

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 6th DAY OF NOVEMBER 2012
AT THE COURTHOUSE, FILLMORE, UTAH

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

Richard Waddingham County Attorney
Marki Rowley. Deputy County Clerk

EXCUSED: Norma Brunson County Clerk

ALSO PRESENT: Peter C. Vander Meide..... Citizen
Daron Dators & Ashley Smith..... ENEL
Dean Draper Chronicle Progress
Bryant Anderson Commercial Business Radio, LC
Tate Bennett County Public Defender
Brandy Grace County Auditor
John Hansen County Treasurer
Pat Manis County Assessor

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, Utah, 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 Clerk Brunson from today’s meeting due to it being “Election Day”. Commissioner Whatcott read a quote from Andrew Jackson: “Peace is what you have when you are standing around reloading”. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF OCTOBER 16, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 16, 2012 were presented for consideration and approval. Commissioner Whatcott made a motion to approve the minutes of October 16, 2012, as presented.

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

AUDITOR'S REPORT

Auditor Grace presented a cell phone allowance request for Jared Blad. Mr. Blad is a new hire in the Sheriff's Office.

The Commission approved a cell phone allowance in the amount of \$40 for Jared Blad.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a hardship abatement for Teri Hoover parcel # F-38.

Commissioner Smith made a motion to abate 50% of Ms. Hoover's property taxes, based on income.

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

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

OTHER BUSINESS

Commissioner Whatcott was contacted by a few residents who were upset that a land owner has been blocking access to public roads that lead to Forest Service lands. Commissioner Whatcott asked Attorney Waddingham to send a letter to the land owner informing him that he cannot block public access roads. Attorney Waddingham said the Forest Service should be contacted regarding this matter.

Commissioner Smith informed the Commission that it needs to designate a representative and an alternative representative for the Utah Counties Indemnity Pool Annual Membership Meeting.

Commissioner Whatcott made a motion to adopt Resolution 12-11-06, a resolution appointing Daron Smith as the representative and James Withers as an alternative representative from Millard County for the Utah Counties Indemnity Pool Annual Membership Meeting.

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

Commissioner Smith said that the well burned up at the golf course in Delta. It will cost around \$3,000.00 to fix it. This item will be discussed at a future commission meeting when the work is completed and a bill is received.

TREASURER'S REPORT

Treasurer Hansen presented the Reconciliation of County Funds report between the Treasurer and the Auditor, the Distribution of Property Tax Collections report and the Reconciliation of the Tax Receipts for the month of October. He said that there is a larger distribution on property taxes this month due to the amount of money that has started to come in. The amount that goes to the school district is up. He was informed by IPP that a big payment would be here on November 30, 2012 and it will be distributed in December to the School District.

Treasurer Hansen said that the Treasurer and the Auditor are in balance as far as the funds and the cash balance by category.

PRESENTATION BY ENEL GREEN POWER (EGP) NORTH AMERICA REGARDING A PROPOSED GEOTHERMAL PROJECT IN SULPHURDALE

Daron Dators, Environmental Manager, and Ashley Smith, Environmental Specialist, with EGP gave a presentation on the proposed geothermal project near Cove Fort.

Mr. Dators said that there was an operating facility there at one time which was operated as a steam or flash geothermal facility. EGP took over the project in 2007 and has been developing it ever since.

They brought maps for the Commission to review and explained their project. Mr. Dators explained that there are two types of geothermal facilities: Flash type and Binary type.

The Flash type uses low pressure steam at the teitions out of the ground and is typically above 350° and goes through a separator to get the moisture out of it. It then goes into a low pressure turbine that is attached to the reduction gear that drives the generator and produces power.

The Binary type uses hot water by pumping it out of the ground, and running it through a simple shell in a tube feed exchanger, where the water goes throughout the tubes and then is re-injected.

