

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF FEBRUARY 2012
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers..... Chairperson
Bart A. Whatcott. Commissioner
Daron P. Smith..... Commissioner

Richard Waddingham County Attorney
Norma Brunson County Clerk
Marki Rowley. Deputy County Clerk

ALSO PRESENT: Ken Brown Western County Alliance
Wayne Jackson American Legion
Klint Penney East Millard Maintenance
Tiffany James Magnum Gas Storage
Trent Wilde USU Extension
Karen Banks USU Extension
Margaret Dutson USU Extension
Darlene Russell Citizen
Connie Hansen Recorder
Kevin Morris Millard County Recreation
Brandy Grace County Auditor
John Hansen County Treasurer

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 Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Whatcott read a quote from Edgar Bergen, “Hard work never killed anybody, but why take a chance”. He also read a quote from Billy Wilder, “Trust your own instinct. Your mistakes might as

well be your own, instead of someone else's". Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

PUBLIC LAND ISSUES UPDATE - KEN BROWN, WESTERN COUNTY ALLIANCE

Ken Brown, Western County Alliance (WCA), gave an update on public land issues. He said that the Secure Rural Schools (SRS) program expired at the end of last year. This program is an entitlement and is not viewed very well. Receiving this funding offsets the amount of PILT money that the counties receive. Senator Reid indicated that he is in support of re-authorizing SRS funding so they are trying to get it re-authorized at \$328,000,000.00.

Commissioner Smith said that Millard County has a hard time coming up with ways to spend the Title III money due to all the restrictions. The county has been thinking pretty creatively but have not been able to use that money. Commissioner Smith questioned whether the PILT money the county receives will shrink if the county chooses not to receive SRS money. The commissioners have talked about just giving the SRS money back.

Mr. Brown said that PILT full funding expires this year. To lose full funding of PILT is a real problem. PILT funding is a good thing not only to run through the county's general fund but that it comes directly from the Federal Agency instead of the State, who have been tempted and in some cases has taken the county's money to balance its own budget. Senator Reid has vowed to support the continuation of PILT full funding. Originally they asked that PILT full funding be permanently reinstated. Permanently reinstating PILT was denied due to the deficit wreck, but it was allowed for the next five years.

Mr. Brown discussed wilderness issues saying that Secretary Salazar has been trying a lot of fancy foot work relating to wilderness including wild lands which did not pass. Now Secretary Salazar is pursuing crown jewels on federal land in each county. Mr. Brown said that Congress put the Wilderness Act into law in 1964, therefore, Secretary Salazar cannot designate wilderness, only Congress can designate wilderness.

Mr. Brown discussed wild horse/burrow issues. The commissioners said that Millard County has a pretty active wild horse program which is run by Eric Reed with the BLM. The BLM does a good job managing the wild horses in the county by doing a yearly round up. There may be a few issues with some of the ranchers who may be fighting for a little bit of sheep ground or something of that sort. Mr. Reed is pretty good at keeping Commissioner Whatcott up to date with the program.

Mr. Brown said that the program was put into law in or around 1971 and since its establishment there has never been an elected county official who has served on that board. He questioned the board as to why this was the case and they responded that there has never been a push from the counties to have an elected official serve on the board.

Mr. Brown asked BLM Director Bob Abby to open the charter for that program, which is renewed every two years. Mr. Brown wrote a letter and the officers signed it. They were then advised to back away and to just nominate a county official to serve on that board.

Mr. Brown said that a bill was introduced relating to RS2477 to codify the decision of the

US 10th Circuit Court of Appeals. The US District Court Judge ruled against the counties, so the decision was appealed to the 10th Circuit Court of Appeals where a three judge panel overturned the District Court Judge and ruled in favor of the counties. Mr. Brown said that WCA would like to see that put into law but it will be a huge challenge to do so.

Mr. Brown revised the legislation and made some amendments to it. It is now ready to go, pending a sponsor. He said the good thing with Congressman Rob Bishop being the chair of the Resources and Public Lands Committee is they feel that they may at least get a hearing.

Mr. Brown discussed geothermal energy with the commission. Treasurer Hansen said that geothermal has pretty much zeroed out as far as Millard County is concerned.

Mr. Brown said that they would like to do a bill to propose legislation to put geothermal revenue on a permanent basis with a funding formula of 1/3 each for federal, state and county.

He said that they are proposing that the revenue from the program should flow from the federal agency directly to the counties.

