

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 18th 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: Dean Draper Chronicle Progress
Sheryl Dekker County Planner
Bruce Parker County Planning Consultant
Teresa Thompson Community First
Chris Herrod & Josh Case EEG Utah Solar 1
Lou Brown SITLA
Klint Penney East Maintenance
Zane Pentz Sunrise Engineering

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 that he read an article about a couple, Chester and Esther Memmott, from Scipio who have been married for over 77 years. Their quote was that they stayed together so long by holding hands everyday. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF FEBRUARY 4, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 4, 2014 were

presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of February 4, 2014, as corrected.

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

FOLLOW UP ACTION ITEMS FROM FEBRUARY 4, 2014

Commissioner Roper said that the commissioners were unable to attend the meeting regarding the wild mustangs, but he did call Beaver County Commissioner Mark Whitney to see what took place at that meeting. He found that the grazers are planning on taking legal action against the BLM to force their hand to do something about the wild horses. Commissioner Roper asked if Commissioner Whitney would inform the Millard County Commissioners of the next meeting.

Commissioner Smith said that he also talked to Commissioner Whitney while at the Capital and he said that the grazers are going to organize a legal entity and may take legal action against the BLM. He suggested to invite the grazers from Millard County to attend the next meeting.

Commissioner Withers talked to Neuel Chlarson, president of the Millard County Grazers Association, he is involved and is preparing a letter for the BLM expressing the Association's concerns regarding the wild horses in Millard County and what they are doing to the West Desert. The commissioners will present that letter to the appropriate people while in Washington D.C..

Commissioner Roper said that a letter was written to Delta City regarding donation of the plaques currently on the veterans wall. The letter stated that the County will donate the plaques to Delta City as long as Delta City would display them.

Commissioner Smith said that the County awarded the bid for the bleachers to Kay Park Recreation. They bid \$17,000.00 for the bleachers, which does not include a press box, but the bleacher design does have a frame in place that would hold a press box. Kevin Morris, West Millard Maintenance, will build a press box on the frame to save the County money.

The janitorial contracts were awarded as follows:

- Ken Lee - Landfill & Road Department
- Rebecca Peterson - West Recreation, West Posse Building, Delta Satellite Office & Delta Special Events.
- Tammy Lane - Fillmore Equestrian
- Dixie Funk - Fillmore Jeep Posse

Attorney Waddingham said that before they sign contracts he would like to meet with the commissioners about revising the current contracts. A letter will be sent to those whose bids were not accepted.

Commissioner Withers said that he met with the Road Department and was told that Tess Eyre will continue to clean the Road Department building until the new contract is in place.

DISCLOSURE STATEMENTS

Disclosure statements were submitted for the following employees:

- Brandy Grace
- Debra A. Arnold

DISCUSSION AND POSSIBLE APPROVAL OF APPOINTING BRUCE CURTIS TO THE MILLARD COUNTY TOURISM BOARD

Commissioner Withers made a motion to appoint Bruce Curtis to the Millard County Tourism Board for a two year term.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR DERRAME MUSICAL, OWNER - MARTIN J. HURTADO

A business license application was presented for Derrame Musical, a Mexican Music Band. After review of the application and finding all signatures in order, Commissioner Smith made a motion to approve a business license for Derrame Musical - owner, Martin J. Hurtado.

Commissioner Withers 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 INSURANCE FOR ALL COUNTY OFFICIALS

Attorney Waddingham said that he spoke with Treasurer Hansen regarding the Treasurer's rates for the fidelity bond which has not changed. The overall insurance rate will remain the same for all the elected officials for 2014.

Commissioner Withers made a motion to approve the 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 insurance for all County officials for 2014.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN APPLICATION FOR PROPERTY TAX RELIEF FOR LETHA MAE ALTINE

Commissioner Smith said that Letha Mae Altine's property taxes have been delinquent for the past five years. The delinquent property taxes are on her home which she currently lives in. Ms. Altine has written a letter stating the issues she has had. She has also spoken with Treasurer Hansen.

Commissioner Withers said that the commissioners try not to sell anyone's home. He would like to see what can be done so she does not lose her home. He suggested to work out a payment plan with Ms. Altine.

Commissioner Smith made a motion to abate 50% of Ms. Altine's property taxes (based on income), set up a payment plan for her to be able to pay off the balance and to remove her house from the tax sale. If Ms. Altine is able to make the monthly payments and pay the property tax balance in full before November 2014 the penalties and interest will be waived. This situation will be re-evaluated next year if for some reason Ms. Altine is unable to pay the balance off this year.

