

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF MAY 2019
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper..... Chairperson
Wayne Jackson..... Commissioner
Evelyn Warnick..... ..Commissioner

Pat Finlinson. County Attorney
Marki Rowley. County Clerk
Jamie Hair Deputy Clerk

ALSO PRESENT: Matt Ward Chronicle Progress
Mark Degner, David Smith, Lisa Christian,
Mike Takac, and Randall Coleman Transwest Express, LLC
Mike Holt and Kevin Orton Fillmore City
Sheldon Bydz Magnum
John Higgins County Landfill
Ken Lamb, Kit Lamb, and Andrew Dutson Lynndyl Town
Brenden Turner East Millard Recreation
Brandon Winget County Road Supervisor
Richard Jacobson County Sheriff
UnaRae Taylor County Ambulance
Bonnie Gehre County Auditor
Sheri Dearden County Treasurer
Connie Hansen County Recorder
Adam Richins County Planner
Peter Greathouse, Stephanie Olsen, Kurt Lindstrom, Susan Kesler, Kerry Kesler,
Matthew Kesler, Jon Finlinson, Maria Nye, and John Nye Citizens

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 Draper to the public and Commission members.

OPENING STATEMENTS

Commissioner Draper asked if anyone had an opening statement to give. Commissioner Draper thanked those involved in controlling the water runoff the last two weeks including the County Road Department, Fillmore City, and local farmers and ranchers. He said that they have done a fantastic job. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF APRIL 16, 2019 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 16, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of April 16, 2019, as corrected.

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

FOLLOW UP ACTION ITEMS FROM APRIL 16, 2019

Commissioner Draper said that he has not heard back on the Reservation Road issue that was discussed at the last commission meeting. He said that he will try to contact them.

RATIFY THE APPROVAL OF A CREDIT CARD IN THE AMOUNT OF \$1,500.00 FOR SHARAL YOUNG, USU EXTENSION

Commissioner Jackson made a motion to ratify the approval of a credit card in the amount of \$1,500.00 for Sharal Young, USU Extension.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR NORM'Z GEMS, OWNER - NORMA CLARK

A business license application was presented for Norm'z Gems, Owner-Norma Clark, a business that buys and sells gemstones. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Norm'z Gems, Owner - Norma Clark.

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

DISCLOSURE STATEMENTS

Disclosure Statements were presented for the following employees:

- John Higgins
- Travis Archibald

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR DETECTIVE AARON JURADO-SHERIFF'S OFFICE

Sheriff Jacobson said that Aaron Jurado is a newly hired detective and that a credit card issuance in the amount of \$3,000.00 is standard practice for that position.

Commissioner Warnick made a motion to approve a credit card in the amount of \$3,000.00 for Detective Aaron Jurado - Sheriff's Office.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD INCREASE FOR BRENDEN TURNER - EAST RECREATION

Brenden Turner, East Millard Recreation, requested a credit card limit increase due to the charges to his credit card for new software for the East and West Recreation Departments. He said that this charge, and others max out his limit quickly. He said that he currently has a \$1,000.00 limit and would like it increased to \$2,500.00.

Commissioner Draper asked if the software could be paid by a check through the Auditor's office. Mr. Turner said that it has to be paid via credit card.

Auditor Gehre said that the County does receive cash back incentives from credit cards and the County received approximately \$2,700.00 cash back from 2017 purchases.

Commissioner Jackson made a motion to approve a credit card increase in the amount of \$2,500.00 for Brenden Turner - East Recreation.

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

AWARDING OF BIDS FOR ROAD OIL

Brandon Winget said that only one bid was received. He said that the cost of oil has gone up but he has seen it higher in the past.

Commissioner Jackson made a motion to award the bid for road oil to Peak Asphalt/Western Emulsions.

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

OPENING OF THE BIDS FOR FREIGHT AND SPREAD

Auditor Gehre opened the following bids:

- TJ Trucking, LLC \$50 per ton for freight; \$200 per hour, spread rate
- Legendary Transportation Service \$50 per ton for freight; \$23.75 per ton, spread rate

Commissioner Warnick made a motion to accept the bids, as presented, and review the specifications, before making a decision.

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

OPENING OF AMBULANCE BIDS

Sheriff Jacobson gave a brief history of the bids.

Attorney Finlinson said that these could be looked at as proposals instead of bids due to the lack of specificity.

