MINUTES OF BOARD OF COUNTY COMMISSIONERS MILLARD COUNTY THE 17th DAY OF APRIL 2012 AT THE COURTHOUSE, FILLMORE, UTAH

James I. Withers
Bart A. Whatcott
Richard Waddingham
Norma Brunson
Marki Rowley Deputy County Clerk
Daron P. Smith
ENT: Tiffany James Magnum
Sam Quigley
Linda Gillmor Millard Economic Development Association (MEDA)
Matt Bishop, Brandon Anderson,
& Rick Smith Delta Conservation Districts
Jason Smith, Clint Conder, Mani Grewal Citizen
Connie Hansen County Recorder
John Hansen County Treasurer
Brandy Grace

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, 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 Withers excused Commissioner Smith from today's meeting because he is attending a mental health conference in Chicago. Commissioner Whatcott gave a quote: "Governments are instituted among men deriving their just powers from their consent of the governed." Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

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APPROVAL OF APRIL 3, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 3, 2012 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Whatcott made a motion to approve the minutes of April 3, 2012, as corrected.

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

TREASURER'S REPORT

Treasurer Hansen said that the commission will be meeting with Mani Grewal regarding the tax status on his motel property. Mr. Grewal met with the commission on March 15, 2011 to discuss this same issue.

Mr. Grewal claims that his situation is worse than it was last time he met with the commission. Treasurer Hansen sent Mr. Grewal a letter informing him of what was decided at the conclusion of the March 15, 2011 Commission Meeting. That letter was presented to the commission for review.

Mr. Grewal has not been able to make any payments toward the delinquent property taxes as per his agreement with the commission. The agreement made at that time was that if Mr. Grewal would make quarterly payments and bring the balance current the commission would waive penalties and interest.

Treasurer Hansen discussed the bankruptcy of Davis Freight with Attorney Waddingham.

Treasurer Hansen received a notice of default and election to sell regarding Red Rock Cheese Co.. He will discuss this matter further with Attorney Waddingham.

Attorney Waddingham said that he was contacted by Julia Kyte, an attorney from Stirba & Associates, requesting information on a pending lawsuit involving the Utah Taxpayers Association and the Utah Restaurant Association against various Utah counties. He responded to her that Millard County does not have a restaurant tax and would not be affected by the lawsuit.

Treasurer Hansen said that this has been an ongoing deal with UAC for some years. Even though the county is not involved in having a restaurant tax it has been included in what is going on with it.

Auditor Grace said that there was a proposal, which did not pass, that if the county did not impose the tax the State would step in and impose the tax and would receive the revenue from that tax.

Treasurer Hansen said that Commissioner Whatcott gave him a list of questions that he has been asked regarding county issues. Treasurer Hansen said that he thinks that the county needs to do a much better job of public relations by letting people know what is going on.

Treasurer Hansen said that if the commission would address these kinds of questions and put them in the paper it would help eliminate some of the aspect that the public is never informed.

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OTHER

AUDITOR'S REPORT

Auditor Grace presented an invoice for Book Mobile Services effective from January 1, to June 30, 2012 in the amount of \$58,462.00.

Auditor Grace asked if the commission decided if they would like to make the payment requested by Panaramaland RC&D which she brought to the commission on April 3, 2012 for approval. Commissioner Whatcott said that he has been unsuccessful in reaching someone from that agency and requested this be brought back to the next commission meeting.

Auditor Grace received a phone call from Evelyn Monroe from the Scipio Senior Citizen Center. She said that since Eileen Thompson, who was administrating the Scipio Senior Citizen Center, passed away last fall, nobody was aware that the Center received a quarterly contribution of \$750.00 from the county. Ms. Monroe said that she will submit a request for the 2012 1st quarter. Auditor Grace said that she would have to discuss with the commission whether the county would be able to distribute the 2011 4th quarter since that budget has already been closed.

Commissioner Whatcott said that he will talk to Scott Christensen with SCAOG regarding informing new hirees in these positions of things that need to be done.

Commissioner Withers said that the Scipio Senior Citizen Center needs the money to run its facility. The commission approved the \$750.00 contribution to the Scipio Senior Citizen Center for its 2011 4^{th} quarter.

Auditor Grace updated the commission on an earlier meeting regarding loans through the John Hancock Plan. She said that right now there are nine participants who have current loans with the John Hancock Plan. URS is investigating what will happen to those outstanding loans.