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

DISCUSSION REGARDING THE PROCEDURE ON HOW THE COUNTY BILLS LANDFILL FEES TO THE COUNTY CITIZENS

Sheryl Dekker, County Planner said that when all the municipal landfills were closed in 1986, Millard County landfill was created. There were agreements made with the municipalities, Flowell Electric and Rocky Mountain Power to collect the landfill fees. She said that when she came into her position she could see that a system was needed to help determine if people should be charged a residential fee and an additional fee. They also needed to be able to track businesses to determine if the fees were appropriate. She said that it was decided that this would be done through the business license application process. She began working with the Clerk's Office.

Ms. Dekker gave examples of how they determine if the business is a cottage business or if it is a business that needs to have an additional fee assessed. The County Clerk's Office will inform her if a business license is terminated and she will remove those fees. She said that sometimes one may get missed.

Ms. Dekker said that she has a good working relationship with Delta City, Fillmore City, Flowell Electric, and Rocky Mountain, whom she deals a great deal with. She said that if someone asks why they are assessed two \$11.00 fees on their landfill bill they can apply for an abatement so the County can see what their usage is and if found that the second \$11.00 fee is not necessary the County will remove it, but it does not typically rebate back to a specific time. In a recent instance the power company was willing to give a credit on a business that went out of business and the County missed removing the fee.

The commissioners thanked Ms. Dekker for her time and efforts in this.

Commissioner Roper said that at some point the County needs to look into possibly raising the landfill fees and to see how they are approaching the closure/post closure costs. Ms. Dekker said that she and Auditor Grace discussed this issue at the end of the year. They found that they had a fair amount of excess revenue which was applied to the closure/post closure costs. The County is currently making a payment of \$50,000 a month and the current monthly landfill fee being assessed to citizens makes that monthly payment. The commissioners thought that they should look at the

reports to make sure that the current landfill fee is covering the monthly payment made to the State.

REVIEW AND POSSIBLE APPROVAL ON APPLICATION #Z-2014-001 FOR A PROPOSED MINOR SUBDIVISION FOR THE PURPOSE OF DIVIDING A 6.86 ACRE PARCEL INTO TWO PARCELS (ONE 1.797 AND ONE 5.063 ACRE PARCEL) LOCATED AT APPROXIMATELY 2056 SOUTH 2000 WEST, DELTA GRID. GAIL LAWSON - APPLICANT

Ms. Dekker said that Mr. Lawson has a lot large enough to make a separate lot for his son to build a home on. He wants to set aside 1.797 acres for his son to build a home.

She said that Mr. Lawson went through a change application to allow a portion of the water right to be included with the 1.797 acres which he has deeded to his son.

Commissioner Smith said that Mr. Lawson went through the process with Planning and Zoning who forwarded a favorable recommendation.

Commissioner Withers made a motion to approve application #Z-2014-001 for a proposed subdivision for the purpose of dividing a 6.86 acre parcel into two parcels (one 1.797 and one 5.063 acre parcel) located at approximately 2056 South 2000 West, Delta Grid. Gail Lawson - applicant.

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

REVIEW AND POSSIBLE DECISION ON APPLICATION #Z-2013-036 FOR A PROPOSED 300 MN SOLAR ENERGY SYSTEM (MAJOR) LOCATED EAST OF IPSC AND MORE PARTICULARLY DESCRIBED AS SECTIONS 20-24, T15S, R6W ON 1,754.28 ACRES. ECG UTAH SOLAR 1, LLC (ENERGY CAPITAL GROUP) - APPLICANT, SITLA - OWNER

Josh Case, ECG Utah Solar 1, said that they are hopeful that they will get the conditional use permit (CUP) done today.

Bruce Parker, Planning Consultant, said that he provided the commissioners a draft of the CUP earlier in an email. He said that there were some corrections needing to be made. He went over those corrections with the commissioners.

Mr. Parker said that they would like to move forward. He said that he feels comfortable with recommending that if the commissioners approve the application with the modifications discussed that would allow them to prepare the final document so the applicant can sign it. They would then get it back to the commissioners for signature and recording.

Commissioner Smith made a motion to approve application #Z-2013-036 for a proposed 300 MN solar energy system (major) located East of IPSC and more particularly described as section 20-24, T15S, R6W on 1,754.28 acres. ECG Utah Solar 1, LLC (Energy Capital Group) - applicant, SITLA - Owner, based on the findings and facts discussed and that the Planning and Zoning Board forwarding a favorable recommendation.