Auditor Gehre opened the following bids:

- Rocky Mountain Ambulance 2019 Ford F-350- \$161,545.00
2019 Chevrolet C-3500 - \$158,400.00
- Professional Sales and Service 2019 Ford F-350. - \$153,485.00

Commissioner Warnick made a motion to accept the bids, as presented, and review the specifications, before making a decision.

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

Commissioner Jackson questioned the status on the patrol car being purchased by the County.

Sheriff Jacobson explained that they have ordered the new police service vehicles; however, some redesign was necessary to outfit them with the law enforcement package. He said that the first three trucks are a couple weeks out from being delivered.

DISCUSSION AND POSSIBLE APPROVAL OF THE COUNTY APPLYING ROAD BASE ON A NON-COUNTY ROAD IN MILLARD COUNTY-STEPHANIE OLSEN

Mrs. Olsen said that since her previous conversation with the Commission, she has discovered existing easements had already been granted. She said that if the east side of the road is used, it won't be necessary to remove any fencing. Ms. Olsen presented a map and explained the easements, what portion they would pay, and what they would like the County to pay.

Commissioner Draper said that the County would want to make sure proper road base was used and that snow removal may be slow in the winter. Mrs. Olsen said that they own a tractor so they can do the snow removal.

Commissioner Warnick asked Mr. Winget if the Road Department was ok with the

agreement. Mr. Winget said that they were. Attorney Finlinson said that an ordinance will be needed in order to put the road on the official transportation map.

Commissioner Warnick made a motion to apply road base on a non - county road in Millard County.

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

DISCUSSION AND POSSIBLE AMENDMENT TO THE CIB LIST FOR FILLMORE CITY PROJECTS

Mayor Holt, Fillmore City, said that Fillmore City wants their sewer project put on the CIB list so they can submit the application by the end of the month. He said that they are swapping it out with another sewer project on the original list. Commissioner Draper said that the sewer project being added will cost \$2,100,000.00.

Commissioner Jackson made a motion to amend the CIB list for Fillmore City Projects.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A CONDITIONAL USE PERMIT (CUP) APPLICATION #Z-2019-004 & #Z-2019-005 FOR ELECTRIC TRANSMISSION RIGHT OF WAY (MAJOR) TALLING APPROXIMATELY 3,666 ACRES OF FEDERAL, STATE AND PRIVATE LAND IN MILLARD COUNTY FOR THE PURPOSE OF CONSTRUCTING AND OPERATING:

1. DIRECT CURRENT (DC) SYSTEM: ±500 KILOVOLT (KV) HIGH VOLTAGE DC TRANSMISSION LINE, CONVERTER STATION, INTERCONNECTION LINE, GROUND ELECTRODE LINE, ACCESS ROADS, AND TEMPORARY FACILITIES REQUIRED FOR CONSTRUCTION LOCATED WITHIN: TOWNSHIP 15 SOUTH RANGE 5 WEST, SECTIONS 3,4,5,6,9,10,11,14,15; TOWNSHIP 15 SOUTH RANGE 6 WEST, SECTIONS 1,2,3,4,5,6; TOWNSHIP 15 SOUTH RANGE 7 WEST, SECTIONS 1,2,3,4,5,6,10,15,22,23,24; TOWNSHIP 15 SOUTH RANGE 8 WEST, SECTIONS 1,2,6,7,8,11,14,15,17,18,19,20,21,22; TOWNSHIP 15 SOUTH RANGE 9 WEST, SECTIONS 1, 2

2. ALTERNATING CURRENT (AC) SYSTEM: 500 KV HIGH VOLTAGE AC TRANSMISSION LINE, ACCESS ROADS, AND TEMPORARY FACILITIES REQUIRED FOR CONSTRUCTION LOCATED WITHIN: TOWNSHIP 15 SOUTH RANGE 7 WEST, SECTIONS 3,4,5,6; TOWNSHIP 15 SOUTH RANGE 8 WEST, SECTIONS 1,2,11,14,15,16,19,20,21,22; TOWNSHIP 15 SOUTH RANGE 9 WEST, SECTIONS 23,24,26,27,28,33,34; TOWNSHIP 16 SOUTH RANGE 9 WEST, SECTIONS 4,5,8,17,18,19,30,31; TOWNSHIP 17 SOUTH RANGE 9 WEST, SECTIONS 6,7,18,19,30,31; TOWNSHIP 18 SOUTH RANGE 9 WEST, SECTIONS 6,7,18,19,30,31; TOWNSHIP 19 SOUTH RANGE 9 WEST, SECTIONS 5,6,8,17,20,21,28,29,33; TOWNSHIP 19 SOUTH RANGE 10 WEST, SECTION 22; TOWNSHIP 20 SOUTH RANGE 9 WEST, SECTIONS 4,9,10,15,22,27,34; TOWNSHIP 21 SOUTH RANGE 9 WEST, SECTIONS 3,10,15,16,21,28,33; TOWNSHIP 22 SOUTH RANGE 9 WEST, SECTIONS 4,8,9,17,19,20,29,30,31,32; TOWNSHIP