The working fluids typically get pumped through the tubes in that shell and transfers from a liquid to a super heated vapor that drives the turbine which is coupled to a reduction gear generator that produces power. The exhaust gas from the turbine goes into an air cool condenser, much like a radiator, and condenses back to a liquid and the process starts over again.

Mr. Dators said that they just wanted to talk to the commission about the project. He said that the Cove Fort project only has one production well in Millard County and they have applied for a Conditional Use Permit for that one well. He said that they wanted to address any questions that the commission may have.

Mr. Dators reported the following:

- They drilled 8 wells; 5 production wells and 3 injection wells.

- They plugged in a band and the steam wells used in the previous facility.
- There are a few wells in place that they will use as monitoring wells.
- They will have constant monitoring of the wells.
- They have a power purchase agreement with the Salt River Project in Arizona on a 20 year basis.
- The project will have a 17 megawatt net because the Binary produces more in the winter time than in the summer.
- There are two distinct aquifers.
- They have invited people with concerns to participate in the monitoring program of the wells.
- They will make sure that they will not impact local residents. The closest resident to the project is 3 miles away.
- They have a \$50,000.00 bond with BLM which is the standard requirement and covers reclamation activities in the event the project is abandoned. They also have a \$50,000 bond with the State of Utah, Division of Water Rights, dealing with the wells if the project is ever abandoned.
- There will be a total of 8 wells, which they are done digging. If they need to drill another projection well they may drill one but that will be all they drill for the near future.
- They do have potential to develop Cove Fort Phase I, II or III if the project is successful.
- They have invested \$30,000,000, so far, in the power plant which costs around \$75,000,000 and are really confident the plant will be in operation for a long time.
- They need to be on line before the end of 2013 because there are tax incentives involved. If they are not up and running by the end of 2013 they will lose up to 30% of the project costs.
- BLM is lobbying for an extension because it has a lot of open land for solar development and will get incentives as well.

Mr. Dators explained the maps to the commissioners in more detail and addressed a few of their questions and concerns.

Peter C. Vander Meide expressed his concerns for the project. He said that if the company would be responsible for its actions by putting a statement out stating that it will be responsible for any damage caused by its project, it would have a lot of supporters instead of protesters. He said that it should have put up more than the required amount of a bond.

He said that Cove Fort is responsible for the drinking water for the residents and ENG claims there will be no effect on the residents water rights because ENG will be using the water below 5000 ft. Mr. Vander Meide said that he has viewed all kinds of studies done by Eugene Clark, Professor at BYU, and other Geo Physicists. He has spoken with Professor Clark who has done 40 years of research in this specific area.

Mr. Vande Meide said that according to that research the upper layer of water is definitely connected to the lower layers of water through fault lines. He presented a map of the fault lines in the area to the Commission as well as a list of recorded sizemic tremors per day. He said that they

average about 5 seismic tremors per day. He gave an example where a seismic tremor caused his water well to go dry.

Mr. Vande Meide said that ENG would have a lot more supporters and less protestors if it would put up a surety bond for fixing any damage to Cove Fort's water.

Commissioner Whatcott encouraged ENG to talk with the Commission of the county they are doing a project in, so they can keep their residents informed on what is going on in their county.

PERFORMANCE REVIEW OF THE PUBLIC DEFENDER CONTRACT

Commissioner Whatcott said that he has talked to several deputies and other employees who work in the Public Safety building regarding Tate Bennett, Public Defender, and all have given good comments. He said that he has not heard one negative comment about him. Commissioner Withers and Commissioner Smith agreed; they too have only heard good comments about Mr. Bennett.

Commissioner Whatcott said that he appreciates the good service that Mr. Bennett provides. Mr. Bennett said that he appreciates the opportunity to provide the service to the County.

Commissioner Smith asked how things were going for Mr. Bennett and if he knew if his case load has gone up or down from last year.

Mr. Bennett said that his case load this year compared to last year has gone up, not significantly or dramatically but it has gone up by about 10%. He said that there have been months where there was not much going on, but other months where it has been really busy.