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

Mr. Case said that Ms. Dekker, Mr. Parker, the County and SITLA have all been good to

work with. Lou Brown, SITLA, said that ECG has been a great partner in the process and they are working well with the other lessees. He said that there are a lot of people knocking on their door for projects and they are pretty excited about this project.

PRESENTATION ON THE PLAY UNPLUGGED PROGRAM - TERESA THOMPSON

Teresa Thompson, Community First Chairwoman, said that there is a new program called Play Unplugged, which was created by an attorney from Heber Valley who thought that his kids were watching too much television. She said that Heber Valley did this program last year and had great success. They are now moving the program across the State.

The Play Unplugged program is all about building a symbiotic relationship between kids, parents and local businesses. The relationship creates an incentive for all to participate in the program as one motivates the other. This program will give bored kids and busy parents something to do all summer long. It gives participants something tangible to collect and it involves the entire community.

Ms. Thompson said that the program works by contacting businesses who will order “brag tags” or sponsor the brag tags. Then participants will do the activities to get a brag tag from the business sponsoring that activity.

She said that the program still needs to purchase the lanyards. They are still working on funding and have entered into an agreement with Play Unplugged. Now they are looking for sponsors for the brag tags and the lanyards.

Ms. Thompson said that there is a book available that will list all of the activities involved in the program, which can also be found on their website (www.weplayunplugged.com). She handed out information regarding the program and said that they are currently going into businesses to ask for sponsorships on the brag tags. She said that the brag tags will be good for tourism and for economic development.

Ms. Thompson asked the Commission if the County would be interested in participating in the program or just donating to the program.

After further discussion, the commissioners said that they would be interested in participating in the program but they are not sure at what level. This item was scheduled to come back to the next commission meeting for final approval.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Bruce Parker, Planning Consultant, said that there are three bills regarding transmission projects crossing the State of Utah. He discussed House Bill (HB) 44, HB 125 & HB 110 and how they may affect the County.

Mr. Parker said that HB 44, presented by Representative Handy, states that major transmission lines will either overbuild their projects by 25% or reserve capacity for instate generated power. He said that the County should be concerned with this bill because of the new

generations coming on line.

Commissioner Smith said that HB 44 was amended. The County told Representative Handy its concerns with the bill. He said that it is better now that it has been amended, but there are still some amendments that have been suggested.

Mr. Parker said that HB125 is sponsored by Representative Barris. This bill requires the State Public Service Commission to engage in the process of the review and approval of various corridors across the state and make a recommendation or approve those corridors while working cooperatively with the Governor's Office of Economic Development and the Utah Office of Energy Development. He said that this bill affects the County because now not only does the County have federal permitting processes designating corridors on federal land, there is a State process designating corridors on state land, as well as private land across the State. He said that he hopes that the State continues to recognize the local decision making authorities of the County.

Mr. Parker said that HB 110 was just recently released by Representative Powell from Heber City. This bill states that counties and cities may purchase power from the transmission lines to use for economic development opportunities occurring in the communities.

Mr. Parker said that he thinks that HB 144 and HB 125 are directed in some ways directly at Transwest Express and these types of transmissions crossing the State. He said the fundamental question is, how are these affecting our county.

Mr. Parker said that he does not think that the County should change what it has been doing since it has been functioning very well with local control.

Mr. Parker said that he is presently amending the subdivision ordinance of the County to tailor it to better meet the needs of the County. He said that there is the process of the Deseret Heritage Association Subdivision who are wanting to proceed. He said that this is in front of the Planning Commission and they want to know how to proceed.

Mr. Parker said that the process of amending the subdivision ordinance is going to take longer than he initially thought. He suggested to do a temporary regulation to address the concerns presently in the subdivision ordinance to allow Deseret Heritage Association Subdivision to proceed while they are still considering the subdivision ordinance. He said that his concern is that if they rush the ordinance things may get missed and mistakes may be made.

Commissioner Withers suggested to proceed and to visit with Attorney Waddingham. Commissioner Roper said that he would rather see the process as it is meant to go. Commissioner Smith said that Planning and Zoning could hear it on the first Wednesday and then they could hold a hearing on the second Tuesday. Commissioner Roper said that he recommends following the ordinance. If it does not fit the subdivision then it does not fit it. He would rather see it done right. Mr. Parker said that he could provide the amendments that he is thinking about, which will give them the range of menu options and can still be done through the process of tweaking out existing orders with the understanding that they are still working on a major overhaul of amendments that will follow.

