

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 15th DAY OF NOVEMBER 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: Samuel C. Quigley . . . . . Magnum  
Tiffany James . . . . . Magnum  
Jagger Grace . . . . . Citizen  
Dale Robinson . . . . . Sunrise Engineering  
Mark A. Huntsman . . . . . Sunrise Engineering  
Bryan Harris . . . . . First Wind  
Irina Makarow . . . . . First Wind  
Kerry Owens . . . . . Parsons Behle & Latiner  
Clara Stevens . . . . . BLM  
Michael Gates . . . . . BLM  
Sheryl Dekker . . . . . Millard County Planner  
Bruce Parker . . . . . PDS  
Ken Visser . . . . . Duckworth Dairy

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 said, “When you bend over to tie your shoes there is no time to waste, you think what else can I do while I am down here.” Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag. The commissioners discussed and thanked the servicemen and

women who serve our country.

#### RATIFY THE RENEWAL OF THE PUBLIC DEFENDER'S CONTRACT

Commissioner Withers made a motion to ratify the renewal of the public defender's contract. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

#### RATIFY THE CONTRACT AMENDMENT FOR THE AMBULANCE BUILDING

Commissioner Whatcott said that the construction on the ambulance building is ahead of schedule a bit and he gave a brief update on the construction work.

Commissioner Smith made a motion to ratify the contract amendment for the ambulance building.

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

#### POSSIBLE ADOPTION OF RESOLUTION 11-11-15, A RESOLUTION OF APPOINTMENT OF A MILLARD COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INSURANCE POOL (UCIP) ANNUAL MEMBERSHIP MEETING.

Commissioner Withers made a motion to adopt Resolution 11-11-15, a resolution of appointment of Commissioner Daron P. Smith as a Millard County representative and Attorney Richard Waddingham as an alternate representative for the UCIP annual membership meeting. Also, to approve Commissioner Smith to run as a board member for a two year term.

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.

#### CONSIDERATION AND POSSIBLE ADOPTION OF ORDINANCE 11-11-15, AN ORDINANCE AMENDING SECTION 6 OF ORDINANCE 09-11-03, ESTABLISHING FEES OR SERVICES PROVIDED BY MILLARD COUNTY OFFICERS (AMENDING THE FEE SCHEDULE OF THE MILLARD COUNTY RECORDER'S OFFICE)

Attorney Waddingham read the provisions and the changes made to the ordinance.

Commissioner Withers made a motion to adopt Ordinance 11-11-15, an ordinance amending Section 6 of Ordinance 09-11-03, establishing fees or services provided by Millard County Officers (amending the fee schedule of the Millard County Recorder's Office)

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 WITH SUNRISE ENGINEERING REGARDING MILLARD COUNTY SURVEY ISSUES

Dale Robinson, Sunrise Engineering, thanked the commissioners for the opportunity to have been the surveyor for the past three years. The commissioners and Mr. Robinson discussed that Mr. Robinson has created and submitted over 220 tie sheets, which represents about 63 square miles of the county that they are surveying. They have also helped with 6 annexation plats. Mr. Robinson said that he would like to continue to serve the county if the county renews the contract.

Recorder Hansen said that there were issues with a corner in Scipio with the BLM. Mr. Robinson was really good to work with the farmers and the BLM officers and was able to get it all resolved. She said that the outcome was really good and she really appreciated the work Mr. Robinson did.

Commissioner Whatcott said that Recorder Hansen talked about the successes the county had in the Scipio area and the Hatton area. He said that in the past things were handled with a handshake but now days people want to get a good description of the property lines. He said that he and the recorder's office has been quite pleased with the work of Mr. Robinson.

Commissioner Smith asked if the contract has a provision stating that the county can renew the contract. Recorder Hansen thinks that it does.

Recorder Hansen explained that there are so many areas that needed to be done but because they ran into different problems that had to be taken care of, the money that was budgeted for the year was used up so fast.

She said that Sunrise was always good to get everything into her in a timely fashion so that the county would always get the grant money and would never have to extend anything. She would like to extend the contract because there are still things that need to be done on the current project.

Attorney Waddingham will look over the contract and find out if it allows for an extension.

