

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 20th 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  
Norma Brunson ..... County Clerk  
Marki Rowley. .... Deputy County Clerk

ALSO PRESENT: Alan M. Roper..... Commissioner Elect  
Todd Thorne ..... Six County  
Emery Polelonema . .... Six County Association  
Dean Draper..... Chronicle Progress  
Jeff George ..... Delta PC  
Linda Gillmor ..... Millard County Economic Development (MEDA)  
Sheryl Dekker ..... County Planner  
Bruce Parker ..... County Planning Consultant  
Doug & Jacque Turner, Ken Porter, Elwin Johnson  
Craig Johnson, and Lana & Gary McCausland ..... Citizens

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 Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF NOVEMBER 6, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 6, 2012 were presented for consideration and approval. Following review and consideration of minor corrections,

Commissioner Whatcott made a motion to approve the minutes of November 6, 2012, as corrected. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

#### AUDITOR'S REPORT

Auditor Grace discussed the continuing cost of the County Seat T.V. program with the Commission. She said that the program is a worthwhile cause but over the last few years the program has cost the county \$69,224.98. She suggested that the money be put to better use within the County. Commissioner Whatcott discussed the program and what it does for the County. The Commission discussed possibly going with a lower level of funding for the program.

Auditor Grace said that the Commission changed the County Policy last year to extend the deadline for using or selling employee vacation time to January 31, 2012. She said doing this has caused multiple problems in her office as well as much confusion for certain departments. She read the section in the policy relating to this issue. The Commission discussed this issue further and decided to meet with Thayne Henrie, Road Department Supervisor, before making a decision as to whether or not to change the policy back to December 31, 2012 or leave it at January 31, 2012.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a hardship abatement application for Sarah Lister, parcel number 0053299.

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

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

Auditor Grace presented a hardship abatement application for Stacey Campbell, parcel number 186877.

Commissioner Whatcott made a motion to abate 35% of Ms. Campbell's property taxes based on income.

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

#### TREASURER'S REPORT

Treasurer Hansen received a letter from a law firm representing Spirit Aviation informing the County this company filed bankruptcy in 2009. Spirit Aviation has a delinquent tax in the amount of \$62.21 plus penalties and interest from 2008. He suggested that the Commission write off the balance owed since it would be more costly to pursue the debt.

Commissioner Whatcott made a motion to write off the delinquent balance of \$62.21 plus penalties and interest for Spirit Aviation.

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

RATIFY RESOLUTION 12-11-06, A RESOLUTION TO APPOINT A MILLARD COUNTY REPRESENTATIVE AND AN ALTERNATIVE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING

This resolution allows the County to legally vote at the Utah Counties Indemnity Pool Annual Membership meeting. If the elected representative is unavailable then the alternate representative would vote in his place.

Commissioner Smith made a motion to ratify the adoption of Resolution 12-11-06, a resolution to appoint Commissioner Daron Smith as Millard County's representative and Commissioner James Withers as the alternative representative for the Utah Counties Indemnity Pool annual membership meeting.

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.

RATIFY THE APPROVAL OF A BUSINESS LICENSE FOR PALM TREE RENTS - OWNER SHELLIE DUTSON

Commissioner Whatcott made a motion to ratify the approval of a business license for Palm Tree Rents, for non motorized water toy rentals - owner, Shellie Dutson.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE CIB LIST - EMERY POLELONEMA

Emery Polelonema, Regional Planner for the RPP, and Todd Thorne, Planner for Six County, updated the commission on the CIB list and requested authorization from the Commission to visit with each city/town representative regarding the CIB list. Mr. Polelonema and his associates visit the cities/towns and the special service districts (if needed) each year.

Mr. Polelonema and the Commission discussed what items could be removed from the list. Mr. Polelonema explained that the list is not final at this point. He will bring it back for final approval at a later commission meeting.

The Commission discussed transportation projects on the CIB list, including Holden Mayor James Stephenson's request for placing sidewalks in town. He is concerned for the safety of the pedestrians not having a sidewalk to walk on when the semi trucks pass through town. The Commission suggested calling the truck companies and asking them to go the long way around the town until sidewalks could be put in.

They also discussed natural gas projects in Phase I, II and III and changing the priority of all those projects to an A.