Mikle Sharp suggested to have the Transamerica trustees be involved with the conference call or be present for the meeting in Ogden at 10:30 a.m., Thursday, April 19, 2012.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

RATIFY THE APPOINTMENT OF COMMISSIONER WHATCOTT AS A TRUSTEE FOR THE MILLARD COUNTY 401K PLAN FOR TRANSAMERICA

Commissioner Whatcott made a motion to table the ratification of appointing Commissioner Whatcott as a trustee for the Millard County 401K plan.

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

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DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR BVB COMMUNICATIONS, OWNER MICHELLE IVERSON

A business license application was presented for BVB Communications, a mentoring program for women through phone conversations. After review of the application and finding all the signatures in order, Commissioner Whatcott made a motion to approve the business license for BVB Communications - Owner Michelle Iverson.

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

CONSTRUCTION AND PROGRESS UPDATE FROM MAGNUM GAS STORAGE - TIFFANY JAMES

Tiffany James reported the following:

- There has been a lot of activity on the site.
- They moved about 216 acres in the vicinity of two cavern paths and a brine pond, which will enable them to start construction in June. Jake Smith did the moving.
- They had an environmental inspector come out, per the agreement, to make sure that the contractors stay informed and are properly trained. They also had an archaeology monitor come down to represent SITLA for areas that have high probability for culture resources.
- They are anticipating on starting construction in June.
- They have a new joint venture partnership with Inergy, which is a billion dollar enterprise company. They signed a memorandum of understanding with Inergy. Inergy has salt cavern storage facilities across the United States. They also have storage facilities that cater to natural gas liquids (NGL), propane, butane and natural gas. The initial kickoff for the partnership was done in February. Since then Inergy has been joint marketing the project with Magnum. The joint venture with Inergy is exclusively for the natural gas liquids with a total of three million barrels.
- The commercial contracts need to be finalized before they can start construction. They will then start constructing the basic site components of the gas storage sites in June. Then they will start the brine pond construction and start drilling the caverns in July. Once the caverns are drilled and the ponds are built they will start the solution mining process.
- They would like to see operations start in April 2013.
- The NGL caverns are going to be much smaller than the natural gas caverns. The natural gas caverns were about 300 ft down and 1400 ft tall and contained about ten million barrels of capacity. The NGL caverns are going to be anywhere from a half a million barrels to three million barrels.
- They will have an official ground breaking as soon as they get confirmation when they will start construction on the site. July 15, 2012 is the exclusionary period.

Commissioner Whatcott encouraged Magnum to participate in the county fair by setting up a booth, answering questions and giving information to the public regarding this project.

DISCUSSION AND POSSIBLE APPROVAL TO REDUCE THE FEE FOR THE HINCKLEY LIONS CLUB TO USE THE PORTABLE BLEACHERS FOR THE HINCKLEY LIONS CLUB DEMOLITION DERBY

Commissioner Withers said the Hinckley Lions Club does a lot for the community. He suggested to give them a break for the use of the bleachers because they do so much for the community.

Commissioner Whatcott made a motion to reduce the usage fee for the portable bleacher by 50% for one year for the Hinckley Lions Club.

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

FOLLOW UP DISCUSSION REGARDING CLOSURE COSTS FOR THE MILLARD COUNTY LANDFILL

Commissioner Withers said that in the past there were some misunderstandings of how much money the county needed to have in the account for the post closure landfill costs.

This spring the county had Sunrise Engineering reevaluate what the county would need to have in the account. When Sunrise Engineering came in with its valuation it was quite a bit higher than what the county had originally thought. The county thought that it only needed to have \$9,000.00 in the account for post closure costs but instead needed to have \$9,000.00 a year for thirty years in the account.

For both closure costs and post closure costs, the proposal was to transfer \$250,000.00 to the PTIF account within the next two weeks which would make the county deficient by about \$605,000.00, with anticipation of putting \$50,000.00 a year plus the accrued interest into the PTIF account. Then, within $7\frac{1}{2}$ years the county would have the amount in the landfill fund that is needed.

Auditor Grace said that after the initial conversation at the last commission meeting Sheryl Dekker, County Planner, contacted the firm formerly known as Vector who done the initial closure and post closure analysis. Sunrise Engineering presented an amount of \$1,073,638.00 for the closure and the post closure costs. The firm formerly known as Vector reviewed all of the information and the figures again and came up with an adjusted amount of \$931,921.00 for the amount that needs to be set aside for closure and post closure costs.

Ms. Dekker contacted Matt Sullivan, Utah Division of Solid and Hazardous Waste, and explained the revised figure to him and asked if the county could remit the \$250,000.00 now and make annual payments of \$50,000.00. She has not yet heard back from him.