## REVIEW AND POSSIBLE APPROVAL OF APPLICATION FOR AMENDMENTS TO CONDITIONAL USE PERMIT (CUP) #Z-2010-008 ISSUED TO MAGNUM SOLUTIONS, LLC FOR ADDITIONAL CAVERNS ON THE GAS STORAGE PROJECT

Tiffany James, Magnum Solutions, LLC, said that they came to the commission today to ask for approval to add additional caverns to the gas storage project. She said that they received a favorable recommendation from the Planning and Zoning Commission on November 8, 2011.

Ms. James explained that they have gone over the requested additions to the facilities with the county already. She gave a brief update of the requested additions.

They are wanting to add two additional cavern well pads to support two storage caverns. The additions will be on a very small scale compared to the gas storage caverns. Everything will be done within the existing CUP boundary.

The additional disturbance will be about 30 acres of permanent disturbance and about 38

acres of temporary disturbance. She assured the commission that they will comply with all the original CUP conditions. She said that they talked to the state and received an approval from SITLA.

Commissioner Smith said that he attended the Planning and Zoning Board Meeting when this was presented to them. The Planning Commission forwarded a favorable recommendation for the amendment to the CUP. The Planning Commission asked some safety issue questions. He said that IPP sent two representatives to the meeting who indicated that they are in support of this project.

Attorney Waddingham said that the commission must make an affirmative finding of complying with the criteria for issuing a CUP as set forth under Section 10-7-6 of the Land Use Ordinance of Millard County. Commissioner Smith said that they addressed these issues in the original CUP. He read the language from the CUP.

Attorney Waddingham said that Magnum representatives were in agreement that all conditions set forth in the original CUP will be carried over to the new permit. Commissioner Withers questioned the use of propane instead of natural gas. He was assured that the safety part is being taken care of.

Sam Quigly, Magnum Solutions, LLC, explained that both propane and butane are considered natural gas products sometimes referred to as wet gas. With the development of shell the production of wet gas is getting more and more prevalent. As a result, there is more propane and butane available to the market. Propane and butane only make up a small percentage of natural gas, around 5% to 10% percent, and are created at the refineries.

Those gases are distributed to the market by a large continental pipeline that goes to Texas for storage and then are stored and redistributed back to the Western US in the form of trucks and rail cars.

There is a lot of experience in handling propane and butane in railcars. Mr. Quigly said due to the lack of storage in the Rocky Mountain West there are railcars stored on sightings everywhere with propane and butane in them. Typically there will be 60-70 cars a week coming into the facilities and there are specifically designed facilities for transloading or removing the liquid off the railroad cars and into the pipeline and straight to the caverns underground. Those facilities have been in operation for numerous years.

When butane is being used in the winter months it will go straight back to the refineries and will be mixed with gasoline. Propane will come out of the caverns and will go onto trucks for distribution as a heating fuel.

The State of Utah and OSHA take responsibility for flammable liquids. Butane and propane are treated the same way. The two agencies defer to the National Fire Protection Association under Code 58 which is the code that covers petroleum liquified gas. These codes address the way the couplings and flares have to work.

The caverns will contain flares and detection systems for any leaks. Those systems will need to be monitored and maintained by law.

Commissioner Whatcott questioned how many railcars of gas the caverns will hold. The railcars will have a 2,000,000 barrel cavern for butane and a 1,000,000 barrel cavern for propane. There are 42 gallons in a barrel so the caverns will hold approximately 126,000,000 gallons of propane and butane.

Mr. Quigly explained the process of extracting the gases from the railcars into the caverns.

Ms. James said that in order to start construction this winter they will need to finalize the conditional use language, the building permit revisions and the road agreement and crush permit for their crossings. They are hoping to get all that done by December 15, 2011.

Commissioner Smith made a motion to approve the application for amendments to the CUP #Z-2010-008 issued to Magnum Solutions, LLC for additional caverns on the gas storage project based on the amendments meeting the requirements in the county land use ordinance for the basic issuance of a CUP and would include all the conditions set forth in the original CUP and the land use ordinance.

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

#### DISCUSSION AND POSSIBLE REVIEW OF THE ENVIRONMENTAL ASSESSMENT REPORT FOR MILFORD WIND CORRIDOR PHASE III, LLC

Brian Harris, First Wind, introduced Kerry Owens, with Parsons Behle & Latimer, and Irina Makarow, with First Wind.