23 SOUTH RANGE 9 WEST, SECTIONS 6,7; TOWNSHIP 23 SOUTH RANGE 10 WEST, SECTIONS 12,13,14,22,23,27,33,34; TOWNSHIP 24 SOUTH RANGE 10 WEST, SECTIONS 4,5,7,8,10,18,19; TOWNSHIP 24 SOUTH RANGE 11 WEST, SECTIONS 24,25,26,35; TOWNSHIP 25 SOUTH RANGE 11 WEST, SECTIONS 2,11,13,14,23,26,35; TOWNSHIP 26 SOUTH RANGE 11 WEST, SECTION 2

Commissioner Jackson made a motion to enter into a public hearing for the Purpose of Receiving Public Comment on a Conditional Use Permit (CUP) Application #Z-2019-004 & #Z-2019-005 for Electric Transmission Right of Way (Major) Totaling Approximately 3,666 Acres of Federal, State and Private Land in Millard County for the Purpose of Constructing and Operating:

1. Direct Current (DC) System: ±500 Kilovolt (KV) High Voltage DC Transmission Line, Converter Station, Interconnection Line, Ground Electrode Line, Access Roads, And Temporary Facilities Required For Construction Located Within: Township 15 South Range 5 West, Sections 3,4,5,6,9,10,11,14,15; Township 15 South Range 6 West, Sections 1,2,3,4,5,6; Township 15 South Range 7 West, Sections 1,2,3,4,5,6,10,15,22,23,24; Township 15 South Range 8 West, Sections 1,2,6,7,8,11,14,15,17,18,19,20,21,22; Township 15 South Range 9 West, Sections 1, 2
2. Alternating Current (AC) System: 500 Kv High Voltage AC Transmission Line, Access Roads, And Temporary Facilities Required For Construction Located Within: Township 15 South Range 7 West, Sections 3,4,5,6; Township 15 South Range 8 West, Sections 1,2,11,14,15,16,19,20,21,22; Township 15 South Range 9 West, Sections 23,24,26,27,28,33,34; Township 16 South Range 9 West, Sections 4,5,8,17,18,19,30,31; Township 17 South Range 9 West, Sections 6,7,18,19,30,31; Township 18 South Range 9 West, Sections 6,7,18,19,30,31; Township 19 South Range 9 West, Sections 5,6,8,17,20,21,28,29,33; Township 19 South Range 10 West, Section 22; Township 20 South Range 9 West, Sections 4,9,10,15,22,27,34; Township 21 South Range 9 West, Sections 3,10,15,16,21,28,33; Township 22 South Range 9 West, Sections 4,8,9,17,19,20,29,30,31,32; Township 23 South Range 9 West, Sections 6,7; Township 23 South Range 10 West, Sections 12,13,14,22,23,27,33,34; Township 24 South Range 10 West, Sections 4,5,7,8,10,18,19; Township 24 South Range 11 West, Sections 24,25,26,35; Township 25 South Range 11 West, Sections 2,11,13,14,23,26,35; Township 26 South Range 11 West, Section 2

Commissioner Warnick SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:32 a.m..

Present were: Deric Despain, Treasurer Dearden, Assessor Manis, Planner Richins, John Higgins, Auditor Gehre, Sheriff Jacobson, Matt Ward, Kurt Lindstrom, Stephanie Olsen, Brandon Winget, Recorder Hansen, Susan Kesler, Kerry Kesler, Matt Kesler, Mark Degner, David Smith, Lisa Christian, Joe Tibbets, Mike Takac, Mike Holt, Sheldon Bydz, Randall Coleman, Ken and Kit Lamb, Brenden Turner, Peter Greathouse, Kevin Orton, Andrew Dutson, Jon Finlinson, Maria and John Nye.

Mark Degner introduced himself, David Smith, Lisa Christian, Joe Tibbets, Randall Coleman, Mike Takac, and Sheldon Bydz as representatives for “Transwest Express, LLC”.

