

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 4th DAY OF FEBRUARY 2014  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Alan M. Roper . . . . . Chairperson  
James I. Withers . . . . . Commissioner  
Daron P. Smith . . . . . Commissioner

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

ALSO PRESENT: Dixie Funk . . . . . Citizen  
Wayne Jackson . . . . . Military Liaison  
Tiffany James . . . . . Magnum Gas Storage  
Kevin Morris & Rick Bublitz . . . . . West Millard Recreation  
Brandy Grace . . . . . County Auditor  
Pat Manis . . . . . County Assessor  
Susan Wilcox . . . . . Deputy County Assessor

Note: Not all agenda items were followed in order.

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, 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 Roper to the public and Commission members.

OPENING STATEMENTS

Commissioner Roper asked if anyone had an opening statement to give. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JANUARY 21, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 21, 2014 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of January 21, 2014, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM JANUARY 21, 2014

Commissioner Roper said that the County will send a letter of intent to Delta City regarding donation of the plaques currently on the Veterans Memorial Wall.

#### RATIFY THE MOTION TO ACCEPT THE BID RECEIVED FROM COLONIAL FLAG FOR \$55,000 TO REDO THE VETERANS MEMORIAL WALL

Commissioner Smith made a motion to ratify the motion to accept the bid received from Colonial Flag for \$55,000.00 to redo the Veterans Memorial Wall.

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

#### RATIFY THE MOTION TO REMOVE DOMINGO GARCIA'S PROPERTY FROM THE TAX SALE AND TO ENTER INTO AN AGREEMENT WITH MR. GARCIA TO PAY HALF THE BALANCE OWED ON HIS PROPERTY TAXES BEFORE THE END OF THE MONTH AND THE REMAINING BALANCE BEFORE NOVEMBER 2014

Commissioner Withers made a motion to ratify the motion to remove Domingo Garcia's property (#0148537 and D-979-1-2) from the tax sale and to enter into an agreement with Mr. Garcia to pay half the balance owed on his property taxes before the end of the month and the remaining balance before November 2014.

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

#### APPROVAL OF A FIDELITY BOND OR THEFT OR CRIME INSURANCE ON ALL COUNTY OFFICIALS AS A GROUP, RATHER THAN INDIVIDUALLY, BY PRESCRIBING THE AMOUNT OF SAID GROUP FIDELITY BOND OR THEFT OR CRIME INSURANCE FOR ALL COUNTY OFFICIALS, INCLUDING THE MILLARD COUNTY TREASURER, AND APPROVING THE PREMIUM FOR SAID BOND OF INSURANCE FOR ALL COUNTY OFFICIALS

Attorney Waddingham said that the premiums for the bond on file at the Clerk's Office have not changed. He said that when the premiums change the County will want to update the bond. The treasurer is treated differently. The treasurer comes under the Money Management Act, that is why he is separate from the other officials.

Attorney Waddingham will submit the coverage for the minutes.

Commissioner Withers made a motion to renew the bond for 2014.

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

carried.

Commissioner Withers rescinded his motion to renew the bond for 2014 and made a new motion to table this agenda item until further information can be received.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF AMENDING THE FEE FOR USE OF THE LIGHTS IN THE FILLMORE INDOOR ARENA

Commissioner Smith read a memo received from Todd Matthews which suggested a lower fee amount of \$3.00 an hour for the use of the lights in the Fillmore indoor arena.

Commissioner Withers said that the commissioners viewed a list of what other counties are charging for the use of their indoor arenas and he thought that the \$7.00 an hour the County charges was pretty reasonable compared to other counties who charge upwards of \$25.00-\$50.00 an hour.

Commissioner Roper said that when the fee was set in place it was never intended for an individual to use the facility alone. He suggested that the citizens who use the indoor arena use it with groups of people who could share the cost.

Commissioner Smith said that it was set up this way because some people would pay for use and others would not. They thought setting it up this way would make it fair. He said that the County is not only trying to recoup the cost of the electricity used but they also are trying to recoup costs associated with the use of the arena.

Commissioner Roper said that there are 46 light fixtures and light bulbs that will need to be replaced as well as other maintenance costs.

The commissioners said that they appreciate Mr. Matthews' input but they have decided to leave the fee as it is.

Commissioner Smith said that the recreation facility booklet shows the revenue has been a little higher, but it still does not cover all of the costs associated. He said that he was thinking about maybe increasing fees, not lowering them.

Commissioner Smith made a motion to leave the current fee schedule as is and to remain with the current program costs.

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

Commissioner Roper will contact Mr. Matthews and let him know of the commissioners decision.