UPDATE ON PUBLIC LAND ISSUES - KEN BROWN, WESTERN COUNTY ALLIANCE (WCA)

Ken Brown, WCA, discussed the following:

- Secure Rural Schools (SRS) funding:
  - SRS funding has been re-authorized for 2013 and the County will receive a payment in January 2013. Millard County had a decline of 22% of SRS funding. 5% of that decline was due to a reduction in the amount that has been re-authorized and 17% of the decline was due to the per capita in Millard County. The previous figure for re-authorization was \$364,500,000.00. The figure for this one year re-authorization is \$346,275,000.00.
- PILT Funding:
  - Millard County had about a 9% increase this year from 2011. Millard County shows \$0.00 for prior payment in offsets. That makes up about 7% of the increase. Last year the offset amount was \$35,061.00, which is the Title III money the County banked. The grand total for PILT in 2012 was \$392,790,678.00. There has been some interest in changing the PILT formula.
- Public Land Transfer:
  - Millard County is very involved in Public Land Transfer.
- Sage Grouse Letter
- Grazing fee:
  - The proposed dollar per Animal Unit Month is on hold which is an unfortunate thing.
- Horse Bureau:
  - Seven out of the nine member advisory board are from the West.
- WCA fee structure:
  - The fee structure with WCA has been lowered from \$7,500.00 to between \$3,000.00 to \$4,500.00. One reason for the decrease in fees is due to more counties signing up with WCA. Millard County is not currently a member of WCA.

Commissioner Whatcott made a motion to table the BOE agenda item until after lunch.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE MILLARD COUNTY CODE TITLE 10 (LAND USE ORDINANCE) CASE #Z-2011-006

Commissioner Smith made a motion to enter into a public hearing for the purpose of receiving public comment on proposed amendments to the Millard County Code Title 10 (Land Use Ordinance) case # Z-2011-006.

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

Present were: Bruce Parker, Alan Roper, Pat Manis, Dean Draper, Jeff George, Sheryl Dekker and Linda Gillmor.

Commissioner Withers called the public hearing to order at 11:30 a.m..

Bruce Parker, Planning Consultant, said that there is a 185 page document online for review regarding updating the Millard County Zoning Ordinance. This is the result of a significant amount of activity by Millard County staff and Planning Commission to completely update the zoning ordinance and to make it consistent with State and Federal law and to advance the public policies and interests of the County in as an efficient manner as possible.

Mr. Parker said that they have streamlined the approval process. The commission may see less CUP applications come before them. They have asked the Planning and Zoning Commission to take on more duties including approving some of the lessor significant CUP applications and having the Commission approve the larger significant CUP applications.

Mr. Parker said that the document will not change any existing CUPs and will not change the maps in anyway. There are nine zones in the county and the Planning Commission feels strongly about adding a transmission corridor district, which would underlie the major utility corridors of Millard County. This was precipitated by the discussion of trying to locate wind towers in the West Wide Energy Corridor.

The Planning Commission wanted to make sure that it still has the other activities that are in the range and forest zone. When wind turbines try to locate inside the transmission corridor it compromises the integrity of the corridor. The Planning Commission will look into the uses in the range and forest zone to see if it would compromise the integrity of the transmission corridors. They would exclude those activities or structures that would undermine the integrity of the corridor.

Mr. Parker said that they will be adding an agriculture protection provision.

Mr. Parker said that this document will be adopted by ordinance which will be the law of the County. As a strategy to make the process more efficient they stripped out the things that were procedural in nature and prepared an administrative manual that will be adopted by resolution.

Mr. Parker said that there was a lot of discussion regarding group homes at the last UAC conference. Attorney Waddingham said that State Law is not sufficient to cover that area so the County has to follow Federal Law. They have incorporated Federal Law in this document to make sure that the County is in full compliance.

There were no big changes on agriculture in the document. It was confirmed that when a building permit is purchased the home owner is given all of the information and documentation for building in an agricultural zone.

Mr. Parker said that the Planning Commission continues to struggle with addressing gravel pits. This was not addressed in this document but it will be an ongoing discussion which will continue in 2013.

The Planning and Zoning Commission held a public hearing in August and in September on the proposed zoning ordinance. The Planning and Zoning Commission made a favorable recommendation to the Millard County Commission in September.