Transwest presented a PowerPoint presentation which included a company and project overview, project facilities, construction, route in Millard County, estimated construction schedule of six years, permitting milestones that they have gone through, communication and collaboration

meetings history, and how they are meeting CUP standards, and landownership in Millard County.

Mr. Degner said that they have currently obtained easements from all but one private landowner. He said that they are requesting a five year initial permit.

Peter Greathouse said that he is happy to have the powerline come into the County; however, he has concerns with power lines on the Bureau of Land Management (BLM) grazing allotments and asked what would happen in the event that livestock is killed. He asked if Transwest would shoulder the responsibility of providing another grazing allotment if there was a fire or if they would replace killed livestock. Mr. Greathouse said that a secondary water source needs to be provided for the livestock during construction if the construction impedes the livestock from getting to the current water source. He requested that they put in the self supporting towers wherever possible and that the towers be inspected regularly. Mr. Greathouse expressed concern over the access to the site on a private road coming from Lynndyl. He said that he believes that there are better access roads. Mr. Greathouse said that the local government needs to be able to put in restrictions for the health benefit of its citizens. He encouraged the Commission to do this before issuing the permit.

Kenneth Lamb, Lynndyl Town Planning Commission Chairman, farmer, and property owner addressed his concerns regarding the access road to the site coming from Lynndyl's Center Street. He said that there are families with young children who live along that road and that there are no sidewalks within the city. Mr. Lamb said that he fears trucks driving down that road will endanger the kids, as well as cause damage to the roads due to increased traffic. He said that Lynndyl Town did not receive any plans on this and he wonders why they were excluded from making any suggestions and/or comments on this process. He asked that the Commission consider the dangers of this for Lynndyl families.

Mr. Lamb said that the road also travels through private property and that the private land owner has not been contacted regarding this.

Commissioner Draper asked Mr Lamb to show on the map where the private land would be affected. Mr. Lamb explained the location of the private land and said that there has not been any deeds to Lynndyl City and/or the County on this road. He said that adjoining property owners have a descriptive easement.

Andrew Dutson, Lynndyl Town Mayor, said that they haven't been approach regarding this. He said that he supports the project; however, Lynndyl Town will not allow access down Lynndyl Main Street and would require trucks to travel around the outskirts of town in order to protect the citizens. Mayor Dutson reiterated that Lynndyl's roads are not asphalt. He said that they are dirt roads not meant for heavy traffic and that Lynndyl does not have the financing available to improve the roads. He invited Transwest to attend Lynndyl Town's board meeting to discuss their issues.

John Finlinson, President of IPSC, said that the Intermountain Power Plant (IPP) is supportive of the project, and anticipates a connection with them in order to utilize their resources. He said that he did not want any conditions regarding IPP property in the CUP. He said that there is a preliminary route listed, but it is subject to change, so they don't want any language in the CUP that allows input from other stakeholders that may not be impacted by the proposal. He said that any future developments will be worked out between IPP and the stakeholders.

John Nye said that they own a local dairy and they are happy to see that this project will bring jobs and revenue to the County. He asked what precautions are being taken to prevent stray voltage and how it will be different from the converter station that currently exists.

Mr. Tibbets, Transwest, said that he would like to address the concerns mentioned so far. He said that they have accepted the condition from the Planning and Zoning Commission and that the company is liable for any damages to the grazing allotments and livestock.

Commissioner Draper said that he met with the BLM who explained its process which involves the permittee to submit a form and receive payment for damages which will then be charged to the project.

Mr. Tibbets said that they will take care of the water access for livestock during construction. He said that the towers are self sufficient structures and have been covered in detail during the PowerPoint presentation.

Mr. Tibbets explained that they have not yet reached out to Lynndyl Town and private land owners yet because typically a road use agreement within the CUP must be approved by the County Commission before construction will be allowed. He said that right before construction they begin to work out details and reach out to the towns and private landowners to address their concerns.

Mr. Jon Finlinson questioned the Commission allowing access in the towns and on privately owned roads. Mr. Tibbets said that the County is just giving permission for Transwest to begin communication with the town and landowners to see if an agreement can be made with them.

Mr. Lamb asked if it will be a construction easement or a permanent access. Transwest said that they would like to have access for both construction and operation.

Peter Greathouse said that what happens today will impact things long - term including the ownership of the road once its off private property.

Attorney Finlinson said that the road discussed is probably designated a RS2477 road once it comes into the County and is most likely already designated as a Class D road due to a survey of roads done in the 1980's.