Auditor Grace said that she had done some analysis for revenue and expenses and feel that the county would be able to come up with the \$50,000.00 a year but if more is needed the county would have to consider a rate increase to help cover the expense.

The commissioners discussed with Treasurer Hansen a possible letter of credit for this issue.

Commissioner Withers said that before moving forward, the county would need to see if the amount planned to be set aside will be acceptable. If not, the county will have to discuss a different

route.

Auditor Grace said that Ms. Dekker is planning on sending a request for payment authorizing the transfer of the \$250,000.00 into the PTIF account which the commission will need to sign off on

Treasurer Hansen gave a brief background on the landfill from when it was first started. He proposed that if the county might need to do an increase that incremental increases be looked at to see what changes in revenue would be generated and the amount that it would have to be increased in order to meet the required reserve. It had been determined from previous experience with increases that small changes on a reoccurring basis are more tolerable from a public perspective.

Commissioner Withers suggested to get some numbers together and do an analysis then continue this discussion at a later time.

Commissioner Whatcott made a motion to transfer \$250,000 from the landfill fund balance to a reserve account for the purpose of post closure fees associated with the Delta landfill site.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE REQUEST TO VACATE CERTAIN MILLARD COUNTY CLASS "D" ROADS AND REMOVE SAME FROM AN OFFICIAL MAP OF MILLARD COUNTY

Commissioner Whatcott made a motion to enter into a public hearing for the purpose of receiving public comment on the request to vacate certain Millard County Class "D" Roads and remove same from an official map of Millard County.

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

Present were: Connie Hansen, Linda Gillmor, Tiffany James and Sam Quigley.

Commissioner Withers called the public hearing to order at 11:16 a.m..

Attorney Waddingham went over the maps which showed where the roads to be vacated are currently located.

Linda Gillmor, MEDA, asked about the roads that have access to land with current cattle permits. It was explained that this should not restrict grazing permits.

There were no other comments made.

Commissioner Whatcott 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 11:21 a.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 12-04-17, AN ORDINANCE VACATING CERTAIN MILLARD COUNTY CLASS "D" ROADS AND REMOVING SAME FROM THE MILLARD COUNTY TRANSPORTATION MAP

Attorney Waddingham said that SITLA sent a petition asking that these roads be vacated. He went over the requirements and the provisions of the ordinance. He said that there was one complaint, that he is aware of, from a lady who was worried about getting cattle in to graze on her property if these roads are vacated. This complaint has been addressed.

Attorney Waddingham said that notice was sent to everyone who owns property abutting the road. Notice was provided as required by law. Vacating these roads will not be detrimental to the health, safety, welfare or general interests of the residents of the county.

He said that he adopted the recitals as part of the ordinance because the recitals discuss two mandatory findings which the commission adopted: good cause to vacate the roads and that neither the public interest nor any person will be materially injured by the vacation.

There is a small portion of private property that has been excepted out of the description.

The ordinance requires that a map showing the deleted roads that were vacated be recorded in the Millard County Recorder's Office.

Commissioner Whatcott made a motion to adopt Ordinance 12-04-17, an ordinance vacating certain Millard County Class "D" Roads and remove same from the Millard County Transportation Map and to adopt the new Transportation Map.

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

DISCUSSION AND POSSIBLE CONTRIBUTION TO A REGIONAL ECONOMIC DEVELOPMENT ANALYSIS FOR MILLARD COUNTY IN COOPERATION WITH THE OTHER COUNTIES IN THE SIX COUNTY ASSOCIATION OF GOVERNMENT (SCAOG) REGION

Linda Gillmor, MEDA, said that not too long ago several of the economic development directors from SCAOG applied for a grant from the Economic Development Corporation of Utah.

Sevier County took the lead on this grant since it is the largest county and was able to contribute \$5,000.00. As a region the counties were hoping to have a \$5,000.00 match but were only awarded \$3,000.00. In the mean time they have looked at different consultants who could do a regional economic analysis. The Weakstrom Company is the best that they have found so far.

Ms. Gillmor presented the commission with a sheet that showed the different phases of economic analysis.

Phase I is an economic analysis, which is gathering data that already exists. It will also identify what the supply chain is as well as identify what suppliers are out there.

Phase II is where they look forward to what can be done, what industries should they go after and which counties should go after what, depending on the strengths each county has. This is where

the counties are going back to their commission to see what they are willing to put toward each level. During this phase the consultants would come in and talk to the commissioners and the economic development offices to make sure they understand what potential the counties have.