Mr. Brown said that the Forest Service Travel Management Planning Process has created problems for some counties. He said that Elko County, NV is one of those counties affected and it is proposing to have a congressional hearing in Elko, NV which is scheduled for March 12, 2012. He suggested that the Millard County Commissioners attend that hearing. Mr. Brown will get the commissioners the information for the hearing.

Mr. Brown said that they have been monitoring the Mining Act and the Clean Water Act. They have been opposed to the amendments that have been proposed in the past. A congressman from West Virginia wants to amend the mining law so that hard rock mining will be removed from the mining act.

They also want to amend the Clean Water Act by changing the term “navigatable” to read “waters of the United States”.

Mr. Brown said that they are supporting Alton Coal to be able to expand into BLM land. They prepared a letter and submitted it to the BLM.

Mr. Brown said that they are moving on with membership. They are up to about 8 counties and are continuing to add more. He asked if Millard County would consider rejoining the membership.

The commissioners will discuss if they are interested in rejoining and will let Mr. Brown know of their decision.

Mr. Brown said that the membership fee schedule has changed from \$7,500.00 to a range of \$3,000.00 to \$5,000.00.

AUDITOR'S REPORT

Auditor Grace presented an invoice for the first half of the library bookmobile services in the amount of \$58,462.00.

Commissioner Smith made a motion to approve the payment for the library service with the bookmobile in the amount of \$58,462.00.

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

Commissioner Whatcott said that he has heard a lot of good comments about having the bookmobile services in the county.

Auditor Grace presented a bill she received from the Fire Service District. The Fire Service District was billed by ADC plumbing and heating for labor and costs associated with replacing the drain field for the fire station, the RV station and a home in Garrison. There was a note included with the bill that claimed the county agreed to split half the bill with the Fire District. The county's share would be around \$1,700.00.

Auditor Grace presented a letter of understanding she received from Larsen and Rosenberger asking the county to sign, acknowledging that it understands Larsen and Rosenberger's responsibilities to the county.

Commissioner Smith made a motion to sign the letter of understanding between Millard County and Larsen and Rosenberger for the independent auditing services.

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

Auditor Grace wrote an email to Glenna Matekel, with the State, asking for direction on how to write off a note that was part of a revolving loan fund for Central Utah Hay Testing. Ms. Matekel forwarded the email to Keith Heaton who responded that it was up to the county on how to deal with losses and defaults.

Some years ago the county started a revolving loan account where the county would help startup businesses get up and running. About seven of the businesses the county helped using this fund were able to pay the money back. The others were unable to pay the county back. The commissioners discussed writing this note off a while ago but were unsure as to how it would need to be handled.

Treasurer Hansen said that Central Utah Hay Testing has never been able to make payments. The commissioners have discussed this issue several times. The collateral for this business is very old and not worth anything and would not be worth repossessing.

Commissioner Smith made a motion to write off the balance of \$55,703.68 for the revolving loan that the county had entered into more than 15 years ago with Karen Harker, Beehive Seed, for the Central Utah Hay Testing equipment.

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

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen discussed the SRS funding with the commissioners. He said that there are a few different titles within the SRS fund, one being Title III money. The county receives Title III money on a yearly basis but there are a lot of restrictions and requirements for the use of the money. The county set up a Fire Wise Community Council to follow one of the requirements for using the Title III money. The county then authorized the money to be used for a project in Kanosh.

When Treasurer Hansen went to file the report he noticed that there were additional requirements that the county was not aware of at the time, which required publication, a comment period and that any project be submitted to the SRS Advisory Committee by a certain date. Because this requirement was not met prior to the project being started the county would not be able to use the 2011 Title III money. Treasurer Hansen said that the county already spent around \$5,000.00 on the project and will have to pay that back. The commission discussed from which fund that would need to be taken.

Treasurer Hansen said that he already told the State Treasurer's Office not to send the SRS money to the county and that the county would like to send back the Title III money it has already received. This would need to be done in letter form.

Commissioner Smith made a motion to reject the receipt of the Title III money from the State.

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

Treasurer Hansen will prepare a letter for the commissioners to sign and send to the State informing them of this decision. He also recommends sending a letter to the Forest Service informing them as well.

Treasurer Hansen presented the commission with a list of properties that are due to go to the final tax sale. He said that as they prepared the lists, several of the people who had been removed are back on the list.

Treasurer Hansen discussed the properties for the following people: Fred Hanberg, Hansen Gentry, Ed Daniel Harris, Daniel Bruce Jackson, Phil Lambertson, Keith Maxfield, Rod and Shar Olcott, Terry Penney, Gerald Perkins, Ruth Rawlinson, Tammy Rhodes, Terri and Larry Smith, Doug Stout, Todd Tolley and Jay Warnick.