Attorney Finlinson said that the County does not have jurisdiction over Class C roads. Transwest addressed the voltage and grounding question and said that they go through a design process and conduct testing on a project to be sure that all requirements have been met and safety issues have been addressed.

Commissioner Jackson asked how often they would update the guide wires and inspect their towers. Transwest said that they inspect them annually and would replace the guide wires and covers as needed.

Commissioner Draper asked them to explain how the decision was made with BLM regarding guide towers and self supporting towers. Transwest said that the decision to require self supporting structures were made in 2015 as the final EIS was being prepared for the project. He said that there have been several years of discussion on this including discussions with officials in both Millard and Juab Counties.

Sheldon Bydz, Magnum, said that they are supportive of the project due to it not impacting mineral rights.

Peter Greathouse requested that the road issue be addressed today and said that it is an integral part of the CUP as a whole.

Commissioner Draper said that the County cannot grant permission for road access within a municipality because that is beyond its jurisdiction. He said that the government documents mandate that Transwest meet with private owners and municipalities to work out an agreement for road access. Commissioner Draper said that a private property owner has the right to say no and that the town of Lynndyl will have the ability to negotiate or suggest alternate routes. Commissioner

Draper said that the CUP language states that a proposed right-of-way will be subject to a project road agreement between the County, Lynndyl Town, and private property owners.

Mr. Lamb said that it appears that spending a little more money for finding a different route is worth the hassle if it protects the children at play in Lynndyl town.

Peter Greathouse asked if Transwest has condemnation power and expressed his concerns about Transwest taking a private landowner who refuses to court.

Attorney Finlinson explained that the CUP could be in jeopardy if they condemned and failed to negotiate with Lynndyl and the private landowners.

Commissioner Draper said that he would like to explore some of these comments and suggested a recess to discuss this with the people who are concerned.

Commissioner Warnick made a motion to recess.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 11:47 a.m..

Commissioner Jackson made a motion to reconvene the meeting.

Commissioner Warnick SECONDED the motion. The voting was unanimous and the meeting reconvened at 12:06 p.m..

Commissioner Draper asked if there were any more comments.

Mr. Tibbets said that they have had a chance to talk to the mayor and planning chair of Lynndyl along with others and heard their concerns. He said that they received alot of good information and are excited to continue those conversations. He said that Transwest recognizes the town's jurisdiction.

There were no other comments made.

Commissioner Warnick made a motion to close the public hearing.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 12:07 p.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF CUP #Z-2019-004 & #Z-2019-005 FOR ELECTRIC TRANSMISSION RIGHT OF WAY (MAJOR) TOTALLING APPROXIMATELY 3,666 ACRES OF FEDERAL, STATE AND PRIVATE LAND IN MILLARD COUNTY FOR THE PURPOSE OF CONSTRUCTING AND OPERATING:

1. DIRECT CURRENT (DC) SYSTEM: ±500 KILOVOLT (KV) HIGH VOLTAGE DC TRANSMISSION LINE, CONVERTER STATION, INTERCONNECTION LINE, GROUND ELECTRODE LINE, ACCESS ROADS, AND TEMPORARY FACILITIES REQUIRED FOR CONSTRUCTION LOCATED WITHIN: TOWNSHIP 15 SOUTH RANGE 5 WEST, SECTIONS 3,4,5,6,9,10,11,14,15; TOWNSHIP 15 SOUTH RANGE 6 WEST, SECTIONS 1,2,3,4,5,6; TOWNSHIP 15 SOUTH RANGE 7 WEST, SECTIONS 1,2,3,4,5,6,10,15,22,23,24; TOWNSHIP