Mr. Harris presented a draft form of the environmental assessment report to the commission. He said that when the final draft is complete he will provide it to the commission for approval when the public comment closes.

Mr. Harris said that the report shows cultural resources, biological resources, bats, birds, noise, visual resources, social economics, air quality, vegetation, traffic, etc.

The public comment period ends November 28, 2011. They will take whatever comments they receive and prepare the final draft.

Mr. Harris said that this process is very similar to the environmental assessment that was done on Phase I and Phase II and they tried to use that as a model. He said that Beaver County did participate on the process of the Beaver County portion of the project and the Beaver County Commissioners approved a similar environmental assessment report that only covers Beaver County. This environmental assessment report will cover both counties and when it is finished they will take it back to Beaver County for approval.

#### PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON APPLICATION #Z-2011-018 FOR A CONDITIONAL USE PERMIT FOR A WIND ENERGY SYSTEM (MAJOR) PROPOSED BY MILFORD WIND CORRIDOR PHASE III, LLC - APPLICANT. THE APPLICATION IS FOR PROPERTY LOCATED APPROXIMATELY 12 MILES NORTH OF MILFORD ON THE WEST SIDE OF STATE ROAD 257

Commissioner Smith made a motion to enter into a public hearing for the purpose of receiving public comment on application #Z-2011-018 for a CUP for a wind energy system (major) proposed by Milford Wind corridor Phase III, LLC - applicant. The application is for property located approximately 12 miles north of Milford on the west side of state road 257

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

Present were: Sheryl Dekker, Brian Harris, Irina Makarow, Kerry Owens, Tiffany James, Sam Quigly, Bruce Parker, and Clara Stevens.

Commissioner Whatcott called the public hearing to order at 11:04 a.m..

Attorney Waddingham questioned if First Wind was provided the information to which it was entitled pursuant to state law.

Bruce Parker, Planning Consultant, said that he used his best effort to provide First Wind with the material to which it was entitled within the time frame they had available. First Wind received the planning consultant report within two business days of this meeting but it did not comply with the three business days required by state law.

County Planner Sheryl said there was not sufficient time to provide the information within the three day time period required by state law, before the commission meeting.

Mr. Harris said that First Wind did receive the documents and felt it was given as timely as possible and that First Wind waives any requirement of the three day notice period required by law.

Brian Harris said that the map displayed shows the entire project. He explained the project layout on the map. He discussed the following:

- There will be up to 140 wind turbine generators on the project.
- There will be three access roads to the project from the highway, two in Beaver County and one in Millard County.
- They are going to have a substation associated with the project just south of the existing transmission line in Beaver County.
- There will be 40 turbines in Millard County.
- All of the cabling will be under ground except for maybe 100 feet to the transmission line.
- The review of the project shows that there are no maintained county roads in the project area. So there should not be too much interruption to the county's traffic.
- There are twelve private property owners plus the State in the project boundaries and most of the leases are in place, but some still need to be finalized.
- The shaded area on the map is the BLM West Wide Energy Corridor.

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 11:09 a.m..

The regular meeting reconvened.

REVIEW AND POSSIBLE APPROVAL OF A CONDITIONAL USE PERMIT (CUP) FOR A WIND ENERGY SYSTEM (MAJOR) PROPOSED BY MILFORD WIND CORRIDOR PHASE III, LLC - APPLICANT

Mr. Parker said that around the end of July they had the first meeting with Brian Harris regarding the possibility of moving forward with another phase of the Milford Wind project on private land.

They discussed the overall project area and the idea of having an environmental assessment report. It is the understanding of the Planning Commission that the environmental assessment report is a requirement and is one of the things the potential power purchasers will be looking at to make sure that all the issues were addressed.

Mr. Parker said that since July he has worked cooperatively with First Wind to develop the draft document which was presented to the commission earlier. They have also had two meetings with the Planning Commission in September.

The Planning Commission held a public meeting in October wherein Milford Wind presented its position. Public comment was heard at that meeting and the Planning Commission scheduled a public hearing for November as well.