Phase III would be to develop a road map and what steps to take to implement this project.

Ms. Gillmore said that Sevier County is going to pay to gather all the data. This project will benefit all of the counties so it only seems reasonable that each county step up and contribute some money. They have asked each county and the Small Business Development Center to participate but the most obvious beneficiaries are each of the counties.

Ms. Gillmore said that Sevier, Juab and Millard County are the counties that are poised for more economic development.

Ms. Gillmore will be meeting with Economic Development Corporation of Utah next Tuesday. They will be going out and looking at the Technical Center and Peak Minerals. The State has noticed that the county has potential and part of the economic analysis is looking at the labor force to see if the counties can bring in a big company.

Ms. Gillmore said that she participated on a round table on the County Seat and they were rather open in what they intend to do. They will start in Sevier County and will be constantly working with the Delta Technical Center as well.

Ms. Gillmor said that she would have hoped that the commissioners would have given this some thought before the meeting but she will need a decision ASAP.

This is separate from the grant. This is an analysis which will verify that the county can actually come up with knowledgeable employees and that is what Snow College is helping with.

The commissioners will review the information presented with Commissioner Smith. They would like to take some time to do a little bit more research on this and see what benefits this would bring to our county.

Ms. Gillmor said that she would suggest the commission think about whether or not they want to do recruitment.

Commissioner Whatcott said that he thinks that they should build up the businesses that are already in our county.

Commissioner Withers said that he does not have a problem with investing money as long as he can see what the benefit is.

Ms. Gillmor suggested that while they are doing their investigation they ask not only if there is an immediate benefit but what they intended on using the data for.

DISCUSSION AND POSSIBLE APPROVAL OF UTAH CONSERVATION DISTRICT PRINCIPLES

Commissioner Withers said that the State is wanting to combine the soil conservation districts into one entity. The county feels that agricultural practices on the east side of the county compared to the west side of the county are so much different.

Rick Smith said that they are talking about streamlining government. They are looking at conservation boards and districts in Utah. They are trying to see how they can save money. One

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proposal they are considering is to try and incorporate multiple districts located in one county into one county-wide district so that there are 29 conservation districts. He said that this will greatly affect Millard County.

Commissioner Whatcott said that he had a really good meeting with Doyle Mitchell and another conversation with Lars Rasmussen. He said that he always has supported the separation of two districts. The diversity that they have between the two districts regarding farming is very different.

Matt Bishop said that the original conservation districts were set up as a water shed, which seemed to work out well in the past. They talked about the differences between the irrigation systems.

The commission discussed writing up a proposal to support the separation of the two districts and to send it to the State.

Commissioner Whatcott said that he does not see the cost savings because they want to combine them down to 29 districts but will have to create more jobs which will cost more money. He said that he supports the two separate districts for Millard County.

Commissioner Withers said that the county will write the letter and put it on the agenda as a resolution to support the separation of the two districts. They will get the letter done within the next couple of days and will make sure that it gets to the leadership in UAC and that one is mailed to Commissioner Blackam and maybe even one to the governor.

This will be brought back to the next commission meeting as a resolution.

DISCUSSION REGARDING PAYMENT OF PROPERTY TAXES - MANI GREWAL

Mani Grewal came to discuss his property taxes. He said that he could not make the payments that were agreed on last March, due to several circumstances. Mr. Grewal paid \$14,839.30 for the year 2008 and \$14,248.52 for the year 2009 last March, which he thought would have brought him current for those years. He did not understand that any payments made goes to the most current year first.

Mr. Grewal leases the motel to Clint Conder. He said that the revenue has shrunk to less than half since he was last here. He went over numbers of revenue and how much he paid for the building in 2007. They had to drop the franchise name due to the percent charged to be a franchise.

Mr. Conder was supposed to pay the property tax payments but he has not been able to pay the lease payments for the past four months. He said that it has been hard just to pay the electric bill.

Mr. Conder called Assessor Pat Manis and told him that the appraisal they are using for the taxes is way out of line. He feels that based on current value and revenue received from the motel, the taxes should be based on less than half of a million in revenue and not one million.

They met with Assessor Manis and based on what they told him he said that there are grounds for reappraisal but they will have to go through the BOE process in July for discussion on the 2012

taxes.

Treasurer Hansen explained that once the taxes have been assessed the county cannot go back and change the value but the commission has the ability to abate some of the taxes that have been assessed.