15 SOUTH RANGE 8 WEST, SECTIONS 1,2,6,7,8,11,14,15,17,18,19,20,21,22; TOWNSHIP 15 SOUTH RANGE 9 WEST, SECTIONS 1, 2
2. ALTERNATING CURRENT (AC) SYSTEM: 500 KV HIGH VOLTAGE AC TRANSMISSION LINE, ACCESS ROADS, AND TEMPORARY FACILITIES REQUIRED FOR CONSTRUCTION LOCATED WITHIN: TOWNSHIP 15 SOUTH RANGE 7 WEST, SECTIONS 3,4,5,6; TOWNSHIP 15 SOUTH RANGE 8 WEST, SECTIONS 1,2,11,14,15,16,19,20,21,22; TOWNSHIP 15 SOUTH RANGE 9 WEST, SECTIONS 23,24,26,27,28,33,34; TOWNSHIP 16 SOUTH RANGE 9 WEST, SECTIONS 4,5,8,17,18,19,30,31; TOWNSHIP 17 SOUTH RANGE 9 WEST, SECTIONS 6,7,18,19,30,31; TOWNSHIP 18 SOUTH RANGE 9 WEST, SECTIONS 6,7,18,19,30,31; TOWNSHIP 19 SOUTH RANGE 9 WEST, SECTIONS 5,6,8,17,20,21,28,29,33; TOWNSHIP 19 SOUTH RANGE 10 WEST, SECTION 22; TOWNSHIP 20 SOUTH RANGE 9 WEST, SECTIONS 4,9,10,15,22,27,34; TOWNSHIP 21 SOUTH RANGE 9 WEST, SECTIONS 3,10,15,16,21,28,33; TOWNSHIP 22 SOUTH RANGE 9 WEST, SECTIONS 4,8,9,17,19,20,29,30,31,32; TOWNSHIP 23 SOUTH RANGE 9 WEST, SECTIONS 6,7; TOWNSHIP 23 SOUTH RANGE 10 WEST, SECTIONS 12,13,14,22,23,27,33,34; TOWNSHIP 24 SOUTH RANGE 10 WEST, SECTIONS 4,5,7,8,10,18,19; TOWNSHIP 24 SOUTH RANGE 11 WEST, SECTIONS 24,25,26,35; TOWNSHIP 25 SOUTH RANGE 11 WEST, SECTIONS 2,11,13,14,23,26,35; TOWNSHIP 26 SOUTH RANGE 11 WEST, SECTION 2

Commissioner Draper requested a copy of the proposed conditional uses and a brief discussion was had on the conditions to include Lynndyl Town and any impacted private land owner as well as a condition that all entities must be in agreement in order for the Commission to approve a maintenance agreement.

Mr. Tibbets said that the spirit of the language is acceptable to Transwest; however, they want to have the specific language before agreeing. Ms. Christian said that they can prepare the language and submit it to the County for approval.

Mr. Lamb asked for clarification and asked if the project dies if all entities don't agree. Commissioner Draper said that the construction access would die but not the entire project.

Attorney Finlinson said that if one private land owner already has a designated Class D road crossing their property then there is already access. He said that Class D roads are every other road in the County that has either been designated as such or meets the criteria by use. Attorney Finlinson said that he doesn't want anyone to leave here thinking that someone with a Class D Road can shut the project down because the access is already available.

Planner Richins said that Class D roads are public roads. Attorney Finlinson said that municipalities don't have Class D roads. He said that the only concern is outside of the town's limits where a Class D Road is a public road.

Commissioner Draper said that the Commission won't approve a road maintenance agreement until every entity is in agreement.

Commissioner Jackson said that this doesn't appear to be an issue yet. Commissioner Warnick said that the language is needed to include Lynndyl and private land owners. Transwest said that they will provide that language.

Commissioner Draper said that Transwest brought up two issues within the conditional uses which the County doesn't have jurisdiction. He said that one is the tower structures and the other

is the bonding. He said that the structures have been addressed and the bond is in place.

Commissioner Draper said that the CUP states that the Commission will identify a representative. He said that the representative will be Planner Richins and doesn't need to be a conditional use.

Mr. Degner reminded the Commission about their time line request. He said that the project won't start until the BLM gives the go ahead and they have asked for a five year permit once the BLM gives their notice to proceed.

Commissioner Jackson made a motion to approve the CUP #Z-2019-004 & #Z-2019-005 with the modifications discussed including the addition of the town of Lynndyl and private landowners with the appropriate language put together and that the County give Transwest Express, LLC a five year term once they receive approval from the BLM for Electric Transmission Right of Way (Major) Totalling Approximately 3,666 Acres of Federal, State and Private Land in Millard County for the Purpose of Constructing and Operating:

