through the requested revisions and will get that back to them in the next 30 days for approval.
- They are filing their IP revisions with the FERC which is scheduled in October for site clearing.

#### AMERICAN LEGION FILLMORE POST UPDATE - RAYMOND STEVENS

Raymond Stevens reported the following:

- Mr. Stevens thanked the commissioners for the opportunity to come before them today.
- He said that Wayne Jackson was elected as the Department Commander for the State of Utah American Legion organization.
- They were awarded the department convention for next year which will be a pretty big deal.
- The Legion birthday party was held in Fillmore last year and had the highest turn out that it has ever had in the past. They are really excited to come here for the next birthday party before the convention.
- They are looking forward to the fall district convention in Fillmore. This is a relatively small event.
- They appreciate the support of the county on all the legion affairs.
- They are still trying to increase patriotism, support the troops and promote the welfare of all the troops who are serving. They are also trying to serve the youth programs that they have. They have already given out over \$800,000 in scholarships.
- The Yellow Ribbon Ceremony was a great success. They will have a welcome home celebration for the troops.
- They are looking at a flag retirement ceremony. They would like to tie the flag ceremony in with the Old Capital Arts Festival.

Commissioners Withers expressed his appreciation to the legion for its continued support to the troops. He said that he thought the legion did an excellent job with the troops farewell.

Commissioner Smith said that when the troops come home the commission would be more than happy to participate in that ceremony.

#### DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH DEPARTMENT OF AGRICULTURE/FOREST SERVICE

Sheriff Dekker presented a Cooperative Law Enforcement Agreement for the Forest Service campgrounds. He also presented a modification agreement for the work crew for the commissioners to review and sign.

Commissioner Smith made a motion to enter into a cooperative law enforcement annual operating plan and financial plan between Millard County Sheriff's Office and USDA Forest Service on the Fishlake National Forest.

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

Commissioner Smith made a motion to approve the modification of the agreement with the Forest Service between Millard County Sheriff's Office and the USDA.

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

#### DISCUSSION AND POSSIBLE DECISION REGARDING THE STEP AND GRADE SCALE FOR PART-TIME EMPLOYEES IN THE SHERIFF'S OFFICE

Tanisha Jorgenson shared a few thoughts she had with the commissioners. Mainly she did not understand how the decision was made that the part-time and the full-time employees should make the same wage and at the same time deny her a raise. She also could not understand how the county could take away her years of service for simply changing her status from part-time to full-time within the same agency and the same job description.

She also suggested that the county change its raise payout time from bi-annually.

Commissioner Smith said that the commissioners recently changed the date of eligibility for increases based on hire date or promotion date. He explained that the county tries to be consistent with the raise dealing with years of service. They feel like when the status of the job changes, when you follow the plan, sometimes there is a grade increase and sometimes there is not.

Sheriff Dekker said that he wanted to make sure that the decision regarding the step and grade for part-time dispatchers, in the Sheriff's office, be on record. The discussion was to include the sheriff's office part-time dispatchers in the full-time step and grade scale as a dispatcher 1.

Commissioner Smith said the part-time dispatch employees work at least 34 hours a week and are close to putting in full-time hours. So the commission discussed including these employees in the full-time step and grade scale. The step and grade plan will be amended at the next commission meeting.

#### PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENTS ON PROPOSED AMENDMENTS TO THE MILLARD COUNTY GENERAL PLAN, ECONOMIC ELEMENT

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, economic development element.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was

unanimous and the motion carried.

Present were: Sheryl Dekker, Brandy Grace and Linda Gillmor.

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

Sheryl Dekker said that the Millard Economic Development Association (MEDA), worked on making these changes for over a year. From her perspective, the biggest thing they changed was the various support for the local businesses so that they might be able to have more success. She said that in a public hearing in July, the Planning and Zoning Commission made a favorable recommendation.

Commissioner Withers wanted to make it clear that the commission is not anti-dairy. They have come to the point that as far as feed resources and water ground resources they are where they want to be on those numbers. He thinks it's a good idea to support local businesses and do whatever they can do to help them sustain their businesses in Millard County.

Linda Gillmor, MEDA Director, said not only are they helping dairies but they had two workshops for dairies this year; one was on employment and the other was on energy production and efficiency. They also helped a dairy organization get a grant for some value added products. Their emphasis is more on retention and expansion. They also broadened a section in the general plan - economic development element to include all agricultural sectors. They realize that the health of all is important.

Commissioner Smith said that in the past the county openly recruited dairies. That focus has changed a little bit. They will gladly support any agricultural industry that would come into the county.

There were no other comments made.

Commissioner Smith made a motion to go out of the public hearing.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at 11:04 a.m..

The regular meeting reconvened.

#### CONSIDERATION AND POSSIBLE ADOPTION OF ORDINANCE 11-08-02, AN ORDINANCE ADOPTING AMENDMENTS TO THE MILLARD COUNTY GENERAL PLAN, ECONOMIC ELEMENT

Commissioner Smith made a motion to adopt Ordinance 11-08-02, an ordinance adopting amendments to the Millard County general plan, economic element.

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

#### OTHER BUSINESS

Commissioner Smith said that the form for storing explosive material in Millard County will be reviewed for approval on the next agenda, as well as a permit for Mt. Moriah Stone Quarries.

Sheryl Dekker, County Planner said that she was contacted by someone from Mt. Moriah Stone Quarries several months ago. They said that they were unable to get the permit from ATF until they have a Conditional Use Permit (CUP) from Millard County. When she looked at the code she found that the Planning Commission does not issue the storage permits; the county commission is responsible for issuing those permits.

Ms. Dekker said that a map should be available soon to be filed with Resolution 11-08-02.