Commissioner Withers said that if the County stays with the current ordinance it will crush economic development. It will put them out of the range of what wages and everything else pays here in the county to ever pay for the kind of infrastructure required in the current ordinance. Commissioner Roper said that the County is addressing it, it is just taking time to get it done right.

Commissioner Smith said that he agrees with doing a temporary fix. He would like to look at it and get some public input. He said that they have rushed a few things in the past and found mistakes that needed to be amended.

Commissioner Roper said that if there is an ordinance in place the County should follow it. Ms. Dekker said that creating a temporary ordinance is still following the ordinance. The County has already taken over a year with regards to Deseret Heritage Association. She said that it is getting to be Spring and they need to be able to sell lots so they can start building.

Mr. Parker said that it will take at least until May to complete the amendments to the ordinance. Commissioner Roper said that he does not think that amount of time is unreasonable.

Ms. Thompson gave her opinion on the process of the subdivision and her own personal experiences.

Commissioner Smith made a motion to support the process of a temporary ordinance, pending the County Attorney's legal opinion that it can be done.

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

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

Commissioner Withers said that they have begun the process of tearing out the surface on the bottom of the swimming pool in Delta. They are hoping to have the job completed by February 28, 2014.

Commissioner Smith attended a meeting with Linda Gillmor and the staff of the Community Impact Board (CIB). Ms. Gillmor presented the concept of the natural gas project, which is proposed to go out to the Sutherland, Flowell and South Track areas. They presented their proposal to the Board to see if it was a feasible project. The Board felt that the project is a viable project for which the County can make an application.

The idea behind the projects is to apply for a 0% interest loan and a CIB grant for an individual project or a combined project. Then they would set up service areas, kind of like a drainage district. Anyone living inside the service area will be charged a fee to help pay off the CIB loan.

The County would have to hire someone to set up the service districts. Ms. Gillmor could contact a few entities who would be willing to do this for a fee. There are regulations for a service area but whoever they hire would know legally how to set it up, or the County can put out an RFP for the service. He thinks this is a good option.

Commissioner Smith said that there have been citizens from those communities requesting that the County help them get natural gas services in their area. He thinks the County should proceed with having Ms. Gillmor look into this to see if there is public support.

Commissioner Smith said that the County has not budgeted for this but there is some money available in Special Projects. There is a public process to go through to create a special service district which he thinks the County should look into creating.

Commissioner Smith attended a legislative session at UAC. They discussed some of the bills mentioned by Mr. Parker earlier in the meeting. Commissioner Smith gave Commissioner Withers a copy of a bill that affects the Road Department. This bill limits the amount of money the Road Department can spend in one year on a road project. They are still working on that bill and the County has asked if it could be amended since it would be very prohibited for the County Road Department.

Commissioner Smith spoke with Darrel Owens, County Building Inspector, about the other bill that has to do with exempting the counties out of adopting the state fire and building codes. Some of the counties want to be able to adopt what they want to, and are getting a lot of push back from the State. Commissioner Smith thinks that they need a variance process for the counties to go through if there is an issue with a project where the building code is too economically taxing in a rural area that the county would oversee. The County is watching that bill and some other bills.

Attorney Waddingham gave the Clerk's Office the contract with Johansen's Swim-Pool Plastering, Inc. for re-plastering the West Millard Swimming Pool bottom.

Treasurer Hansen said that he received a phone call from Laurie Matthews, Signature Reality, regarding a short sale on the Lewis Aleman home, which is delinquent on property taxes for tax years 2011, 2012, and 2013.

Ms. Matthews said that they contacted the County a few months ago to get the payoff amount while in the process of going through HUD. It is now past the time that they had submitted the original amount. She is asking the County to accept an amount that is less than the amount due now. They estimated the closing cost to be \$4,976.76. As of February 28, 2014, which is when they expect to have it closed, the taxes would be \$5,049.92, with a difference of \$73.16. She asked if the County would be willing to adjust the accrued interest by that amount.

She is asking for consideration on the interest so that she does not have to redo the information and send it back through.

Commissioner Smith said that since they are not a homeowner and it is a sale by a real estate transaction, his recommendation would be to deny the request.

Commissioner Smith made a motion to deny Signature Reality's request and ask them to pay the full amount owed which is \$5,049.92.

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

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Commissioner Smith said that the County is working on the purchasing policy. There is a meeting scheduled for all elected officials and department heads on Tuesday, February 25, 2014 at 10:00 a.m..

Attorney Waddingham and Attorney Jackson are working with Todd Anderson, HR Solutions, on the policies and procedures the County is rewriting.

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

There was none.

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 11:46 a.m..

Attest: _____

Approved: _____