Auditor Grace asked the commissioners to keep in mind those property owners who have had consideration in the past. She also asked the commission not to commit to making any decisions before talking to her or Treasurer Hansen privately when someone comes in to ask for consideration on their delinquent property taxes.

Auditor Grace said that the tax sale is scheduled for May 24, 2012.

Treasurer Hansen presented the commission with the financial report from the Treasurer's Office and the report of receipts and disbursements for the month of January on property tax money.

He also presented the commission with the overrides report which shows the total amount of the overrides that were processed during the year in relation to the property taxes collected.

Treasurer Hansen discussed with the commission a notice he received from the State Tax Commission which stated that SITLA had made a sale on some property.

OTHER

DISCLOSURE STATEMENTS

Disclosure Statements were submitted from the following employees:

- James B. Dean
- Ben McDonald
- Richard J. Carter

Commissioner Whatcott made a motion to accept the disclosure statements.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR TRIPLE H HUNTING, LLC - OWNER BRUCE HUBBARD

A business license application was presented for Triple H Hunting, LLC, an outfitter and guide for hunting trips. After review of the application and finding all the signatures in order, Commissioner Smith made a motion to approve the business license for Triple H Hunting, LLC - Owner Bruce Hubbard.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR BNY MELLON RCC, LLC

A business license application was presented for BNY Mellon RCC, LLC, for manufacturing refined coal product for use in an electric generation facility. After review of the application and finding all the signatures in order, Commissioner Whatcott made a motion to approve the business license for BNY Mellon RCC, LLC.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ARENA LINK PRODUCTIONS, LLC, DBA, DOUBLE DOLLAR RANCH - OWNER GREG KESLER

A business license application was presented for Arena Link Productions, LLC, dba, Double Dollar Ranch - Owner Greg Kesler, for production of roping events and a life skills program for young men. After review of the application and finding all the signatures in order, Commissioner Smith made a motion to approve the business license for Arena Link Productions, LLC.

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

REVIEW AND POSSIBLE APPROVAL OF A NON PLAT SUBDIVISION FOR THE PURPOSE OF BUILDING A SINGLE FAMILY DWELLING LOCATED AT APPROXIMATELY 1985 W 4500 S DELTA, UTAH. STEPHEN STYLER APPLICANT. APPLICATION #Z-2012-005

Commissioner Withers said that the Planning and Zoning Commission forwarded a favorable recommendation. Attorney Waddingham said that the county only received a certificate and it was his understanding that the property had already been divided out, which requires an affidavit to be filed with the certificate as well.

Commissioner Whatcott made a motion to approve the non plat subdivision application #Z-2012-005 for the purpose of building a single family dwelling located at approximately 1985 W 4500 S Delta, Utah, for Stephen Styler and to also include an affidavit with the certificate.

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

OPENING OF THE SEALED BIDS FOR RENOVATIONS OF THE LOCKER ROOM FLOORS AND TILE BASE AT THE EAST MILLARD SWIMMING POOL

Auditor Grace opened the following bids:

- Mountain Rose Construction in the amount of \$14,650.00.
- PEP Systems International in the amount of \$17,091.00, with a discounted amount for paying up front.

Commissioner Smith made a motion to accept the bids, submit them to Klint Penney, East Millard Maintenance, and Terry Cummings, East Millard Recreation, for review and make a decision within a week.

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

Later, Auditor Grace came to the commission with an email she received from Mr. Penney regarding a company inquiring if the county received its bid. The county did not receive a bid from an additional company, and the company had no proof that it had sent its bid to be received before the deadline. The company would be willing to drive the bid down from Salt Lake City if the commission would allow it. The commission decided that since the company had no proof that it had sent its bid in enough time to be received before the deadline they would not allow it to be considered.

MAGNUM GAS CONSTRUCTION AND PROGRESS UPDATE

Tiffany James presented the following:

- Dave Denton retired and Sam Quigley has taken over the water responsibility.
- Tiffany James has been moved into a partnership position.
- They have shifted the business focus on NGLs and are using it as a platform to start construction facilities.
- They signed a number of contracts last week; one in particular will provide them with the platform.
- They are hoping to start construction within 60-120 days.
- They have the notice to proceed from FERC.
- They will be getting the roads surveyed and mowing the areas down before construction starts.
- They are just finishing the RFPs for the bigger stuff ie: the ponds and the piping.
- They are doing the final review of the RFPs in the next couple of weeks.