The Planning Commission had approximately a two hour discussion period after the public hearing had closed. The Planning Commission's recommendation is set forth in the attached Millard County Planning Consultant Report and the Millard County Planning Commission Recommendation ("Report").

Mr. Harris said that they appreciate working with the Planning Commission and the county staff. He feels that this is a good project for both Milford Wind and Millard County. He appreciates the time the planning commission put toward this project.

Mr. Harris first discussed those conditions recommended by the Planning Commission which First Wind felt could be modified without much trouble or controversy; namely:

- Condition 2): "No wind turbine shall be established closer than one and one-half (1.5) times its total height from the right-of-way of any state or county road, railroad line, or power transmission line".
  - Mr. Harris said that First Wind would request this condition be changed so that the setback is applied to maintained class B roads as opposed to all county roads since there are so many two track county roads in Millard County that are not maintained.
  - Mr. Harris asked that the following language be substituted in its place:  
"Condition #2: No wind turbine shall be established closer than one and one-half (1.5) times its total height from the right-of-way of any state or maintained county road, railroad line, or power transmission line".
- Condition 4): "The applicant shall provide a final environmental assessment report for the portion of the MWC Phase III project located in Millard County that identifies and evaluates all possible site impacts and identifies required best management practices to mitigate any impacts, including, but not limited to, complying with "Best Management Practices and Mitigation Recommendations for Minimizing Resource Impacts of the Proposed Milford Wind Corridor Project" (Table 14, p. 7-8), Plan of Development for the Milford Wind Corridor Project, October 15, 2008, as determined applicable by Millard County to MWC

Phase III”.

- Mr. Harris said that they are glad that this is a condition. However, the best management practices have changed.
- Mr. Harris asked that the following language be substituted in its place:  
“Condition #4: The applicant shall provide a final environmental assessment report for the portion of the MWC Phase III project located in Millard County that identifies and evaluates all possible site impacts and identifies required best management practices to mitigate any impacts, including, but not limited to, complying with the “Mitigation and Best Management Practices of the Milford Wind Corridor Phase III Project” (Table 4, p. 44-46) Milford Wind Corridor Phase III Project Development Plan, September 15, 2011, as determined applicable by Millard County to MWC Phase III”.
- Mr. Harris said that First Wind plans on doing the same type of dust control and reclamation. Mr. Parker said that he and Mr. Harris discussed a few of the items in the environmental report and believe that over a short period of time they will revise the environmental report and will include these in the final draft.
- Condition 14): “Wildlife & avian impacts mitigation plans, developed in consultation with the Utah Department of Wildlife Resources, shall be provided and filed in the office of the County Planner”.
  - Mr. Harris said that they feel that the environmental assessment report adequately covers that mitigation plan. They feel that a second report would be a duplication.
  - Mr. Harris asked that the following language be substituted in its place:  
“Condition 14: The mitigation measures identified for birds and wildlife in the Environmental Assessment Report (EAR), which were developed in consultation with the Utah Division of Wildlife Resources and the US Fish and Wildlife Service, shall be implemented”.
  - Mr. Parker said that Milford Wind agreed that the EAR will include anything that is related to wildlife.

The Commissioners discussed the aforementioned changes and found that they were acceptable.

Mr. Harris then discussed two recommendations made by the Millard County Planning Commission which he felt could hurt First Wind and which should be modified or stricken; namely:

- Condition 1) “The Project Boundary be revised as follows:
  - a. Include all private lands located east of the IPP line and located either within, contiguous to, or adjacent to the MWC Phase III (Figure 2) project boundary, unless the property owner advises Millard County, in writing, that their property should not be included in the MWC



Phase III project area”.

- Mr. Harris said that this was changed by the Planning Commission from the original recommendation and is pretty close to where they can live with it.
- Attorney Waddingham said that private property agreements outside of the corridor are between Milford Wind and the property owners and the County should not be involved with those issues.
- Mr. Harris said that they will not put a turbine that is closer than 1.1 times the turbine height to any non participating property owner.
- Attorney Waddingham said that it is his understanding that this complies with the standards of the industry and First Wind complies with those standards, so the government does not need to be involved in those decisions.
- Condition 1)
  - b. Exclude all properties located within the Millard County Major Utility Corridor identified as the IPP line and traversing directly west therefrom one (1) mile.
    - Mr. Harris said that they went through this condition with the Planning Commission at the meeting and this was the item discussed the most extensively by the Planning Commission.