Dean Draper, Chronicle Progress, asked what triggers the different types of CUPs, where one is dealt with administratively and the other comes before the Board of Commissioners. Mr. Parker explained that the size of a project is one factor and the potential for impact is the other. He said that the table of uses, which is in appendix A in the back of the document, clearly identifies what the Planning and Zoning has identified as a C1, a small CUP process approved by the Planning Commission, and a C2, which is a recommendation from the Planning Commission with approval by the Board of County Commission. The identification of those are on a case by case, use by use basis and the Planning Commission evaluating size, impact, potential for public comment or discussion, etc. is what triggers moving it from C1 to C2.

Commissioner Smith said that the Millard County Commission would be the appeal board if the administrative process is not satisfied. If there is a zone change, things dealing with utility corridors, major projects and agricultural projects etc. would come straight to the Commission.

Mr. Draper asked, if someone wanted to put a utility transmission line in an already existing corridor, which does not require a zone change, where would that fall? It was explained that the general plan states, by policy, any existing major utility is automatically designated in a utility corridor. A utility that would locate next to an already existing large transmission line would be automatically located in the corridor.

Commissioner Smith said that a corridor with a utility line coming into the county to provide service to citizens of the county would be one level, and a pass through large utility line coming into the county that will not be providing service to the county would be a different level.

Mr. Draper questioned that there are two levels of CUPs. He asked, if there was a project that requires a CUP but not a zone change, because the zone is already in ordinance and in effect, what situation is a major project versus a lesser project? How does that make it so that everyone stands equal to the law where it is designated as a lesser project? He questioned, with the major project already in compliance with zoning ordinances etc. should the smaller project be able to go into that corridor without a public hearing?

Mr. Parker said that all CUPs whether a C1 or C2 are not a legislative matter; both are administrative matters. They are not changing any zone or law they are simply applying the law. Depending on the nature of the use the applicant would like to establish, and how the use is identified in the table of uses, they would either go to the Planning Commission for approval or to the Board of County Commission for approval. There is a clear definition of what those uses are in the back of the document.

Mr. Draper said that he did not understand what was being explained when a shortcut was mentioned.

Mr. Parker explained that it was not necessarily a shortcut but an issue of how they

maintained the integrity of the major transmission corridors in the most efficient and expeditious way and still achieve the goals of the County. He said that it was suggested to maybe create a new zone that would underlie each of the transmission corridors that are identified under the general plan of the County.

Another way would be to allow all of the uses, that already exist, in the range and forest zone and look specifically at those uses that may compromise the ability of the transmission providers and utilities to locate in our transmission corridors. The County does not want activity and uses located in those corridors that will compromise the ability to function as they were designed. They also discussed a way to do that without creating a new zone. He gave examples of what will be looked at to determine if the use is acceptable or not acceptable in the corridor.

Mr. Draper asked, if the zone was created, would it change the way taxes were levied? Would there be a benefit in that for the transmission companies?

Commissioner Smith said that zoning does not have anything to do with taxes. Assessor Manis said that if the market value of the land changes, then yes, it would affect the tax with the transmission line use.

Mr. Draper asked, if the zone was created, would it increase the County's ability to administer that zone, or confine potential projects to it, or does it matter?

Commissioner Withers said that the whole idea of doing this document was to limit impact to county property owners. Doing this gives the County control over the impacts. It would be a benefit to those property owners to keep these projects inside the corridor.

Mr. Draper questioned alternative routes that are not in existing corridors. Mr. Parker said that he does not think it would matter because it would be brought to the Commission for review and approval.

Commissioner Smith said that it gives the County the authority, working with the applicant and the federal agencies, to require them to pay attention to what the County's plan states.

Mr. Parker said that it protects the interest of the County.

Mr. Draper asked, if creating zones, would that reduce the problem with conflicts when establishing turbines in the right-of-way?

Commissioner Withers said this is the way the County can control what goes in the corridors.

Mr. Parker said that if they were to designate a new transmission corridor zone, the Planning Commission would not anticipate changing the allowed uses in the zone.

Mr. Draper asked how they were going to confine the uses to the corridor?

Commissioner Smith said that if it is in range and forest they will go through the process. Attorney Waddingham said that in the past the County has been successful to drive those big operations into one location, the corridor.