Attorney Waddingham said that he appreciates Mr. Bennett and he too has only heard positive comments about Mr. Bennett as well.

The Public Defender contract is up the end of this year and has an option for renewal. This item will be brought back for possible renewal at the December 18, 2012 Commission Meeting.

Mr. Bennett said that there is still a possibility of him moving further North for family medical reasons.

Commissioner Withers told Mr. Bennett that when such issues come up, come and talk with the Commission.

DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED CONTRACT RENEWAL BETWEEN MILLARD COUNTY AND COMMERCIAL BUSINESS RADIO, LC - BRYANT ANDERSON

Bryant Anderson presented the renewal contract and said that he appreciates the opportunity to serve the county. He explained changes made to the contract. The new contract amount is \$30,818.00 which is \$6,000.00 less than last year's contract.

Attorney Waddingham said that he has noticed that over the last several years the cost of the contract has decreased each year. Mr. Anderson explained the reasons for the decrease over the last few years.

Commissioner Withers asked if Mr. Anderson was going to fix the ambulance pagers on an as need basis. Mr. Anderson clarified that he will fix the pagers on an as needed basis and the cost for fixing the pagers is already included in the contract.

Commissioner Whatcott made a motion to renew the contract between Commercial Business Radio, LC and Millard County for the year 2013.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS CONTINUED

A business license application was presented for Palm Tree Rents, a business that rents non-motorized water toys. After review of the application and finding all the signatures in order, Commissioner Smith made a motion to approve the business license for Palm Tree Rents - Owner - Shellie & Lewis Dutson.

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

Commissioner Withers attended a meeting with the West Millard Rodeo Committee. They want to come to the Commissioners to discuss the option of selling beer at the rodeo and other county events.

Commissioner Whatcott read the equestrian park rules and regulations regarding alcoholic beverages consumed on Millard County property.

Dean Draper, Chronicle Progress, reminded the Commission that both park facility properties are located in city limits so they should be mindful of their laws as well.

This item will be discussed at the December 4, 2012 Commission Meeting.

Commissioner Withers said that right now they have the derby scheduled between the Delta High School Derby and the PRCA event. He said that it is very difficult to get all of the debris from the derby out of the arena in such a short amount of time. The commissioners are going to go talk to the high school principal to see if they would be willing to move the date of the derby.

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

Commissioner Smith attended a BLM meeting with Sheryl Dekker, County Planner and Bruce Parker, Planning Consultant. They talked about the following:

- Sigurd to Red Butte final EIS. They are sticking to that preferred alternative of just barely coming into Millard County and going back out.
- The Long Ridge Wind Farm. Rocco made an application with the BLM for a 120 megawatt wind farm on long ridge. They were putting up some odometers and accidentally put one in the wrong place. They thought they were putting it up on State property but put it on BLM property instead, so they were trying to get that worked out.

- The Transwest Express project. There are three design options. The BLM had some issues with some of the designs. Their comments were that they have a converter station in Wyoming and Las Vegas, Nevada but they do not have one in Delta. The concern is that they do not have a converter station in Delta but they mention it in one of the design options but do not address it at all. BLM wants them to address that issue before they will approve the EIS.
- The Cosmic Ray representatives visited with the BLM regarding getting a permit to expand their project. They want to do a higher condensed array and expand the cosmic ray building with a little different technology or array. They are proceeding forward with that.
- Another proposed major transmission line is called the West Desert Express Trans Line. It will be running out to Robison Summit in Nevada. An alternative is to come down and hit IPP and go back out. They are starting to make application with the BLM.
- Geo Thermal. The department of USGS had come and talked to them that there is a big interest in Geo Thermal at the moment.
- The Southern Nevada Water Project. The BLM had heard that the decision was passed up to the Department of the Interior for approving the EIS for alternative F.