1. Direct Current (DC) System: ±500 Kilovolt (KV) High Voltage DC Transmission Line, Converter Station, Interconnection Line, Ground Electrode Line, Access Roads, And Temporary Facilities Required For Construction Located Within: Township 15 South Range 5 West, Sections 3,4,5,6,9,10,11,14,15; Township 15 South Range 6 West, Sections 1,2,3,4,5,6; Township 15 South Range 7 West, Sections 1,2,3,4,5,6,10,15,22,23,24; Township 15 South Range 8 West, Sections 1,2,6,7,8,11,14,15,17,18,19,20,21,22; Township 15 South Range 9 West, Sections 1, 2
2. Alternating Current (AC) System: 500 Kv High Voltage AC Transmission Line, Access Roads, And Temporary Facilities Required For Construction Located Within: Township 15 South Range 7 West, Sections 3,4,5,6; Township 15 South Range 8 West, Sections 1,2,11,14,15,16,19,20,21,22; Township 15 South Range 9 West, Sections 23,24,26,27,28,33,34; Township 16 South Range 9 West, Sections 4,5,8,17,18,19,30,31; Township 17 South Range 9 West, Sections 6,7,18,19,30,31; Township 18 South Range 9 West, Sections 6,7,18,19,30,31; Township 19 South Range 9 West, Sections 5,6,8,17,20,21,28,29,33; Township 19 South Range 10 West, Section 22; Township 20 South Range 9 West, Sections 4,9,10,15,22,27,34; Township 21 South Range 9 West, Sections 3,10,15,16,21,28,33; Township 22 South Range 9 West, Sections 4,8,9,17,19,20,29,30,31,32; Township 23 South Range 9 West, Sections 6,7; Township 23 South Range 10 West, Sections 12,13,14,22,23,27,33,34; Township 24 South Range 10 West, Sections 4,5,7,8,10,18,19; Township 24 South Range 11 West, Sections 24,25,26,35; Township 25 South Range 11 West, Sections 2,11,13,14,23,26,35; Township 26 South Range 11 West, Section 2.

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

DISCUSSION AND POSSIBLE APPROVAL OF APPLICATION #Z-2019-008 FOR A PLAT SUBDIVISION OF PROPERTY LOCATED AT APPROXIMATELY 1310 NORTH 500 WEST, DELTA ADDRESS GRID. RICHARD BISHOP—OWNER, KURT LINDSTROM—APPLICANT

Mr. Lindstrom said that he is looking to build a primary residence which requires a subdivision to break up a lot on his dad's land.

Mr. Richins said that this received a favorable recommendation from the Planning and Zoning Commission; however, there was a concern with water and creating a dry subdivision.

Planner Richins said that Mr. Lindstrom currently has one acre foot of water which is good for one lot. He said that the Planning and Zoning Commission recommends one acre foot per lot and there are five lots. Mr. Lindstrom said that he would be drilling a well for his one lot, and would not be tying into Delta City's water.

Commissioner Draper said that if this land is designated as lots it will be taxed at lot value and not qualify for green belt. Mr. Lindstrom said that he understood that and wanted to continue the process.

Commissioner Jackson made a motion to approve application #Z-2019-008 for a plat subdivision of property located at approximately 1310 North 500 West, Delta address grid. Richard Bishop - owner, Kurt Lindstrom - applicant

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

DISCUSSION ON LANDFILL - SUSAN KESLER

Matthew Kesler said that his family knew their landfill bill would go up, but think that they are being charged at a larger usage than what they should be. He said that they have a dumpster at the RV park that is used 8 months out of the year and in the off season they are using the city garbage cans. Mr. Kesler said that they use the smallest dumpster available from Holt's Waste and that their fee schedule should be reduced to meet their actual usage.

Attorney Finlinson said that possible discrepancies with usage amounts were anticipated and that the ordinance states the process in which those fees can be challenged. Commissioner Jackson said that Holt Waste will measure the dumpster upon request and if the usage is lower, Mr. Kesler's bill will be reduced to a lower usage rate. Commissioner Jackson asked John Higgins to look into the Kesler's usage amounts.

Kerry Kesler said that they are being charged two landfill fees; one for their business and one for their home and asked if they could be charged one fee since it is only one pickup. Commissioner Jackson clarified that the business is not an in - home business and is in a separate building. Susan Kesler said that they burn most if not all of their waste and they are not using the landfill.

Commissioner Jackson said that the County goes by what the municipalities have recorded as businesses and what they have listed as residences.

DISCUSSION AND POSSIBLE RENEWAL OF A COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN & FINANCIAL PLAN WITH THE USDA, FOREST SERVICE FISHLAKE NATIONAL FOREST

Sheriff Jacobson said that this is an annual contract where the Sheriff's Office provides patrol on the main camping roads and into the camping areas. He said that there aren't any rate changes from previous agreements.

Auditor Gehre said that in the past, funding from this agreement has been allotted to the Peace Officer's Association (MPOA) and asked if that will continue. Sheriff Jacobson said that he hasn't anticipated any changes; however, they can be negotiated if any are needed.

Commissioner Draper asked what MPOA does with the funds. Sheriff Jacobson said that the funds go toward helping injured officers and their families, among other things.