#### ASSESSOR'S OFFICE TO PRESENT PROPOSED CHANGES IN FILING FOR 2014 PERSONAL PROPERTY EXEMPTION

Assessor Manis said that the legislature changed the personal property exemption amount from \$4,000 to \$10,000. He said that in the past there were several businesses who never reached the \$4,000 exemption amount and now there will be several more who will be exempt.

Assessor Manis said that his office pulled a list of businesses who have consistently been

under the \$5,000 exemption amount. He said that if there is a business license his office is required to send out an affidavit for personal property value. If the businesses' personal property value is under \$10,000 the business would be exempt. He said that there are several businesses who should be exempt but do not file for the exemption because they do not understand the process.

Assessor Manis said that there are approximately 270 accounts that his office feels will consistently be under the \$10,000 exemption value.

Assessor Manis requested that the County consider deactivating the accounts on the list. He said that by deactivating these accounts it will eliminate unnecessary problems each year and will save the county time and money. It will also help the business owner. He said as time goes on they may want to amend the deactivation list for accounts that are consistently under \$7,500, if approved by the Commission.

Assessor Manis said that there are some businesses who qualify as exempt who he left off the list of deactivation because these businesses have the potential of purchasing high priced equipment, in the future, which could put them over the exemption limit.

Assessor Manis said that they have a rough draft of the letter they will be sending to those businesses who are considered as exempt, letting the owners know what the County will be doing. He said that this has been done in other counties and it seems to have worked fine.

Assessor Manis presented the list of those accounts in consideration of being deactivated.

Commissioner Smith made a motion to deactivate the personal property accounts on the list presented by the Assessor's Office, that qualify for exemption based on State law, and to allow the Assessor's Office to continue to evaluate the accounts to make sure that those accounts still qualify as exempt according to the law.

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

Assessor Manis said that his office did a survey for the \$10,000 exemption and how it would affect revenue. He said last year the tax shift was under \$1.00 per account. This year it could have a substantial shift in revenue if House Bill 2??? is passed, which states that if a piece of personal property costs less than \$10,000 it may be exempt. He gave examples of what could happen.

## PUBLIC INPUT

Wayne Jackson said that the next Veterans Board meeting will be held at the Delta City counsel room on February 10, 2014, at 12:00 p.m..

Mr. Jackson said that Fillmore City Council wrote a letter to Senator Lee's director regarding the closure of the roads and the trails. The letter was signed by Dave Allen. He said that they are wanting to widen the roads to 60 inches because the County's Posse equipment will not fit on the road given its current width.

Mr. Jackson said that they were concerned with the walkway to the Veterans Memorial Wall not getting shoveled. Commissioner Roper said that he will talk to the work crew to see if they will start shoveling it.

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

Commissioner Withers said that the commissioners attended several meetings with the BLM, the Forest Service and Oak City Town, regarding the rehabilitation of Oak City Canyon.

Commissioner Withers and Commissioner Roper attended the State Legislature Day. This meeting gave them the opportunity to get caught up on legislative issues.

Commissioner Smith said that the commissioners met with investors who were looking at the Pot Ash Plant. He said that the project seems to be moving forward.

Commissioner Smith, Commissioner Withers and Adam Brit road out to Hell'n Maria to gps the road. He said that there are three roads that the BLM has closed that were closed when the WSA was created. Millard County is going to include those roads in a lawsuit that the State is going to file on the County's behalf, which will include a number of Class D Roads. He said that the County has reviewed those roads and feel that it would be a benefit to the County to have those roads open.

MAGNUM GAS STORAGE CONSTRUCTION AND PROGRESS UPDATE - TIFFANY JAMES

Tiffany James, Director of Environmental Services, said that Magnum Gas Storage is currently doing two different projects. One is natural gas storage and the other is natural gas liquid storage. She gave a presentation on the projects and reported the following:

- There are three separate components on the site which will serve as underground cavern storage.
- There is a 156 acre brine pond and a truck and rail system at the facility. Much of the system is inner connected by pipelines, power lines, waterlines etc..
- The first project is a lot smaller of a footprint than the original project brought to the Commission. This project is ready to start construction. It will have 3,000,000 barrels and three caverns for Phase I.
- They started construction in March 2013. There is a specific injection and withdrawal season for this type of storage facility. They need to start injection in April of every year and start withdrawing in October of every year. They have been working on financing for about 5 years on this project, as well as the larger project. They have pushed the clock to get financing and construction completed so that they will meet that injection deadline.
- The brine pond is about 156 acres and is currently constructed. They are storing brine in cabin well 5. They have about 14% of the brine pond full and with 850,000 barrels of space in the first cabin it does not even cover the bottom of the brine pond. The brine pond will hold up to 10,000,000 barrels of storage capacity. There are up to 5 caverns each, which will hold about 2,000,000 barrels of storage capacity a piece with about 2 years of evaporation and has the capacity to give expansion potential.