Mr. Parker said that he has participated with the Bureau of Land Management as a cooperative agency. They appreciate the County for clearly identifying those corridors that projects can locate, which significantly affect the time line and cost to locate facilities across the county.

There were no other comments made.

Commissioner Whatcott 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 12:01 p.m..

The regular meeting reconvened.

Mr. Parker asked if action could be taken on this before the end of the year so that it will have an effective date of January 1, 2013. He will bring back an ordinance and resolution for approval on the next commission agenda.

#### UPDATE REGARDING THE BLM WEST DESERT GOLD MINING

Commissioner Whatcott said that there has been some mining activity in the King Top area by a group out of Calgary Canada called GeoMark along with another group. The County has been working with the main driller from GeoMark and have found that the mineral samples they are bringing up have proven to be very good.

There are several processes that go into this project and the last process is the minerals survey. Commissioner Whatcott went to the CDC last week to see if the county could get \$10,000.00 to help finish off the minerals process of the survey. In the CDC meeting they were all very supportive of this project and wanted to appropriate the money. They asked that Commissioner Whatcott come back and testify in February at the Appropriations Committee.

Commissioner Whatcott said that they are hoping to get the \$10,000.00 from the CDC and another \$10,000.00 from the US Geological Survey.

Commissioner Whatcott has been working with Ken Krahulik on getting the numbers for potential revenue from this project. Mr. Krahulik informed Commissioner Whatcott that there would be a little over \$900,000,000.00 from recoverable gold and silver.

It would be a huge benefit for the County to get started on hard rock mining, not to mention, the overall financial benefit to the schools and the State.

The \$10,000.00 from the CDC will help finish the study on the minerals. Then the Commission will take the information to Congress to possibly push back or do away with the WSA tradeland so they can get on the King Top area.

The funding is out there for bringing in revenue for the County. The Commission will meet with Martin Eastwood on December 10, 2012 for an update on the project.

Assessor Manis showed a map of the area where the mining project will be located.

#### PUBLIC INPUT

There was none.

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 12:13 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 1:28 p.m..

## CANVASS NOVEMBER 6, 2012 GENERAL ELECTION

The Commissioners conducted the canvass for the November 6, 2012 General Election.

## OTHER BUSINESS

Commissioner Withers said that they are looking at having natural gas brought into Flowell, Sutherland and Delta South Track. He said that Linda Gillmor, MEDA, has been working with Questar Gas to see if it could provide natural gas to those areas.

Ms. Gillmor said that there were several people and business owners who came to the commissioners who were interested in having natural gas brought into these areas. The main concern was the cost of bringing the utilities into the areas.

Several businesses received bids and each time they would go back to get more bids they found that the bids were significantly higher.

The Commission wrote a letter to Senator Okerlund asking for his support on the following bills: Line Extension Competitions, specifically with Questar Gas; and State Incentives to include natural resource based industry which are found predominately in rural Utah.

The Public Service Commission does not allow the utilities to go ahead and do things ahead of time. They have to show that they are making money. So there was a gridlock between the utility needs, the Public Utilities Commission and the communities and businesses in rural Utah who need the natural gas and other infrastructure.

When the County presented these bills to the Public Utilities Commission Interim Committee they were very interested. Senator Okerlund and Mike Noel were also interested and the County was invited up.

At the Interim Committee meeting last week, the State, who does the incentives, was eager to work with the County and are now planning a tour to look at businesses who are looking to expand or locate in Millard County.

Questar Gas is starting to look outside the box to accomplish the same goal as the County; to make the line extension more reasonable and to do it without legislation. Ms. Gillmor explained that when Questar Gas figures the cost of the lines it figures how many feet are in a project and how much money they are going to make. The bigger the project the less cost per foot.

Ms. Gillmor said that just servicing the communities by themselves would be too costly. It is a benefit for the County to be involved right up front before it is determined whether or not this will work.

Kenneth Porter said that when they first brought gas into the Delta area he suggested, to the head guy over the gas company, that they go from IPP straight into Sutherland and right back into Delta. There were about fifty to sixty houses, at that time, that they could have picked up on that route.

He said that natural gas is much cheaper than heating with propane. Propane costs him

around \$400.00 to \$500.00 a month in the winter for his house which is about \$2,600 to \$2,700 sq ft. He also has to use small heaters to help heat his house. He said that his opinion is that it needs to be done if it can be done.

