

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF OCTOBER 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: Bart Whatcott..... East Millard Recreation Director
Deb Haveron..... Justice Court
Dean Draper and Hannah Jones..... Chronicle Progress
Ed Zmitravich, Nathan Terry, JaLee Eliason, Nancy Robinson,
and Linette Woods..... Citizens
Tiffany James and Briah Pugh..... Magnum Gas Storage
Trent Wilde..... USU
Sheryl Dekker..... County Planner
Robert Dekker..... County Sheriff
Wayne Jackson..... County Military Liaison
Kristine Camp, Anna Camp and Emery Ann Hare..... 4-H Teen Council

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 SEPTEMBER 16, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 16, 2014

were presented for consideration and approval. Commissioner Withers made a motion to approve the minutes of September 16, 2014, as presented.

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

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 16, 2014

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 14-10-07, A RESOLUTION REQUESTING THE RE-CERTIFICATION OF THE MILLARD COUNTY JUSTICE COURT

Attorney Waddingham said that his opinion letter recommends that the Millard County Justice Court be extended for an additional four years. He said that the Justice Court is in compliance with state law.

Judge Haveron said that the Justice Court Judges used to be on a four year term but now they are on six year terms. She thinks that eventually the re-certification process will be changed to every six years to be in conjunction with the term of the judges.

Judge Haveron went through the affidavit she has to file with the Administrative Office of the Courts.

Commissioner Smith made a motion to approve Resolution 14-10-07, a resolution requesting the re-certification of the Millard County Justice Court. Deputy Clerk Rowley called for a roll call vote. Commissioner Withers voted YES. Commissioner Smith voted YES. Commissioner Roper voted YES.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 14-10-07A, A RESOLUTION OF APPOINTMENT OF A MILLARD COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL (UCIP) ANNUAL MEMBERSHIP MEETING

Commissioner Smith made a motion to approve Resolution 14-10-07A, a resolution appointing Commissioner Withers as the Millard County representative and Attorney Waddingham as the alternate representative for the Utah Counties Indemnity Pool (UCIP) annual membership meeting. Deputy Clerk Rowley called for a roll call vote. Commissioner Smith voted YES. Commissioner Withers voted YES. Commissioner Roper voted YES.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE COUNTY SUPPORTING THE NEWLY

ELECTED OFFICIALS TO ATTEND THE UTAH ASSOCIATION OF COUNTIES (UAC) CONFERENCE IN NOVEMBER

Commissioner Smith said the County has always covered the cost of the new elected officials if they wanted to attend the conference.

He said that in the past the County covered the conference and lodging and they could reimburse for mileage.

Commissioner Smith said that UAC might be able to cover the costs for this conference instead of the County.

Commissioner Withers made a motion to approve the County supporting the newly elected officials to attend the UAC Conference in November, by covering their lodging, registration and a per diem for meals.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN INDIGENT BURIAL FOR TORI LEE MURRAY

Commissioner Withers said that he received word from the mortuary that Miss Murray had passed away. He said that all of the paper work is in order. Commissioner Smith said that it is County policy that the County will not release payment until a death certificate is provided.

Commissioner Withers made a motion to approve an indigent burial for Tori Lee Murray.

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

DISCUSSION REGARDING A 4-H POSITION - TRENT WILDE

Trent Wilde, USU Extension, said that the 4-H position that Bobbett White held has been vacant since May. He gave a brief history of what happened with that position. He said that at that time USU Extension asked that he hold off on hiring for that position. Since then he has heard that USU would like to move that position to a full-time position. He visited with Kevin Kesler who is the State Director of 4-H. Mr. Kesler expressed that he would like to see a 4-H representative in every county.

Mr. Wilde went over some figures with the Commission. He went over the budget balance and asked if they could take the balance of the budget for the vacant 4-H position this budget cycle to purchase a new vehicle for 4-H.

Commissioner Roper asked Mr. Wilde to work with Kevin Morris to get some trees planted at the Fairgrounds in Delta. Mr. Wilde said that he would contact the USU horticulture department to get the County more resources for planting trees.

DISCUSSION REGARDING BRINGING IN A RESERVOIR TO THE EAST SIDE OF MILLARD COUNTY - NATHAN TERRY

Nathan Terry discussed the possibility of bringing in a reservoir to the east side of the County. He said that he has a few potential locations already picked out. He also said that he has been told several conflicting things that he needs to do to be able to bring a reservoir to Fillmore. He asked the commissioners if they had any suggestions. After more discussion, the Commission suggested that Mr. Terry contact the local water companies to present his idea and to see what he needs to do from here.

Water company meetings are held on the first Wednesday of the month at 7:00 p.m. in the Fillmore Library.

REVIEW AND POSSIBLE RECOMMENDATION ON AFTER-THE-FACT MINOR (NON PLAT) SUBDIVISION APPLICATION # Z-2014-029 FOR PROPERTY LOCATED AT 4500 WEST 4515 SOUTH, DESERET (DELTA GRID). BRETT A. & JALEE H. ELIASON - OWNERS.