- There will be two caverns for butane and propane, four caverns for natural gas storage and they have asked the Commission for a second site plan change to add three more ENGL caverns for propane and butane.
- The saturation is 1.14; full saturation of brine and water is about 1.2 which is about 6 times saltier than the ocean.
- There are 4 permanent caverns. Caverns 5 & 6 are 1-2 million barrels each and will hold propane and butane.
- The first cavern is a well head which is below ground. It pumps fresh water into the well head to dissolve it to the cavern size and shape desired. It pumps water in and pumps brine back out.
- They are going to solution mine it to 1.3 million barrels. The full capacity is 2 million barrels so once they hit 1.3 million barrels they will be right up against the April injection season and will want to be into commercial operation so that they do not miss a year.
- They have contract interest for about 1.8 million barrels.
- The product goes through the same pump but through different pipes.
- All the piping is in place but in order to have the final connections put into service they are working with the Divisions of Oil, Gas and Mining and the Division of Water Quality and will need to have a mechanical integrity test (MIT) done. Once that test is complete they will hook up the pipes and will be ready to inject.
- Cavern Well 6 is the second cavern. They completed the drilling last week. The structure itself is like a 3 story tall building. They are going to start the first of two MITs. They are hoping to start the solution mining process by February 10, 2014.
- The first cavern will hold butane and the second will hold propane. There is so much more interest in propane so they may have to reverse the caverns.
- They finished construction on about 12,500 linear feet of rail that hooks up east of IPP and goes down the east side of IPP's property. The track splits into three tracks for loading and unloading.
- There are 4 bullet tanks which are 40-60 gallon tanks. There is a loading bay that can load up to 10 cars at once and they are looking at expanding that.
- The facility will support about 2,500 rail cars twice a year.
- The building plans were just approved to construct an 1,800 sq ft workshop which will also be used as the control house and a 2,500 sq ft office building.
- They are hoping to have this complete before the April 1, 2014 deadline to meet certain customer needs.
- They are following US Department of Transportation guidelines under state oversight. They designed the project with 3 independent stages of redundancy.
- They are working on renewing some of the permits and will keep the County posted.
- She has been working with Sheryl Dekker on the site plan change.

Commissioner Roper thanked Ms. James for her presentation and said that he and Commissioner Smith enjoyed the tour of the facility. It helped them understand the capability of

what can and will happen economically with the County. He said that there is a great upside of what is happening.

Ms. James said that anyone wanting to see the project can contact her. She said that it is an exciting project and will lead to a number of businesses in the County. She said that there have been so many businesses contact her regarding the limitless resources.

## OTHER BUSINESS

Auditor Grace said that there is a workers' compensation audit scheduled for February 6, 2014. During the audit process they will review all of the County payroll records and will ask for copies of all payments made to independent contractors. If the County is unable to verify that it has required its independent contractors to provide proof of workers' compensation the County will be required to pay the premium for those contracts.

Auditor Grace said that her office has been reviewing the contracts and have requested copies of workers' compensation certificates from those contract holders. She said that there were issues that came up during that process, for instance, Paul Morris with West Recreation was hired as an employee but because of other circumstances the County chose to move him to an independent contract employee. It was discussed that the County would pay the premium for him, as well as for Jamie Atkinson who locks the gates and oversees the Gunnison Bend Reservoir as a favor to the County. It would not be worth Ms. Atkinson's time and money to try and obtain a workers' comp certificate.

Auditor Grace said that she contacted Kurt Bayles who was cleaning the landfill building, but has not received a copy of his workers' comp certificate yet. She said that neither Mr. Bayles nor Tess Eyre submitted a bid for a new janitorial contract so she does not think that the County will receive a copy of either of their workers' comp certificates.

She said that a certificate will also be needed from both Attorney Tate Bennet and Attorney Aaron Poff.

## BID OPENING FOR WEST MILLARD RECREATION BLEACHERS

Auditor Grace opened the following bids:

	Bleachers	Bleachers with press box
• Franklin Marketing	\$18,321.35	\$30,737.39
• Highland Products	\$22,260.00	
• Kay Park Recreation	\$27,329.20	\$45,159.20
• Hanson Sports, Inc.	\$21,183.00	

Commissioner Smith made a motion to accept the bids as opened and to review the bids to make sure they all meet the quality and requirements of the bid specifications and come up with the best overall value for the County.

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

Commissioner Smith said that he will report who the bid was awarded to at a later commission meeting.

BID OPENING FOR REAL PROPERTY #DO-4551 0.77 ACRES, SITUATED IN MILLARD COUNTY, UTAH

Auditor Grace opened the following bid:

- Kris Skeem \$400.00

Commissioner Smith made a motion to accept the bid and sell Kris Skeem property #DO-4551, 0.77 acres, situated in Millard County, Utah.