Jeff George said that all of the Sutherland residents and the local businesses are in favor of doing this project. Commissioner Smith said that the two bids received for this project were to include businesses as well. Mr. George asked if the Commission were aware of any negative impacts from bringing natural gas into the community. Commissioner Withers said that the only negative impact he sees for bringing natural gas into the area would be to the propane distributors.

Mr. George said that the church would probably push for a cost savings as well.

Douglas Turner told a story of his sister who used propane and when the community was able to bring natural gas in she saw a huge cost savings.

He also said that about a year ago Commissioner Smith came to church on a cold morning and complained of not having any propane. So Mr. Turner approached him with the idea of bringing natural gas into the area. It would be a huge cost savings for the community.

Lana McCausland said that it seems to her that if a large number of customers are needed to do this project she would think that the County would encourage building and more people to settle in Sutherland. The resident numbers would increase if they knew that they would not have to pay the high costs of propane.

Commissioner Whatcott asked if there was ever a census done to see what the numbers would be. Commissioner Smith said that they put some feelers out there and tried to work and create an environment where it would be more affordable for the businesses. They looked at where the benefit would be in the community, but they have not put together the data.

Commissioner Withers said that all the comments he has heard were all positive.

Ms. McCausland asked if the County needed a petition from the community pledging that they are for natural gas coming into the area. Commissioner Withers said that possibly in the future they will need a petition but right now they need to get some figures of what it will cost to stub into each home, so that people are aware of the options.

Craig Johnson said that there are several businesses that they are not accounting for. He said that the dairies would be a big positive. There are a lot of other businesses and dairies that have not been mentioned that will generate a lot of need.

Mr. Turner said that when his sister's community brought in natural gas there was a cost associated with each individual house but they were given a certain amount of years to pay for the costs. Commissioner Withers said that is something that the County will look into.

Mr. George said that more infrastructure in the community would really help keep people in the communities. He said that a lot of people have moved out of Sutherland the last few years.

He said that when they first brought natural gas into Delta he received a survey inquiring about the number of appliances each home used.

Commissioner Withers said that when they went to the Interim Committee meeting Questar Gas was basing its per mile infrastructure on the cost to do this project in the city. One of the arguments brought up was that it should be cheaper to do this in the country based on the fact that they would not have to go around so many telephone lines and water lines to reach every house. The Commission will look into all of these issues and hopefully be able to persuade Questar Gas to provide the service to the three areas discussed.

Commissioner Smith said that they talked about the three phases for the areas that do not have access at this point. They are applying for a grant from the CIB for those three phases to see if they can get some money to help with some of the infrastructure. They also looked at creating a special service district which was not allowed. They are now trying to figure out the best way to get those three areas natural gas.

Attorney Waddingham said that the Commission asked him to research the prospects on creating a special service district or a local district. He found that there was a list of items in the statute that qualify for a special service district. The statute excludes natural gas and electricity. He also looked at the local districts. He spoke to Legrand Bitter, Executive Director of the Utah Association of Special Districts, and asked him if there was anything else the county could do. Mr. Bitter told him that the county is stuck and cannot do anything with special service districts on this issue. Attorney Waddingham also asked Mr. Bitter what the minimum criteria was in order to supply the service. Mr. Bitter is supposed to be getting back to him with an answer.

The public in attendance thanked the commission and Ms. Gillmor for their efforts on this project. Commissioner Withers thanked the public for taking the time to come and discuss this with the Commission.

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

Attorney Waddingham said that the Snow College Foundation protested its property taxes. The position the County took was that they did not qualify for an exemption because it was a foundation board, not the college and it was not being used for educational purposes.

He said that he forwarded to the commissioners a memorandum he received from the Board's attorney on its position on why it thinks that it should be tax exempt. Snow College is requesting a hearing.

Attorney Waddingham informed them that it is not an institution of higher education, it is a foundation board. The law defines "higher education". The definition does not include any extension of it, such as a foundation board.

Auditor Grace said the Commission can review the statute and the rules that apply, but the Foundation would have to make its appeal to the State Tax Commission.

The commission will review the exemption and will discuss it further at the next commission meeting.