County Planner Sheryl Dekker said that this is an after-the-fact non plat subdivision and the Planning Commission has forwarded a favorable recommendation.

The Eliasons subdivided two acres from a 40 acre lot to build a home. When they went to get a building permit they found that the lot was not legally divided and would need to apply for a non plat subdivision, which they have now done.

The area is zoned as R1, which is residential.

Commissioner Smith made a motion to approve the after-the-fact minor (non plat) subdivision application #Z-2014-029 for property located at 4500 West 4515 South, Deseret, (Delta grid) Utah. Brett A. And Jalee H. Eliason - owners.

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

PUBLIC HEARING ON MAP ZONE CHANGE APPLICATION # Z-2014-030 FROM AGRICULTURE 20 (AG20) AND RANGE & FOREST 20 (RF20) (MULTIPLE ZONES) TO HEAVY INDUSTRIAL (HI) FOR PROPERTY LOCATED AT THE INTERSECTION OF BRUSH HIGHWAY & JONES ROAD, APPROXIMATELY 10 MILES NORTH OF DELTA. 9650 N 540 E, DELTA GRID. MAGNUM HOLDINGS, LLC- APPLICANT. UTAH STATE SCHOOL AND INSTITUTIONAL TRUST LAND ADMINISTRATION (SITLA) - OWNER 1,960.35 ACRES.

Commissioner Withers made a motion to enter into a public hearing to receive public comment on proposed map zone change application # Z-2014-030 from AG20 and RF20 (multiple zones) to HI for property located at the intersection of Brush Highway & Jones Road, approximately 10 miles north of Delta. 9650 N 540 E, Delta grid. Magnum Holdings, LLC- applicant. SITLA - owner 1,960.35 acres.

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

Present were: Sheryl Dekker, Tiffany James, Brian Pugh, Sheriff Dekker, Assessor Manis, Ed Zmitravich, Dean Draper, Sheri Dearden, Wayne Jackson, JaLee Eliason and Hannah Jones.

Commissioner Roper called the public hearing to order at 11:01 a.m.

Tiffany James, Magnum Gas Storage, explained the project. She went over the types of gas that is stored at the facilities and how it is transported into the area. She said that they have another project permitted. They have 10,000 acres that wrap around IPP. They have about 22,050 acres that are currently zoned as HI. They want to expand their HI zoning to the remainder of the properties on the lease with SITLA to be able to move forward with the construction and development of additional properties.

They are working on constructing and getting commercial financing for natural gas storage and energy storage. She said that this zone change will help facilitate that.

Ms. James said that they basically want to make sure that they have all of the permitting in place before they move forward with the placement of the facilities. She explained the re-zoning map and their request.

Ms. James said that the pond that they have now holds 5,600 acre ft of brine. Each pond in full solution mining holds between 2 to 3 million tons of salt per year. She said that in contents of Morton Salt it produces 750 thousand tons per year. She said that they have a very high quality (98% sodium) salt byproduct that they can pipe into the shallow ponds.

Ms. Eliason asked what employment opportunities this business will bring to the communities. Ms. James explained that they try to bring in local people to cover the construction jobs. There is opportunity of bringing in approximately 400 jobs during the construction phase. She said that 15 local people have already been hired on operations. They want to add between 50-75 employees within the next 15 years.

Attorney Waddingham clarified that of the 1,960.35 acres about 400 acres is owned by Magnum and the remaining is owned by SITLA.

There were no other comments made.

Commissioner Withers 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 approximately 11:15 a.m..

The regular meeting reconvened.

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 14-10-07, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING THE ZONING MAP OF MILLARD COUNTY TO RECLASSIFY CERTAIN PROPERTY FROM AG20 AND RF20 (MULTIPLE ZONES) TO HI FOR PROPERTY LOCATED AT THE INTERSECTION OF BRUSH HIGHWAY & JONES ROAD, APPROXIMATELY 10 MILES NORTH OF DELTA. 9650 N 540 E, DELTA GRID. MAGNUM HOLDINGS, LLC - APPLICANT. UTAH STATE SCHOOL AND

INSTITUTIONAL TRUST LAND ADMINISTRATION (SITLA) - OWNER 1,960.35 ACRES.
APPLICATION # Z-2014-030.

Commissioner Smith said that the Planning Commission forwarded a favorable recommendation on this application.

Commissioner Withers made a motion to adopt Ordinance 14-10-07, an ordinance of the Millard County Commission amending the zoning map of Millard County to reclassify certain property from AG20 and RF20 to HI for property located at the intersection of Brush Highway & Jones Road, approximately 10 miles north of Delta. 9650 N 540 E, Delta grid. Magnum Holdings, LLC- applicant. SITLA - owner 1,960.35 acres. Clerk Brunson called for a roll call vote. Commissioner Withers voted YES. Commissioner Smith voted YES. Commissioner Roper voted YES.