Commissioner Smith said that the county has been working with SITLA to abandon certain roads and one person came forward claiming they would need access to the road. Attorney Waddingham, the commissioners and Ms. James discussed the roads and some private property that would be landlocked if the road leading to the property is vacated.

DISCUSSION AND POSSIBLE APPROVAL OF WAIVING THE PENALTY ON DARLENE RUSSELL'S PROPERTY TAXES

Darlene Russell said that when she went into the Treasurer's Office to pay her property taxes she was told that she did not owe anything. She later received a bill for \$22.00 which included a \$10 late fee. She asked the commissioners to waive the \$10.00 late fee since she was told that she did not owe anything.

Commissioner Withers said that the commission will need to discuss her request with the Treasurer and they will let her know of their decision as soon as possible.

POSSIBLE APPROVAL OF TRANSFERRING A PURCHASING CARD FROM DARLENE SCOTT TO BOBETTE WHITE

Trent Wilde invited the commission to attend the USU Celebration of 100 years.

Mr. Wilde said that Darlene Scott has officially retired. Ms. Scott carried a 4-H purchasing card and it needs to be transferred into the name of someone else so they can continue with 4-H.

They are hiring someone on the Delta side to fill Ms. Scott's position. They have received several applications and will be starting interviews on February 15, 2012.

Auditor Grace informed the commission that the card issued to Ms. Scott has been canceled and a new card will need to be ordered for Bobette White.

Commissioner Whatcott made a motion to approve a purchasing card for 4-H purchases for Bobette White with a limit of \$1,000.00.

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

POSSIBLE APPROVAL OF A COOPERATIVE AGREEMENT BETWEEN MILLARD COUNTY AND USU - TRENT WILDE

Mr. Wilde presented the Cooperative Agreement between Millard County and USU for the commissioners to approve and sign. He said that nothing has changed since last year other than the budget. Attorney Waddingham wanted to review the statute before the commission approved the agreement.

Commissioner Whatcott made a motion to table the approval of the Cooperative Agreement between Millard County and USU.

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

Later, Commissioner Smith made a motion to approve the Cooperative Agreement between Millard County and USU.

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

DISCUSSION REGARDING 4-H MENTORING - MARGARET DUTSON

Mr. Wilde said that every eight to ten years or so the county has a huge cricket problem. He said last year there was just a little outbreak which is a sign that this year there will be a huge mass. He would like to make cricket bate available to the public. He said that the State will usually purchase the bate and resell it to the county, who then would sell it to its residents.

Mr. Wilde said that there are three ladies who are involved with the 4-H mentoring program, Karen Banks, Margaret Dutson and Jackie Nielson. Ms. Nielson was the one who initially got this program up and running with the help of grants. The University has been running the program for the last several years with the help of funding from Work Force Service (WFS). The funding that the WFS has been giving is no longer available.

Ms. Dutson said that she has been working with the 4-H mentoring program for twelve years. She said when the program first started there were eight mentors and now they have more than forty mentors.

Ms. Dutson said that the highschool juniors and senior mentors in Delta each mentor the elementary and middle school children for one hour each week. She explained what is offered through the program. She said the program not only benefits those who are being mentored but it is also a benefit to those who are doing the mentoring.

Ms. Dutson said that through the program they offer a family night out and they invite the entire community to attend. She gave examples of some of the things that they have done for family night out and other activities that the program offers.

Mr. Wilde said that the funding for this program ends July 1, 2012. He asked if the county would fund the program so that it could continue. The program has been operating on \$40,000.00

and they think that they could continue to operate on about half that amount.

This program is currently only offered in Delta.

Commissioners Withers said that the commission would like to look into other funding for this program. They will discuss this further and will get back to Mr. Wilde with a decision.

Commissioner Smith made a motion to recess for lunch.

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

NOON LUNCH BREAK

Commissioner Whatcott made a motion to reconvene the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:39 p.m..

SIGNING OF APPROVED STEP AND GRADE - SHERIFF DEKKER

Commissioner Whatcott made a motion to strike this agenda item.

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

AMBULANCE ABATEMENTS - LINDSAY MITCHELL

Commissioner Whatcott made a motion to table the ambulance abatements.

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

PUBLIC INPUT

There was none.