#### OTHER BUSINESS CONTINUED

Attorney Waddingham was contacted by an attorney representing IHC regarding reimbursement costs IHC claims that the County owes. The County sent IHC a letter a year ago informing IHC that Millard County will not pay any money claimed to be owed because the terms of the contract regarding reimbursement had long since expired.

The Commission said that the letter explained the County's position. They asked Attorney Waddingham to write a new letter reiterating the County's position and send it to IHC.

Commissioner Smith made a motion for Attorney Waddingham to write a letter and have the Commission chair sign it and send it to IHC reiterating the County's position.

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

Auditor Grace said that Klint Penney asked for clarification on whether or not there was a clause for terminating the Seimens Contract. Attorney Waddingham said that there is a clause requiring 60 days notice to terminate the contract.

Auditor Grace said that they had talked about money budgeted in the capital fund to pay for the Johnson Controls. They talked about doing it this year and terminating the Seimens contract and moving forward with Johnson Controls. There is also money budgeted for the swimming pool roof that is not going to be done this year so they want to use that money for the Johnson Controls as well.

Mr. Penney would have to bid out the roof project again and the County will have to re-budget the capital money in 2013.

Attorney Waddingham clarified that the termination of the Seimens contract will only affect the Fillmore pool and not the Delta pool.

Commissioner Whatcott informed the Commission of a meeting put on by Kendal Bagley, Farm Bill Biologist, in Beaver, Utah at the Forest Service building, November 27, 2012, regarding re-seeding and burned areas.

Commissioner Withers said that the County needs to get an update from Jones and DeMille regarding the infrastructure.

He said that Terry Scottern did a good job contacting all of the land owners and making them aware of their options.

Commissioner Withers said that he had talked with the County Road Department Supervisor about the FMLA procedures. Attorney Waddingham said that he just got the material on that issue and will need some time to go through it.

Dean Draper asked what had been achieved or transpired at the Water Conference in Carson City, Nevada last week. Commissioner Smith said that he met with the White Pine County Commissioners at that meeting. They talked about the potential of Millard, Juab and White Pine Counties coming up with an alternative to the agreement. The next day they presented the idea on a panel discussion. The Nevada State Engineer, Jason King, was in attendance and basically responded with an answer of "no" because he feels that the current agreement is the best they would

ever get at this point. He did not think the two states could negotiate anything better.

There were a number of county commissioners from Utah, Millard and Juab Counties, as well as a few from Nevada and two from California who serve on that panel. The discussion of the day was that California and Nevada have ground water issues.

Nevada has a bigger fight with California because California can pump water whenever it wants and Nevada cannot because it has similar laws as Utah. A gentleman from the Department of Interior gave a full overview and estimate on the needs of the Colorado River. His report was that in 15 years there will not be enough water, based on the use of the average participation and flow, etc.

There was a guy from California who wants to build some desalinization plants and thinks that Nevada should do the same and trade with California. There were five or six State Legislators from Nevada who support that idea, who are rural Nevada Legislators who are opposed to the Southern Nevada Water project.

The State Engineer does not want to drop the agreement and run away from the negotiations. There was really no talk about the State Engineer having a hearing in Snake Valley.

Mr. Draper asked if this was done in a setting where anything binding could be done. Commissioner Smith explained that it is kind of a think tank group.

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

Attorney Waddingham informed the Commission that a date needed to be set as soon as possible regarding the administrative hearing. The commission discussed the following dates: November 28, 2012 at 9:00 a.m. or December 10, 2012 at 1:00 p.m.. Clerk Brunson will contact the opposing party to see if these dates will work for them.

Attorney Waddingham sent a copy of the bylaws for the Care Center to each of the Commissioners for review.

Attorney Waddingham said that the Deseret Oasis Cemetery District acquired a small water right and had a small well. Sometime in the past Deseret Oasis Cemetery District conveyed its water right to the Deseret/Oasis Special Service District if they agreed to water the cemetery. Somehow the paperwork did not get completed and filed. The State Engineer's office is saying that the well is not valid and needs to be capped. The process needs to be completed so that the State does not intervene.

Attorney Waddingham explained that the special service districts are independent districts. He told them that the issue is between the special service districts and it would not cost too much to cap the hole and file the proof with the State.