Commissioner Smith and Attorney Waddingham attended the Millard County Long Term Care Facility board meeting on Thursday. They discussed redoing their bylaws to address terms for their board members. They are working on assigning four year terms and how the chairman will function.

Their numbers have been up and are looking good. They still want the County to budget \$120,000.00 for next year like they always do. Commissioner Smith said that he appreciates Jeff Christensen and his staff for all they do in providing a good service to our citizens.

They also discussed the parking lot. They will be redoing the parking lot sometime in the spring.

All three commissioners attended a Mayors' meeting. Commissioner Smith thought that it was really well put together.

Commissioner Smith attended a meeting with Mark Ward and the other Commissioners at the State Capital on Friday. They discussed the draft agreement between the State of Utah and the State of Nevada over the Snake Valley Water project. They will be having more meetings with the Snake Valley Aquifer Advisory Council, the citizens out west and the Governor. The position of the County has not changed.

Millard County is opposed to the agreement as it stands. It does not feel that the division of the water is equitable and that it is a political number. It is also felt that the State of Utah should renegotiate with the State of Nevada.

Commissioner Whatcott attended the following:

- A Paiute ATV Trail Committee meeting. This committee meets to enhance and help develop tourism opportunities for trailhead communities.

- A Fire Service District meeting in Leamington.
- A Constitutional Defense Counsel (CDC) meeting in Salt Lake City. This meeting is set up to assist communities with varying issues from White Tailed Prairie Dogs, Sage Grouse and problems that might be an issue to communities or the State.
- A Six County Public Health meeting in Richfield, Utah.
- Met with Charlie Christensen who works for the Millard County Tourism, regarding the web site that is being developed to promote tourism through ATV riding in Millard County.
- Met with Territorial Statehouse personnel regarding improvements to the museum grounds and future additions when funding becomes available.
- Met with Bruce Costa regarding the Public Health addition to the Millard County Senior Citizens building in Fillmore.
- A "Meet your Candidate" sponsored by the Fillmore Chamber and hosted by the Utah State Parks.

Commissioner Withers met with the Rodeo Committee last night. They discussed plans for the rodeo coming up in 2013.

Commissioner Withers said that at the Mayors' meeting they focused on economic development for the County. Linda Gillmor, Millard County Economic Development Director, put the meeting together and she did a great job. She had an individual from Comcast come and talk about the wire fiber that they are running around the County to make everybody's system better. There were also some representatives from the State of Utah who discussed its Economic Development and expressed its support of the fiber project in the County.

Attorney Waddingham said that he keeps getting phone calls from a citizen in Deseret. He has been complaining about a neighbor's property which he says is very unsightly. Attorney Waddingham drove out to the property in question with the County Public Health Official. The County Ordinance requires the health official to make the determination on whether any action should be taken on an alleged nuisance. The health official refused to pursue the matter. Attorney Waddingham feels that he cannot do anything the way the ordinance is currently written. He wondered if the Commission wants to amend the ordinance.

Commissioner Withers said that this particular citizen contacted him a year or so ago and explained his situation. He said that he has been unsuccessful in selling his home due to his neighbors' property being so unsightly that nobody would buy his home because they would not live next to this guy.

Commissioner Withers questioned how much the County wants to get involved with private property and what criteria should be used to tell people to clean up their own property. It was suggested to maybe hold a public hearing.

Commissioner Withers suggested to look at ordinances by other counties.

Mr. Draper said that he has been involved in planning and zoning for nine years and this has been on the table at every meeting. He gave examples of what other cities have done with this issue, good and bad. He also said that the property in question is private property. He said that the commission will be getting into private property rights. He said that they should not interfere unless

it affects the health, safety and welfare of the citizens.

Commissioner Whatcott questioned if the citizen in question would be approachable to be offered some help to clean up his yard.

Commissioner Whatcott showed a video that the State of Utah put together to promote the State of Utah. He thinks it would be a good idea to do something similar to promote Millard 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 11:59 a.m..

Attest: _____

Approved: _____