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

4-H TEEN COUNCIL THANK YOU

Members from the 4-H Teen Council brought a plate of goodies for the commission to thank them for the support they have given to the 4-H program.

The 4-H Members shared with the commissioners some of the things that they have been doing throughout the year. Anna Camp said that they were able to go to the State Capital and sit in the legislators seats and debate some of the bills while they were there.

Commissioner Roper said that the commissioners appreciate the things the 4-H does.

DISCUSSION AND POSSIBLE RENEWAL OF THE FOREST SERVICE CONTRACT

Sheriff Dekker presented the Forest Service Contract for renewal. This contract is for patrol of the recognized campgrounds. ****need copy****

Commissioner Withers made a motion to approve the Forest Service Contract for 2015.

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

PUBLIC INPUT

Wayne Jackson said that they will try to have a presentation for the honor flights ready to be presented at the Veterans' Day Dinner, which he invited the Commission to attend.

Mr. Jackson said that everything is scheduled to be completed by November 11, 2014 for the Memorial Wall. He said that they had enough money in their budget to do the cutting and the new aluminum rails to go inside.

Mr. Jackson said that the last time he spoke to Delta City he was told that the plaques are all

done for the memorial wall at the Delta Community Center. They were just waiting for the placement of the metal from Steve Robison to be able to put the plaques up.

OTHER BUSINESS

There was none.

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

Commissioner Smith reported that the Long Term Health Care Center paid back the money the county loaned them and the County has canceled the promissary note.

He said that things are going well at the long-term care center.

Commissioner Withers said that he attended the Health Care meeting last week. He said that the Health Care Center itself has done well. They have requested that the County still budget a little bit of money for the Care Center in case they need it in the future. They should be able to operate on their own money moving forward. The commissioners said that the Care Center staff has done a great job in taking care of the residents of our County.

Commissioner Smith attend the Western Interstate Region (WIR) Board meeting in Montana. He said that they discussed PILT. He said that there were representatives from 11 western states in attendance. He said that one of the WIR's long term goals is to find permanent funding for PILT.

They also discussed fire prevention and wild horses. He said that it was an important and beneficial meeting.

Commissioner Roper congratulated Brandy Grace for being Auditor of the Year by Utah Association of Counties (UAC). He said that she is valued for what she does for the County based on the recognition she received.

Commissioner Roper said that Representative Stewart will be in town for a dinner with the Mayors, Commissioners and the School Board members.

Commissioner Roper attended a Six County Association of Governments (AOG) meeting. He said that before the meeting Linda Gillmor, Millard County Economic Director, met with Senator Okerlund to discuss some of the issues and concerns the County has. He said that a lot of the meeting was regarding the Community Impact Board (CIB) and the direction they are going. He said that some of the counties are concerned that the CIB is going in an unwanted direction.

Commissioner Roper attended a Topaz meeting. He said that a group of people who had either been to the camp or the family members of those who had been at the camp came to the County to meet residents to get a feel of how they were treated while at the camp in the 40's.

Commissioner Roper said that Norbest is putting on a community meeting tonight and tomorrow to try to find people who would be willing to raise turkeys.

The meetings are as follows: tonight at the Delta City Office from 6:00 p.m. to 8:00 p.m.; tomorrow night at the Fillmore City Library from 6:00 p.m. to 8:00 p.m..

Commissioner Smith reported that the Planning Commission is going to have a public hearing on the enforcement part of the land use ordinance. They have worked on it and have had a draft for a couple of months.

Commissioner Withers, County Planner Sheryl Dekker, and County Consultant Bruce Parker attended a Planning and Zoning Conference in Salt Lake City, Utah. Commissioner Withers said that they discussed how local governments could work with the federal governments. He said that they showcased Millard County because of the good working relationships it has with the local federal agencies. He said that representatives from the local BLM were also in attendance. He said that it was a good meeting.

Commissioner Withers said that Ms. Dekker represents our County very well and the Planning Commission does a great job.

Commissioner Roper said that the Commission had a conference call with Bill Swadley from Senator Hatch's office and Dave Sturlin from Eskdale regarding Eskdale's issue of running out of land and its residents trying to acquire more land. He said that Senator Hatch is in the process of writing a bill to decrease the fly zone area which will include the two 40 acre parcels in Eskdale. He said that if the bill is successful it will become effective in December. It would then be SITLA's land which they could then trade or sell. If they cannot get the bill passed then Senator Hatch will reintroduce it in January.

Commissioner Roper said that they appreciate the BLM and the government agencies. He said that the County has had great success working with them on several issues.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

Commissioner Withers made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual.

Commissioner Smith SECONDED the motion. Present in the closed session were: Commissioner Smith, Commissioner Withers, Commissioner Roper and Attorney Waddingham.

After the closed executive session the regular meeting reconvened at 11:53 a.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Withers SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:54 a.m..

Attest: _____

Approved: _____