Commissioner Whatcott attended a Six County Association of Governments (AOG) meeting in Richfield, Utah. The following was discussed:

- Starting up recycle programs in Sevier County.
- Emery Polelonema visiting Millard County. He needs names of those who serve on special service districts.

- Training on setting up 501(c)(3) will be held in February, understanding what foundations are, and what they can do for counties.
- Public land issues. The AOG still wants to keep working on public land issues.
- The Yellow Dot program. A program that puts a yellow dot on your vehicle which will alert first responders of an existing health condition if there was a wreck. They are also looking for funding from counties to help with printing the cards for the program. Sheriff Dekker should already be in the loop on this. There will be more information on this program at a future meeting.
- Interviews for high school seniors who want to attend military schools i.e. West Point, Air Force Academy, will be held December 13, 2012. Students who are interested should contact Congressman Stewart's office. They should also contact congressional leaders if interested in becoming an intern.
- RSVPs for the Six County awards banquet need to be received no later than November 21, 2012. The banquet will be held on December 5, 2012 in the Territorial State House Museum.
- Ongoing fight to save our Aspen Groves.

Commissioner Whatcott also attended or participated in the following:

- Military Task Force meeting in Murray, Utah. They discussed ways to better serve our veterans. The Military Task Force prepared for the upcoming UAC Conference in St. George, Utah.
- Made a presentation to the Constitutional Defense Council (CDC) asking for \$10,000.00 to help complete a minerals study on the King Top area. The group all agreed that it would be money well spent and would benefit the State and County from mineral lease monies. He was asked to make his pitch to the Appropriations Committee in February. Mike Noel said to keep in touch with him and he would help where he could.
- Attended the Utah Association of Counties Conference in St. George, Utah. He helped Commissioner Daron Smith with a presentation on the Clay Springs fire to County Commissioners on how the re-seeding efforts were going and how to help them acquire money to assist with rehabilitating burned areas. Commissioner Smith was solely responsible for acquiring one million dollars to help rehabilitate the Oak Creek area.
- Made a presentation at the General UAC meeting on what the Military Task Force was doing to help recognize veterans for their service.

Commissioner Smith also attended the UAC conference in St. George, Utah. He said that he thought Commissioner Whatcott did a great job with his salute to the veterans. He said that he always enjoys those conferences. There is a lot of information at those meetings. He always appreciates the opportunity to attend those meetings and what he learns there.

Commissioner Smith also attended a meeting in Carson City, Nevada.

Commissioner Smith said that the Commission has been working hard the last couple of

weeks on the Snake Valley Water issue. There is a Snake Valley Advisory Board meeting in Delta November 26, 2012 at 10:00 a.m.. He said that he appreciates Attorney Waddingham and UAC Attorney Mark Ward and their advise to the Commission and helping in trying to figure out what was going on.

Commissioner Withers said that when talking to the people of the community he has asked what their opinion is regarding the Snake Valley Water. They all have said for the Commission to do whatever it takes to keep the water where it belongs. He said that there certainly is support from the citizens to stand up for what belongs to Millard County and the State of Utah. It is important to continue the fight even though it takes a lot of time to stay on top of it. He said that the most important resource to protect in the county, next to the citizens, is the water.

Commissioner Whatcott said that there is a big push out there by huge groups outside of Utah to start up a national monument in the State. UAC drafted a letter stating that they do not support creating another park that will dip into our resources and tie the State down. There were pages of signatures from people who reside outside of Utah supporting the creation of the monuments in Utah.

Commissioner Smith said that most of the counties in Utah signed a letter of opposition and sent it to President Obama, the Secretary, the Governor and everyone else.

Attorney Waddingham said that a couple weeks ago the Commission discussed a nuisance problem. He revisited the ordinance and feels that the way the ordinance is written a nuisance is only triggered if there is a health or safety issue, which would require the Public Health Official intervene.

Commissioner Smith expressed the Commission's sympathy for the family of former Commissioner John Cooper who recently passed away. He also expressed the Commission's gratitude for the service of Mr. Cooper and his family. He said that Mr. Cooper was a great asset to Millard County and was a great guy.

Commissioner Smith quoted a saying that he used to say when Mr. Cooper retired: "Here and there, now and again, God creates a giant among men."

#### 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 2:38 p.m..

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

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