Ms. Dekker said that the landfill permit application has a section that needs to be filled in. It asks for information that is out of her area of expertise. She asked if the county would hire Sunrise Engineering to find out the information needed to get that permit application finished.

Commissioner Withers read the UNEV project update via email. *See attachment.*

Forrest Roper, County Sheriff's Office, said that several years ago the commission adopted a resolution for ambulance rates. Those rates may have changed and would need a new resolution. The commission said that they will bring this back to the next commission meeting as an agenda item.

#### QUARTERLY REVIEW WITH MILLARD COUNTY PUBLIC DEFENDER - TATE BENNETT

Tate Bennett, Millard County Public Defender, discussed with the commissioners the possibility of him moving to Nephi to be closer to Primary Children's Hospital due to some family health issues. Mr. Bennett will still hold up his end of the contract and would still provide good services to his clients. He is willing to travel to Fillmore on a daily basis to take care of his clients.

Mr. Bennett asked the commissioners opinion on this and questioned if this will have an impact on the renewal of his contract.

Commissioner Smith said that the county agrees that the best service for the citizens would be to have the public defender reside in Millard County. His concern is that the service be appropriately maintained from the new area of residence. When the contract is reviewed they will check to see if the service has been maintained.

Commissioner Withers said that he is empathetic with the situation and as long as the service is maintained to the citizens he will be fine with Mr. Bennett moving to Nephi.

Mr. Bennett fully intends to have Millard County defendants be his only clients as long as he is the public defender. Mr. Bennett also said that he could not be happier with the offices that he works with and he has no complaints whatsoever.

#### PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE MILLARD COUNTY DEVELOPMENT CODE (A LAND USE ORDINANCE) PROVIDING FOR SIGN STANDARDS

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 development codes (a land use ordinance) providing for sign standards.

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

Present were: Dean Draper, Linda Gillmor, Sheryl Dekker and Forrest Roper.

Commissioner Withers called the public hearing to order at 11:26 a.m..

Dean Draper, Chronicle Progress, said that the ordinance states that there is no provision for a window sign in a residential area. He said that what came to mind is Deseret and Oasis on 4500 South. He questioned if a home based business owner chose to put a sign in their window instead of out on their front lawn, would that be prohibited?

Ms. Dekker will look into this to see if the ordinance addresses this issue.

Mr. Draper clarified that the ordinance says that the window sign could take up the entire window but a small sign, which would not be intrusive, would not be allowed.

The Planning and Zoning Commission has forwarded this to the commission with a favorable recommendation.

Commissioner Smith said that the ordinance classifies signs. A sign classified as P1 can be authorized by the planner and a sign classified as P2 can be authorized by the Planning and Zoning Commission. Billboards require a zone change and a conditional use permit.

Ms Dekker said that Morgan Philpot, an attorney representing Regan Outdoor Advertising wanted to make sure the ordinance allows a billboard company to move a billboard sign within the allowed footage authorized by state law. He did not want the county to be in violation of this law.

Ms. Dekker recommends that a decision be postponed until Bruce Parker, Planning Consultant, can be present.

Commissioner Smith made a motion to go out of the public hearing.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at 11:36 a.m..

The regular meeting reconvened.

#### APPROVAL OF JULY 19, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 19, 2011 were presented for consideration and approval. Commissioner Smith made a motion to approve the minutes of July 19, 2011, as presented.

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

#### PUBLIC INPUT



Dean Draper discussed with the commissioners a call he received from Chris Locomo who is a lawyer with the Attorney General's (AG) Office regarding the RS2477 roads in the county.

Commissioner Smith said that Mr. Locomo came down and met with Commissioner Whatcott last week. Mr. Locomo is an attorney that was assigned to the Public Land Division from the AG's office to record all the RS2477 roads.

#### AUDITOR'S REPORT

Auditor Grace presented the check edit of July 29, 2011 for the commissioners to review and sign.

Auditor Grace said she sent an email to the commissioners on July 22 addressing the defensive driving training policy. She recommended to eliminate some language in that policy. This will be an agenda item for the next commission meeting.

Auditor Grace said in reviewing the purchasing policy and the discussion on GBS benefits, she thinks it falls under the guidelines for request for proposals (RFP) instead of advertising for bids because of the type of service and they are not soliciting for bid amounts.

The commissioners would like the RFP to be advertised in the paper to give opportunity for everyone qualified to submit a proposal.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

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

There was none.

#### TREASURER'S REPORT

Treasurer Hansen presented the Treasurer's Financial Report relating to property tax and distribution for the month of July.

Treasurer Hansen received a telephone call from Hinckley Town questioning if the county was aware of a new utility provider in the area? The commissioners and the clerk's office was not aware of any new utility business licenses in the county.

#### OTHER

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

Attorney Waddingham met with Thayne Henrie, Road Supervisor and Terri Taylor on weight

limit road signs. He told them that in order to enforce the weight limit restrictions they would need to have an engineering study for the roads. Commissioner Withers will talk to Mr. Henrie regarding this issue.

Commissioners Smith and Withers sat in on some interviews for a part-time East Millard Recreation director. The position was given to Jamie Orullian.

Commissioner Withers met with the rodeo committee last night. They are at the point where they have collected most of the money owed for this year. They are sending out monthly statements on those accounts that have not been paid.

Commissioner Withers met with the road department about safety. Things seem to be going well with the road department.

All three commissioners met with a third party GBS benefits representative who wants to help the county with health care administration.

Commissioners Smith and Withers met with Sheriff Dekker regarding step and grade. The discussion beneficial. They were able to sit down with him and address other concerns.

#### 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 12:35 p.m..

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

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