Commissioner Warnick made a motion to renew the Cooperative Law Enforcement Annual Operating Plan and Financial Plan with the USDA, Forest Service Fishlake National Forest.

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

DISCUSSION REGARDING COMPLIMENTARY LAGOON TICKETS

Clerk Rowley said that she received a coupon for up to six free lagoon tickets plus the option to purchase up to four additional tickets at \$30.00 each; complimentary from Lagoon. She said that the coupon is only valid between June 2, 2019 and June 6, 2019 and it was suggested to offer the coupon as a wellness incentive.

The Commission gave approval to offer the complimentary Lagoon tickets as a wellness incentive for County employees.

REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF PROPOSALS THROUGH THE BIDDING ARM OF GBS FOR LTD BENEFITS FOR EMPLOYEES

Auditor Gehre said that under the current Signa LTD benefit policy, the two highest paid County employees would be unable to claim their full 66.66% of benefits because the percentage is higher than the \$5,000.00 threshold. She said that GBS bid out LTD benefits and found that if the County went through Lincoln, they would capture all employees under the threshold, save approximately 10% in cost, and provide a nice line and duty benefit for public safety officers.

Auditor Gehre said that she spoke with Sevier County who gave Lincoln a good recommendation and said that Lincoln's policy is compliant with Utah Retirement Systems.

Commissioner Warnick made a motion to approve the proposals through the bidding arm of GBS for LTD benefits for employees and award the bid to Lincoln with the higher benefit effective June 1, 2019.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Draper said that he received a request that the County change the usage on the Oak City Canyon Road to allow ATVs.

Sheriff Jacobson said that this is allowed in other parts of the County so he sees the logic behind that argument; however, he said that he can see possible issues arising from the usage change

such as speeding and increased traffic. He said that he is unaware of any limitations that wouldn't allow this change and that the Sheriff's Office would patrol there as equally as they do other similar areas.

Commissioner Draper said that he will find out if an ordinance or resolution is necessary to make this change and would like this item put on the next agenda.

Commissioner Draper said that there is a \$500.00 fee to the State of Nevada State Bar that needs to be paid in order for Mark Ward to continue to represent the County in the continued water litigation.

Commissioner Jackson made a motion to approve a \$500.00 payment to the Nevada State Bar for Mark Ward's representation on water litigation in Nevada.

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

Commissioner Draper said that he has an agreement with the Utah Department of Transportation (UDOT) that needs to be signed. He said that the County received a federal grant to work on the Brush Highway, and the County's obligation in the project is not to exceed \$410,000.00. He said that he needs authorization to sign that agreement in order to move forward with the project.

Commissioner Warnick made a motion to authorize signing the agreement with UDOT stating the County's obligation which is not to exceed \$410,000.00.

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

Sheriff Jacobson said that he hired Deanne Hare as the new secretary in his office and asked that the Commission sign the paperwork for her.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There was none.

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX

There was none.

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

Commissioner Jackson said that the Armory has changed hands from the National Guard to Fillmore City and that the County needs to work out the details with Fillmore City for a lease. Possible dates for a meeting with Fillmore City were discussed.

Commissioner Jackson expressed his appreciation for the updates and the work done by

Fillmore City regarding the water levels.

Commissioner Draper gave a brief history of the contract with Smithfield Foods for road maintenance and said that the County has received a payment from them in the amount of \$400,000.00. He said that the County's road grader which is 24 years old has broken down and it has been suggested to use part of the \$400,000.00 to purchase a new one.

Commissioner Jackson said that he thinks that is a good idea.

Commissioner Warnick asked about lease options and if that may be a better way to go. Commissioner Jackson said that leasing is not feasible due to the amount of hours that the County puts on the road graders.

Commissioner Draper said that there use to be a lease option with Caterpillar. Mr. Winget said that those leases have changed and then explained the process and costs associated with a lease.

AUDITOR REPORT

Auditor Gehre said that she received an indigent burial application for Carla Peterson. She said that the application only requested \$1,400.00, which will cover the funeral home's costs, but the County's policy actually allows payment of \$1,560.00.

Commissioner Warnick made motion to approve the indigent burial application for Carla Peterson in the amount of \$1,400.00.

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

Auditor Gehre presented the month end reports for April.

Auditor Gehre said that the County will be receiving a return premium from Utah County's Indemnity Pool (UCIP) in the amount of \$9,743.00 resulting from the Workman's Compensation Audit.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 1:40 p.m..

Attest: _____

Approved: _____