Mr. Harris handed out a presentation and went over it with the commissioners. He said that Milford Wind wants to be able to put up to 10 turbines in the corridor. He said that they are aware of that area being reserved for overhead transmission lines and underground transmission lines.

Mr. Harris said that they think that putting the turbines in the corridor preserves the integrity of the corridor. He explained that anything that is underground would be completely compatible with the turbines. The turbines will be spaced far enough apart that it should not be a problem.

The only concern is with the overhead transmission lines being close to turbines, but they think that the county’s general plan allows for these kinds of conflicts. He read a paragraph from the general plan.

Commissioner Smith said that one of the issues with putting turbines with power lines is that power lines attract birds. Milford Wind would have to be cautious that their turbines don’t kill raptors and other birds.

Mr. Harris said that the other issue is whether there is enough room to have the turbines with the power lines.

Mr. Harris said that Milford Wind would like condition #1 completely removed.

Mr. Harris said that at the Planning Commission Meeting a private property owner expressed his interest in having the opportunity of having revenue from leasing land to them for turbines. At one of the public hearings the State Trust Lands also expressed the same interest. Also a letter was received from a private property owner who lives in Florida expressing his concerns with restricting turbines within the major utility corridor.

County Planner Sheryl Dekker informed the Commission that proper notice was given to the private land owners.

The Commissioners and Mr. Harris discussed the corridor and the process of placing the turbines in that corridor in more detail.

Mr. Parker went through the Planning Consultant Report and identified his and the Planning Commission's concerns. Specifically, he discussed Section 10-7-6 of the Land Use Ordinance of Millard County, entitled "Basis for Issuance of a Conditional Use Permit" and presented findings to establish that the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the County; that such use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements of the immediate area or the county as a whole; that the proposed use will comply with the regulations and conditions specified in Section 10-7-6 for such use; that the proposed use conforms to the goals, policies and governing principles of the county general plan; and that, for uses designated as accessory uses, the use will support and further the principal use of the property.

Based on those findings and the evidence, Mr. Parker discussed Section 10-7-6-1 of the Land Use Ordinance of Millard County, entitled "Reasonable Conditions" which sets forth requirements on the type and nature of any reasonable conditions that the Planning Commission (and eventually the Board of County Commissioners) could consider imposing on a CUP for the establishment of a wind energy system (Major). He also stated that the conditions recommended by the Millard County Planning Commission are necessary to preserve the integrity of the corridor.

He said that the planning commission gave a favorable recommendation and the conditions for a CUP recommended by the Planning Commission are now before the Board of County Commissioners.

Commissioner Smith made a motion to approve the CUP # Z-2011-018 for a wind energy system (major) proposed by Milford Wind Corridor Phase III, LLC - applicant with those conditions recommended by the Planning Commission with the following modifications:

- Conditions 2, 4 and 14 are amended to read as requested by First Wind.
- Condition 1) a. should be stricken as it pertains to private property outside of the Millard County Major Utility Corridor.

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

Attorney Waddingham recommended that the commissioners decision be reduced to writing. Mr. Parker also recommended to include as one of the Commission's findings, Section 10-9-19 of the Land Use Ordinance of Millard County which is specific for site layout and design of wind energy systems (major) and requires the Land Use Authority to make a finding that the wind energy system (major) can be authorized as a conditional use complying with all requirements of Chapter 7 of the Land Use Ordinance and considering, among other things, other issues and impacts

associated with allowing a wind energy system as a conditional use. This is what the Millard County Planning Commission and the Board of County Commissioners have done.

Commissioner Smith revised his motion to include section 10-9-19 to his earlier motion.

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

## OTHER BUSINESS

Commissioner Withers asked if Mr. Ken Visser would be able to take a few minutes of the commissioners time to discuss his property taxes.

Mr. Visser asked if he could set up a payment plan to pay his property taxes over the next ten months rather than paying them all up front this month and that interest be waived.

Commissioner Smith said that in the past as long as the treasurer agrees with the decision they are pretty workable with certain economical situations. If it is an economical situation the county would be willing to set up a reasonable payment plan that would help get the property taxes paid in full.