POSSIBLE ADOPTION OF RESOLUTION 12-02-07, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH APPOINTING TRUSTEES TO THE BOARDS OF MILLARD COUNTY DRAINAGE DISTRICT 1 THROUGH DRAINAGE DISTRICT 4

Commissioner Smith made a motion to approve Resolution 12-02-07, a resolution of the Board of County Commissioners of Millard County, Utah appointing trustees to the Boards of Millard County Drainage District 1 through Drainage District 4: reappointing Klint Atkinson to Drainage District 1, reappointing Clayton Jeffery to Drainage District 2, reappointing Theo Berry to Drainage District 3, appointing Jared Bryan to Drainage District 3, reappointing Garth Lake to Drainage District 4 and also appointing Garth Lake to serve as the supervisor for Drainage District 4.

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

POSSIBLE ADOPTION OF RESOLUTION 12-02-07A, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING RESOLUTION 09-03-17 (ADOPTING THE MILLARD COUNTY STEP AND GRADE SCALE), BY INCLUDING A GIS DATA TECHNICIAN POSITION IN THE RECORDER'S OFFICE AND BASIC AND INTERMEDIATE EMERGENCY MEDICAL TECHNICIANS (EMT) POSITIONS IN THE SHERIFF'S OFFICE AND ASSIGNING THE APPROPRIATE STEPS AND GRADE

Commissioner Smith made a motion to table this resolution until later in the meeting.

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

Later, Auditor Grace said that she spoke to Mark Brady with UCIP regarding the new workers' comp laws which states that it does not cover the lost pay for volunteers with the exception of firefighters and law enforcement who are engaged in those acts who would then be covered for medical and lost wages, but this does not apply to EMTs who would only be entitled to medical benefits, not lost wages.

Auditor Grace read a decision relating to a specific case under the Fair Labor Standards Act regarding on call time, which states that with certain exceptions, the time EMTs are on call is not counted toward work hours.

Auditor Grace presented the attachments for the resolution.

Auditor Grace discussed eliminating the concession supervisor position on the step and grade scale. She also discussed transferring the recreation coordinator position from the maintenance department to the recreation department.

Commissioner Smith made a motion to adopt Resolution 12-02-07A, a resolution of the Millard County Commission amending Resolution 09-03-17 (adopting the Millard County Step and Grade Scale), by including a GIS Data Technician position in the Recorder's Office and basic and intermediate emergency medical technicians (EMT) positions in the Sheriff's Office and assigning the appropriate steps and grade.

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

DISCUSSION AND POSSIBLE ADOPTION OF AN AGREEMENT BETWEEN MILLARD COUNTY AND P.M. PROMOTIONS

Commissioner Smith said that Kevin Morris, West Millard Maintenance, has been working on an agreement with P.M. Promotions to promote 10 races per year that will be held in Delta, Utah.

Attorney Waddingham went over the contract changes and the insurance policy requirements. He emphasized the need for sufficient insurance coverage to meet the tort caps under the State's

Governmental Immunity Act and advised the commission that Millard County should be named as an additional insured on P.M. Promotions' insurance coverage for each race. Kevin Morris said that P.M. Promotions would insure each race at \$2,000,000.00 per occurrence (per race). Attorney Waddingham discussed the operation of the hold-harmless clause in the contract. He also discussed the waivers that need to be signed by each participant and gave his opinion on the effectiveness of the waivers.

Commissioner Smith made a motion to adopt the agreement between Millard County and P.M. Promotions contingent on Attorney Waddingham confirming the lease aspect of the contract and to include the changes made by Attorney Waddingham. ****need copy****

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

Attorney Waddingham said that the county needs to have the insurance policies in hand prior to the start of each race.

Commissioner Whatcott said that he really appreciates Kevin Morris for all the leg work that he has put in on this project.

DISCUSSION AND POSSIBLE APPROVAL OF SPOTLIGHTING PREDATORS AT NIGHT

Commissioner Smith was approached by a couple of people who wanted the county to create a resolution to allow spotlighting certain predators at night in hopes that the mule deer will come back to the county.

He talked to a number of people regarding this issue. There is state statute which governs the county adopting an ordinance to allow spotlighting in order to eliminate certain predators. The county can charge a fee and require a permit. The spotlight has to be carried and cannot be operated from the inside of a vehicle.

Commissioner Smith said that there are enough questions out there from folks that are involved in hunting circles as to whether it would be beneficial or not. Some people think that if this is allowed there might be more deer poaching. The county already participates in a predator voucher program.

Commissioner Smith recommends that the county stay with the current program it offers for predator control and not create an ordinance that specifies guidelines that someone can get a permit and legally spotlight predators.