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

BID OPENING FOR JANITORIAL CONTRACTS

Auditor Grace opened the following bids:

Fillmore Equestrian/Posse:

- Kenneth Lee \$460.00 mo. (Mar., Apr., May, Jun., Jul., Aug. & Sept.)  
\$247.50 mo. (Oct., Nov., Dec., Jan. & Feb.)  
Total bid \$8,420.00 for 22 months
- Matt Kesler \$275 mo. (Apr. 20, – Oct. 16) Church fields  
\$225 mo. (Apr. 20, - Oct. 16) Race Track  
\$200 mo. Indoor Arena  
\$150 mo. Jeep Posse  
Total bid \$7,200 year
- Tammy Lane \$200 Indoor/Outdoor Arena, Ball Park Restrooms & Concession area  
\$250 (Mar. 1, 2014 – Dec. 31, 2015) additional 20 plus hours  
\$100 Jeep Posse  
Total bid \$550.00
- Dixie Funk \$55.00 mo. Jeep Posse ONLY

Landfill Shop:

- Ken Lee \$65.00 per month

West Posse building:

- Ken Lee \$180.00 per month
- Rebecca Peterson \$350.00 per month

Delta Satellite Office:

- Ken Lee \$260.00 per month
- Rebecca Peterson \$700.00 per month



West Recreation:

- Ken Lee \$250.00 per month
- Rebecca Peterson \$450.00 per month

Delta Special Events:

- Ken Lee \$500.00 per month

Road Department:

- Ken Lee \$360.00 per month

Commissioner Withers made a motion to accept the bids as submitted and to review the bids to see which are the best value for the County.

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

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

Commissioner Roper said that the commissioners have a building coordination meeting today at 1:00 p.m. regarding the public health building and the storage building.

Commissioner Roper said that Maddie Deloach was chosen as a contestant for Miss Teen International. She was chosen from a group of 70 girls. The County is proud of her and her efforts.

Commissioner Roper said that a voltage study with Flowell Electric, Fillmore City and Rocky Mountain Power is almost complete. This will be a \$7,420,000.00 project. Fillmore City and Flowell Electric both are participating \$200,000.00 towards the cost of the project. This project will bring 50 mega watts of power to East Millard which will double the amount of power currently available to East Millard.

Commissioner Roper said that he was informed of a Wild Mustang meeting February 7, 2014 at 10:00 a.m. in Beaver, Utah.

Commissioner Roper met with Jane Beckwith with the Topaz Museum. Ms. Beckwith would like to take the commissioners on a tour on Topaz. Ms. Beckwith also said that she is interested in trying to acquire some property owned by a person in Midway and wants to see if the commissioners can help her with that process. She said that this property is the only piece of property that is not owned by Topaz.

Commissioner Roper said that there is a Milford Water meeting today at 1:00 p.m.. He excused Attorney Waddingham who left early so that he could attend this meeting.

Commissioner Roper said that there is a Utah Sage Grouse Summit meeting February 18, and 19, 2014. Commissioner Smith said that the County does not have any sage grouse habitat, therefore, they would not need to attend that meeting. Utah Association of Counties will discuss this issue at the next Public Land meeting.

Commissioner Roper said that Fillmore City has requested to replace Eric Jensen with Deb Oeppinger on the Great Basin Heritage Board.

Commissioner Withers made a motion to appoint Deb Oeppinger to replace Eric Jensen on the Great Basin Heritage Board.

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

Commissioner Roper received a letter from Nevada Natural Resources regarding a pre hearing conference to be held February 20, 2014 in Carson City, Nevada.

Commissioner Smith said there is a Planning and Zoning meeting on Wednesday night.

Commissioner Smith said that he will be going to the Capital on Thursday.

Commissioner Smith said that there is a Board of Directors meeting for the Long Term Health Center on Thursday at noon.

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Commissioner Smith said that Attorney Kaela Jackson and Attorney Richard Waddingham met with Todd Anderson with HR Solutions regarding reviewing and starting new county policies. They said that it was a really good meeting.

Commissioner Smith said that he spoke with Johnny Miller a few weeks ago. He indicated that he would like to have a conference call to discuss the purchasing draft he sent the County to see what direction they would like to go with it. He suggested to get a hold of Mr. Miller to set up that meeting.

#### POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

There was none.

#### WORK SESSION WITH NRCS, FOREST SERVICE AND OAK CITY TOWN TO DISCUSS THE OAK CITY FLOOD

The commissioners had a meeting with NRCS, Forest Service and Oak City Town to discuss the Oak City Flood.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:51 a.m..

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

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