Commissioner Smith said that if Mr. Visser were to miss one payment or not be able to continue the payment plan the interest would be incurred. It is not in the county's interest to do this for everyone but when folks come in and present their situations in July they consider those options for paying property taxes. Treasurer Hansen said that he would be okay with a payment plan to be set up with Mr. Visser.

Commissioners Smith made a motion to set up a payment schedule with Mr. Visser of \$3,000.00 a month to pay off his property taxes in full by July 2012. If for some reason the payment plan is not followed and the taxes are not paid off by said date the county will not waive penalties and interest. Payments will start November 2011.

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

## AUDITOR'S REPORT

Auditor Grace presented the commissioners with a volunteer service agreement form. The county is supposed to identify volunteers who provide services for the county, prior to them volunteering, so that those volunteers will be protected by workman's compensation insurance, as well as be allowed to drive county vehicles.

Auditor Grace explained that the county is supposed to approve an individual before he/she can be allowed to volunteer. The department in which they will be volunteering for should recommend the persons to the county and specify exactly what they will be doing.

There will be some emergency circumstances where a phone call to the county will be justified as approval. Attorney Waddingham stated that the law requires that the HR Department also be notified as part of the process.

Commissioner Withers made a motion to approve the volunteer service agreement form and

that all department heads will be notified that going forward they will need to submit these forms for volunteers in their departments.

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

Further discussion, each commissioner will be responsible for following up with its department to make sure these forms are being filed.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a hardship abatement application for Sandy Thurber. Ms. Thurber submitted a letter from her doctor stating that she has a disability.

Commissioner Smith made a motion to abate 40% of Ms. Thurber's property taxes.

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

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

There was none.

#### TREASURER'S REPORT

Treasure Hansen said that he requested a copy of the spread sheet from the State Auditor's Office that indicates how they contributed fees in 2011. They also indicated to him that there was a legislative change that changed the way the assessment was made for 2010. The county is currently paying the 2010 assessing and collecting and the CAMA 2011.

Treasurer Hansen looked back at previous years and found that in 2006 the county paid \$35,197; in 2007 the county paid \$16,000; in 2009 the county paid \$15,954; and this year the county is to pay \$50,000.

Treasurer Hansen said that he was told by Chris Poulsen with Utah County, the assessing and collecting committee met and made it so that 5<sup>th</sup> and 6<sup>th</sup> class counties are exempt totally. The 1<sup>st</sup> through 4<sup>th</sup> class counties have the option of paying or not paying depending on parcel count and a few other things. There is a cap for 4<sup>th</sup> class counties at \$50,000.00.

According to the State Auditor's Office, Millard County's assessment for 2010 would have been \$82,000.00 if it had not been for the cap, which is a considerable difference from where it has been before at approximately \$16,000.00.

Treasurer Hansen said based upon where the county has been in prior assessments he did not reserve that much money for 2010. He said that there will be enough money from assessing and collecting in 2011 to pay for 2010 and 2011 after everything is collected. It will require some changes in what the county receives in assessing and collecting, and the county will end up paying approximately \$35,000.00 a year more than what it has paid in the past.

Treasurer Hansen corrected a portion of his discussion on the November 1, 2011 Commission

Minutes.

Treasurer Hansen said that in 2011 the county decided that it was going to assess all property located in drainage boundaries. There were so many different parcels that came up this year for which Treasurer Hansen could not find addresses. He said that he cannot see leaving the drainage tax on all of those properties and assessing them a fee. He proposes that the county waive the fee on all those that are governmental and charitable organizations for which the county could not find addresses.

Commissioner Smith made a motion to waive the assessed fee on government entities and charitable organizations that are located in the drainage districts for which the county cannot find addresses for this year in time to get them paid current.

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

OTHER

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

The proposed minutes of a regular County Commission meeting held November 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 November 1, 2011, as corrected.

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

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

There was none

#### PUBLIC INPUT

There was none.

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

There was none.

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

#### COORDINATION MEETING WITH US FOREST SERVICE AND THE BOARD OF MILLARD

COUNTY COMMISSIONERS

The commissioners met with representatives from the US Forest Service to discuss modifications to, or closures of certain roads located on Forest Service land.

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 1:08 p.m..

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

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