He said that right now if you own property as an agriculture producer you can spotlight and exterminate predators that are causing damage to your crops or your operation.

Commissioner Whatcott said that the governor has charged DWR with improving the elk/deer herd. So there might be something coming out of that program that might help with the control of predators.

DISCUSSION AND POSSIBLE APPROVAL OF RESCHEDULING MARCH 6, 2012 COMMISSION MEETING TO MARCH 8, 2012

Commissioner Smith made a motion to cancel the March 6, 2012 Commission Meeting.

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

UNEV CONSTRUCTION AND PROGRESS UPDATE

Commissioner Withers read UNEV's construction and progress update which was submitted by Cindy Gubler via email. *See attachment.*

OTHER BUSINESS

Commissioner Whatcott discussed purchasing new microphones for the commission recording system since the old microphones are not picking up the voices very well. Commissioner Whatcott will order new microphones.

Commissioner Whatcott said that the State will be holding a meeting on April 17, 2012 regarding state road issues.

Commissioner Whatcott read a letter he received from UDOT regarding the north Holden to Scipio project which is scheduled to start in the fall of 2012.

Commissioner Whatcott received a letter regarding a SITLA project on the west desert by the boarder of Utah and Nevada.

Deputy Assessor Susan Wilcox said that Red Rock Cheese paid its personal property taxes which was discussed at an earlier meeting.

Commissioner Whatcott made a motion to accept Red Rock Cheese's payment in full and to not access a late fee or any interest.

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

Commissioner Smith said that Julie Nelson had scheduled a political meeting for some of the political candidates who are running for state office to come and meet in Delta. There were some issues with the building she originally was going to use so she used Max Wood's office and wondered if the county would waive the fee since it was a political event. The policy states that the county can only waive up to \$50% of the fee for a building that they lease out.

Commissioner Smith made a motion to waive 50% of the fee for use of the rec room at the extension office in Delta.

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

Commissioner Smith said that a little while ago he made a mistake in a public hearing and in the minutes regarding the policy of the county's wellness program. He wanted to correct his earlier statement and clarify that the spouses of county employees can use the swimming pool facilities for a physical activity at no charge as part of the wellness program.

REVIEW OF THE ENVIRONMENTAL ASSESSMENT REPORT FOR MILFORD WIND PHASE III - BRIAN HARRIS

Commissioner Smith made a motion to table this agenda item.

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

APPROVAL OF JANUARY 17, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 17, 2012 were presented for consideration and approval. Commissioner Whatcott made a motion to approve the minutes of January 17, 2012, as presented.

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

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

Commissioner Whatcott attended and participated in the following:

- A West Desert Water meeting sponsored by the BLM in Las Vegas, Nevada on January 18, 19 and 20, along with the other commissioners and Attorney Waddingham.
- A Utah Pipeline Association meeting held in Fillmore, Utah on January 24, 2012.
- Reviewed the construction plans on the ambulance building with Sunrise Engineering on January 25, 2012.
- A Utah Rural Legislative Day at the Capitol Building in Salt Lake City on January 27, 2012 and on February 2, 2012, along with the other commissioners.
- An East Millard Recreation meeting on January 30, 2012 regarding upcoming events and maintenance issues to resolve prior to the start of the soccer and baseball season.
- Worked on the County Seat Program with Producer Derek Dowsett on January 31, 2012. Commissioner Whatcott escorted Mr. Dowsett to the Peak Minerals location where he interviewed personnel employed by Peak Minerals. He also participated in a tour of the lake and the drilling activities there.
- A Six County Association of Governments meeting in Richfield, Utah on February 1, 2012.
- A meeting with Zane Pentz and the contractor to start finalizing construction progress on the Millard County Ambulance Building on February 3, 2012.

Commissioner Smith said that all three commissioners have been spending a lot of time at the State Legislative session and are actively involved with the bills that would be proposed and would affect county government. Every Thursday the commissioners participate in UAC's process.

Commissioner Withers met with the Rodeo Committee and also met with the Community First Program in Delta.

Commissioner Smith said that Linda Gillmor, Millard Economic Development Association Director, did a great job with her booth at the Utah Rural Legislative Day held at the Capitol

Building in Salt Lake City.

He also said that Commissioner Whatcott and Peak Minerals did a good job with the County Seat TV program which featured Peak Minerals and the impact on our county.

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 Whatcott made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 3:07 p.m..

Attest: _____

Approved: _____