When Mr. Grewal first came to the commission in March of 2011 the commission made a motion to waive the penalties and interest on the delinquent property taxes for 2008, 2009 and 2010 for the motel if the 2011 property taxes were paid current and Mr. Grewal continued to make monthly payments of \$500.00 until the delinquent 2008 property taxes were paid.

Treasurer Hansen said that they owe taxes as far back as 2008 2009 and all of 2011 and the agreement made in 2011 would need to be reimplemented in order for the penalties and interest for those years to be waived.

Commissioner Withers asked Mr. Grewal and Mr. Conder whether they have a future business plan where they felt like they could get the business running back in the black. M $\, r \,$. Grewal and Mr. Conder went over a few things they plan to do to bring in more revenue for the motel. They also said that the economy is beginning to show signs of improving which will also help revenue.

Commissioner Withers asked if Mr. Grewal would be able to put any money on the 2008 taxes before the 2012 taxes are due. Mr. Grewal said that he will pay the 2011 taxes current on all three parcels by the end of May.

The commissioners would like to discuss this further with Treasurer Hansen and will get back to Mr. Grewal.

Commissioner Whatcott made a motion to recess for lunch.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:37 p.m..

NOON LUNCH BREAK

Commissioner Whatcott made a motion to reconvene the meeting.

Commissioner stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:45 p.m..

PUBLIC INPUT

There was none.

DISCUSSION REGARDING A SITUATION WITH THE MILLARD COUNTY JR. LIVESTOCK SHOW

Commissioner Withers said that he met with the Jr. Livestock Committee a couple of times. They are trying to work out if they are covered under the county's insurance or if they will be covered under their own insurance. They have decided to have their board as a 503C corporation. They are now just working out the details on how they will be insured. There are a few options they are looking into and going forward they will find out which is the best option not only for the county but for those who serve on the independent board. They will then decide what direction is best to go.

OTHER BUSINESS

Deputy Clerk Marki Rowley asked the commissioners to go through and update the members who serve on the boards and committees that each commissioner is over so that she may update the records in the Clerk's Office as well as the county website.

Attorney Waddingham received a call from Scipio Mayor Burtis Quarnberg. He wanted to know if there was a contract in place between Millard County and Scipio Town for building inspection services. A resolution is on file at the Clerk's Office which refers to an attached agreement between Millard County and Scipio Town, but the agreement was not found.

The county has been performing the building inspection services for Scipio. Mayor Quarnberg informed Attorney Waddingham that Scipio Town would like to use both the county and somebody else to perform inspection services. Attorney Waddingham said that one inspection office needs to provide the inspection services on one project.

Commissioner Withers said that if there is not a contract on file then it is up to Scipio in which direction they want to go.

Commissioner Whatcott suggested to stay out of it because it could be a big hassle. Commissioner Withers said that the inspector that Scipio will probably end up using would be the inspector the county is contracted to use when the county's inspector is unavailable.

Attorney Waddingham will send a letter to Mayor Quarnberg informing him that the county would like a contract with the county performing all services or Scipio Town can use whoever they want to use.

Attorney Waddingham presented the new contracts with the Forest Service for the commission to sign which was discussed at the last commission meeting. **need copy**

Attorney Waddingham said that the county needs to hold a public hearing for the boundary line changes with Juab County. Recorder Connie Hansen will be sending out notices and maps to the property owners. Recorder Hansen said that she would like to have the date of the public hearing listed on the notices that she will be sending out. No private property owners or grazing permits will be affected by this boundary change.

The Public Hearing for Millard County will be held Tuesday, May 15, 2012 at 2:00 p.m..

Attorney Waddingham said that Peak Minerals filed change applications or appropriations for water at Sevier Dry Lake. He said that he knows the commissioners support the project but he

needs to know if they plan on protesting it. He said this needs to be on the record because Attorney Steve Styler from Attorney Waddingham's office works with Peak Minerals so he wanted to acknowledge this conflict. The protest period will end in a few weeks.

Attorney Waddingham informed the commissioners that they have the right to disqualify him and to seek an opinion from a different attorney as to whether they think the county should protest or not. He emphasized that the protest period ends soon.

Attorney Waddingham said that he spoke to Mark Ward, UAC, regarding the appeal on the Spring Valley change applications filed by Southern Nevada Water Authority. Mr Ward said that he contacted Nevada legal counsel and is going to start the process today and will send a copy to Attorney Waddingham so that he can take a look at it and get the appeal filed in a timely matter.

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

There was none.

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 Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 2:06 p.m..

Attest:	Approved: