

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 31ST DAY OF OCTOBER, 2023
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bill Wright..... Chairperson
Vicki Lyman..... Commissioner
Trevor Johnson..... Commissioner

Pat Finlinson. County Attorney
Kayla Freeman..... Deputy County Clerk

EXCUSED: Marki Rowley. County Clerk

ALSO PRESENT: Denton Peterson Deputy County Attorney
Debra Arnold Interim County Treasurer
Bonnie Smith and Vicki Bennett..... County Auditor’s Office
Sierra Dickens. County Recorder
Lora Fitch..... Interim County Assessor
Jacob Nielson..... County HR Director
Richard Jacobson, Jerid Bennett, Rob Clark,
Chase Townsend, Chad Implay, and Patrick Bennett,..... County Sheriff’s Office
Nate Runyan Holland and Hart
Landon Kesler. Big Sky Ventures
Scott Barney..... EDF
Matt Ward. Millard County Chronicle Progress
Adam Richins..... Planing and Zoning
Kevin Orton and Denis Alldredge..... Fillmore City
Erin Bibeau and Patrick Shim 174 Power Global
Shane Church..... SFC Welding
Susan Fernandez. ACES Delta
John Nye. Mt. View Dairy
Joseph Tippetts and Nancy Smith. Trans West Express
Clayton Anderson and Kendall Anderson Commercial Business Radio
Kenneth Skeem and Donald Brown..... Citizens
Cyndee Probert..... Justice Court

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 Wright to the public and Commission members.

OPENING STATEMENTS

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

APPROVAL OF OCTOBER 3, 2023 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 3, 2023, were presented for consideration and approval. Following review, Commissioner Johnson made a motion to approve the minutes of October 3, 2023, as presented.

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

FOLLOW UP ACTION ITEMS FROM OCTOBER 3, 2023

There were none.

MEETING OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF MILLARD COUNTY FOR PURPOSE OF DETERMINING UTAH SOLAR 1 CDA PROJECT PROCESS AND PROCEDURE

Commissioner Lyman made a motion to open a meeting of the Board of Directors of the RDA.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting began at 10:07 a.m..

Commissioner Lyman made a motion to return to the regular commission meeting.

Commissioner Wright stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting closed at approximately 10:19 a.m..

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT IN RELATION TO THE MILLARD COUNTY: ENERGY & INDUSTRY CDA 2016 - AMENDED PROJECT AREA PLAN AND PROJECT AREA BUDGET

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comment in relation to the Millard County: Energy & Industry CDA 2016 - Amended Project Area Plan and Project Area Budget.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:08 a.m..

Present were: Deputy Attorney Peterson, Nate Runyan, Landon Kesler, Recorder Dickens, Scott Barney, Interim Treasurer Arnold, Auditor Smith, Matt Ward, Planner Richins, Kevin Orton, HR Director Nielson, Erin Bibeau, Patrick Shim, Interim Assessor Fitch, Shane Church, Susan Fernandez, Sheriff Jacobson, Deputy Bennett, Captain Bennett, Deputy Clark, and Deputy Townsend.

Deputy Attorney Peterson gave a brief explanation of the project area plan and budget.

No other comments were made.

Commissioner Johnson made a motion to close the public hearing.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:11 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-10-31, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF MILLARD COUNTY, UTAH AUTHORIZING AND APPROVING THE AMENDED PROJECT AREA PLAN AS THE OFFICIAL PLAN FOR THE MILLARD COUNTY: ENERGY & INDUSTRY CDA 2016

Commissioner Johnson made a motion to approve Resolution 23-10-31, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing and approving the amended project area plan as the official plan for the Millard County: Energy & Industry CDA 2016.

Deputy Attorney Peterson commended Recorder Dickens for her work with property descriptions.

Commissioner Lyman SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Lyman voted YES. Commissioner Johnson voted YES. Commissioner Wright voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-10-31A, A RESOLUTION OF THE BOARD OF BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF MILLARD COUNTY, UTAH AUTHORIZING AND APPROVING THE PROJECT AREA BUDGET FOR THE MILLARD COUNTY: ENERGY & INDUSTRY CDA 2016

Commissioner Johnson made a motion to approve Resolution 23-10-31A, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing and approving the project area budget for the Millard County: Energy & Industry CDA 2016.

Commissioner Lyman SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Johnson voted YES. Commissioner Lyman voted YES. Commissioner Wright voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-10-31B, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF MILLARD

COUNTY, UTAH AUTHORIZING THE MILLARD COUNTY REDEVELOPMENT AGENCY TO APPROVE A TAX INCREMENT PARTICIPATION AGREEMENT BETWEEN THE AGENCY AND ECG UTAH SOLAR 1, LLC

Commissioner Johnson made a motion to approve Resolution 23-10-31B, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing the Millard County Redevelopment Agency to approve a tax increment participation agreement between the RDA and ECG Utah Solar 1, LLC.

Commissioner Lyman SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Johnson voted YES. Commissioner Lyman voted YES. Commissioner Wright voted YES. The voting was unanimous and the motion carried.

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

Commissioner Wright said that a closed meeting was not needed.

Commissioner Johnson made a motion close the RDA meeting and to return to the regular commission meeting.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting closed at approximately 10:19 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 23-10-31, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH TO ADOPT THE AMENDED PROJECT AREA PLAN AS THE OFFICIAL PLAN FOR THE MILLARD COUNTY: ENERGY & INDUSTRY CDA 2016, WHICH WILL SUPERSEDE ORDINANCE NO. 16-08-23

Commissioner Johnson made a motion to adopt Ordinance 23-10-31, an ordinance of the Board of County Commissioners of Millard County, Utah, adopting the amended project area plan as the official plan for the Millard County: Energy & Industry CDA 2016, which will supersede Ordinance 16-08-23.

Commissioner Lyman SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Lyman voted YES. Commissioner Johnson voted YES. Commissioner Wright voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF IGP WAIVERS

Commissioner Johnson presented one IGP waiver in the amount of \$10.00.

Commissioner Lyman made a motion to approve the IGP in the amount of \$10.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR TERRIBLE’S #450, OWNER - TERRIBLE HERBST, INC.

A Business License application was presented for Terrible’s #450, Owner - Terrible Herbst, a gas station. After review of the application and finding all signatures in order, Commissioner Johnson made a motion to approve a business license for Terrible’s #450, Owner - Terrible Herbst.

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

DISCUSSION AND POSSIBLE ADOPTION OF THE 2024 TENTATIVE BUDGET

Auditor Smith presented the 2024 tentative budget for review. She explained the Clear Gov software that her office used. She recommended that elected officials and department heads log into this software to review their budgets. She said that Monday, November 13, 2023 is the deadline to make any changes to the 2024 Tentative Budget.

Commissioner Lyman asked why the 2024 Special Projects and Capital Projects funds budgeted with less funds than the 2023 budgets.

Auditor Smith explained that this is a tentative budget and those funds are currently less because there are fewer planned projects and ARPA funds are coming to an end. She also explained that other projects are budgeted within the funds separately.

Commissioner Wright explained that there will be future meetings in order to finalize the budget.

Commissioner Johnson made a motion to approve the 2024 Tentative Budget.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING THE POSSIBLE TRANSFER OF REAL PROPERTY TO FILLMORE CITY

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comment on the possible transfer of real property to Fillmore City.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:55 a.m..

Present were: Deputy Attorney Peterson, Nate Runyan, Landon Kesler, Recorder Dickens, Scott Barney, Interim Treasurer Arnold, Auditor Smith, Matt Ward, Planner Richins, Kevin Orton, HR Director Nielson, Erin Bibeau, Patrick Shim, Interim Assessor Fitch, Shane Church, Susan Fernandez, Sheriff Jacobson, Deputy Bennett, Captain Bennett, Deputy Clark, and Deputy Townsend.

Commissioner Wright briefly explained the transfer.

There were no other comments made.

Commissioner Johnson made a motion to close the public hearing.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:56 a.m..

DISCUSSION OF POSSIBLE TRANSFER OF REAL PROPERTY TO FILLMORE CITY

Commissioner Johnson made a motion to approve the transfer of real property to Fillmore City.

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

Attorney Finlinson will prepare the deed to be signed, granting ownership to Fillmore City.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING COMMENT ON A ZONING ORDINANCE TEXT AMENDMENT APPLICATION # Z-2020-058 AMENDING THE TABLE OF USES AND ACCOMPANYING USE DEFINITIONS, LOCATED IN TITLE 10, CHAPTER 25, APPENDIX A OF THE MILLARD COUNTY ZONING ORDINANCE TO ALLOW OPEN/OUTDOOR STORAGE AS A P-1 PERMITTED USE IN THE HIGHWAY COMMERCIAL ZONING DISTRICT

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on a zoning ordinance text amendment, Application # Z-2020-058, amending the Table of Uses and accompanying Use Definitions, located in Title 10, Chapter 25, Appendix a of the Millard County Zoning Ordinance to allow open/outdoor storage as a P-1 Permitted Use in the Highway Commercial (HC) Zoning District.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:57 a.m..

Present were: Recorder Dickens, Interim Treasurer Arnold, Auditor Smith, Matt Ward, Planner Richins, Kevin Orton, HR Director Nielson, Erin Bibeau, Patrick Shim, Interim Assessor Fitch, Shane Church, Susan Fernandez, Sheriff Jacobson, Deputy Bennett, Captain Bennett, Deputy Clark, and Deputy Townsend.

Planner Richins explained the proposed changes to be made and why they are needed; specifically to allow for the open and outdoor storage of RVs on properties. He reported that the Planning and Zoning Commission recommend adding the change to the C-1 CUP (CUP) instead of the P-1CUP.

Commissioner Lyman made a motion to close the public hearing.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:03 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 23-10-31A, AN ORDINANCE AMENDING THE TABLE OF USES AND ACCOMPANYING USE DEFINITIONS, LOCATED IN TITLE 10, CHAPTER 25, APPENDIX A OF THE MILLARD COUNTY ZONING ORDINANCE TO ALLOW OPEN/OUTDOOR STORAGE AS A P-1 PERMITTED USE IN THE HIGHWAY COMMERCIAL ZONING DISTRICT

Commissioner Lyman agreed with the Planning and Zoning recommendation of approving it as an amendment to the a C-1 CUP.

Commissioner Wright stated that he supports the request for the P-1 permitted use change.

Commissioner Johnson made a motion to adopt Ordinance 23-10-31A, an ordinance of the Board of County Commissioners of Millard County, Utah, amending the Table of Uses and accompanying Use Definitions, located in Title 10, Chapter 25, Appendix a of the Millard County Zoning Ordinance to allow open/outdoor storage as a C-1 Permitted Use in the HC Zoning District.

Commissioner Lyman SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Johnson voted YES. Commissioner Lyman voted YES. Commissioner Wright voted NO. The motion carried by majority vote.

PUBLIC HEARING FOR THE PURPOSE OF OPENING BUDGETS FOR THE 2023 YEAR TO AMEND FOR SENIOR NUTRITION, RODEO, PLANNING, IGP GRANT AND STRIKE FORCE. ALL FUNDS/BUDGETS MAY BE CONSIDERED AS NECESSARY

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on opening budgets for the 2023 Year to amend for Senior Nutrition, Rodeo, Planning, IGP Grant and Strike Force. All funds/budgets may be considered as necessary.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:09 a.m..

Present were: Recorder Dickens, Interim Treasurer Arnold, Auditor Smith, Matt Ward, Planner Richins, Kevin Orton, HR Director Nielson, Erin Bibeau, Patrick Shim, Interim Assessor Fitch, Shane Church, Susan Fernandez, Sheriff Jacobson, Deputy Bennett, Captain Bennett, Deputy Clark, and Deputy Townsend.

Auditor Smith presented a list of items that require budget amendments. She explained that they no longer need to amend the rodeo fund and that \$15,000.00 for computer hardware updates was added.

There were no other comments made.

Commissioner Johnson made a motion to close the public hearing.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:11 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-10-31, A RESOLUTION OF

THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH OPENING BUDGETS FOR THE 2023 YEAR TO AMEND FOR SENIOR NUTRITION, RODEO, PLANNING, IGP GRANT AND STRIKE FORCE. ALL FUNDS/BUDGETS MAY BE CONSIDERED AS NECESSARY

Attorney Finlinson made the Commission aware that the previous resolutions were a part of the RDA board meeting; therefore, this resolution is the first regular Commission meeting resolution and should be numbered as such.

Auditor Smith explained that these items have been discussed previously and explained that the requests are to add funds.

Commissioner Johnson made a motion to approve Resolution 23-10-31, a resolution of the Board of County Commissioners of Millard County, Utah, opening budgets for the 2023 Year to amend for Senior Nutrition, Planning, IGP Grant and Strike Force, and IT as presented.

Commissioner Lyman SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Johnson voted YES. Commissioner Lyman voted YES. Commissioner Wright voted YES. The voting was unanimous and the motion carried.

Commissioner Johnson explained the increase need for the Senior Nutrition services within the County.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING COMMENT ON C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2023-006 FOR A SOLAR ENERGY SYSTEM (MAJOR) AT APPROXIMATELY 7500 N JONES ROAD, DELTA—INTERMOUNTAIN SOLAR PLANT, LLC, APPLICANT

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comment on C-2 Conditional Use Permit (CUP), Application #Z-2023-006, for a Solar Energy System (Major) at approximately 7500 N Jones Road, Delta - Intermountain Solar Plant, LLC, applicant.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:17 a.m..

Present were: Recorder Dickens, Interim Treasurer Arnold, Auditor Smith, Matt Ward, Planner Richins, Kevin Orton, HR Director Nielson, Erin Bibeau, Patrick Shim, Interim Assessor Fitch, Shane Church, Susan Fernandez, Sheriff Jacobson, Deputy Bennett, Captain Bennett, Deputy Clark, Deputy Townsend, John Nye, Joseph Tippetts, and Nancy Smith.

Ms. Fernandez, representing the Aces Delta site, reported that they do not foresee any future issues connected with the application.

Mr. Bibeau shared information about project.

Mr. Kesler added his support of this project and explained the benefits including its low environmental impact.

Commissioner Johnson made a motion to close the public hearing.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:25 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2023-006 FOR A SOLAR ENERGY SYSTEM (MAJOR) AT APPROXIMATELY 7500 N JONES ROAD, DELTA

Commissioner Wright asked about any possible mitigation measures.

Planner Richins explained that additional conditions were recommended by the Planning and Zoning Commission. He read the list for the record, including the additional suggestions which does address mitigation measures.

Commissioner Wright commended the Planning and Zoning Commission for their work and due diligence.

Commissioner Lyman asked about weed control.

Mr. Bibeau explained that there are measures in place to control agricultural growth.

Mr. Kessler said that he represents the company that manages the weed control and that it falls under the fire prevention conditional use requirement.

Commissioner Johnson asked Ms. Fernandez if Aces Delta is comfortable with the permits as it stands. She explained that they are, but would like to be appraised of any changes that are made in the future.

Planner Richins explained that any changes would require opening the permit using a formal process.

Commissioner Johnson made a motion to approve the C-2 CUP, including the proposed conditions from the Planning and Zoning Commission, Application #Z-2023-006, for a Solar Energy System (Major) at approximately 7500 N Jones Road, Delta - Intermountain Solar Plant, LLC applicant.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING COMMENT ON C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2023-054 FOR INDUSTRIAL/MANUFACTURING ACTIVITY (GENERAL) AT APPROXIMATELY 1365 N HWY 6, DELTA - ARES STRATEGIC MINING INC., OWNER

Commissioner Johnson made a motion to enter into a public hearing for the purpose of receiving public comment on C-2 CUP Application #Z-2023-054 for Industrial/ Manufacturing Activity (General) at approximately 1365 N Hwy 6, Delta - Ares Strategic Mining Inc., Owner.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:39 a.m..

Present were: Recorder Dickens, Interim Treasurer Arnold, Auditor Smith, Matt Ward, Planner Richins, Kevin Orton, HR Director Nielson, Interim Assessor Fitch, Shane Church, Susan Fernandez, Sheriff Jacobson, Deputy Bennett, Captain Bennett, Deputy Clark, Deputy Townsend, John Nye, Joseph Tippetts, and Nancy Smith.

Planner Richins presented the application and explained the discussions previously had on this project. He said that it is to build a processing plant outside Delta City, on land already zoned Heavy Industrial (HI). He explained that they are planning to only crush and pelletize material.

Mr. Church, representing Ares Strategic Mining, stated that he agreed with Planner Richins on his explanation. He explained that they are not applying for approval for anything that would include any further refining processes, but may in the future.

Planner Richins explained the conditions proposed by the Planning and Zoning Commission and that they've given a favorable recommendation.

Sheriff Jacobson asked for clarification on vehicle requirements and the routes that they would use.

Mr. Church explained that they believe that it would be around ten semi trucks of materials monthly coming to and from the plant.

There were no other comments made.

Commissioner Lyman made a motion to close the public hearing.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:48 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF C-2 CONDITIONAL USE PERMIT APPLICATION #Z-2023-054 FOR INDUSTRIAL/MANUFACTURING ACTIVITY (GENERAL) AT APPROXIMATELY 1365 N HWY 6, DELTA

Commissioner Lyman asked about noise control.

Planner Richins explained that the site is far enough away from any other locals and that there are no restrictions as it is already zoned HI and noise is expected.

Mr. Church said that the owners are willing to help manage noise control as issues arise.

Commissioner Johnson made a motion to approve the C-2 CUP Application #Z-2023-054 for Industrial/ Manufacturing Activity (General) at approximately 1365 N Hwy 6, Delta - Ares Strategic

Mining Inc., Owner.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING COMMENT ON C-2 CONDITIONAL USE PERMIT AMENDMENT APPLICATIONS #Z-2023-055 AND #Z-2023-056 TO CHANGE THE LOCATION AND SIZE OF THE PROJECT'S TERMINAL AND ASSOCIATED FACILITIES, TRANSWEST EXPRESS LLC, APPLICANT

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on C-2 CUP amendment applications #Z-2023-055 and #Z-2023-056 to change the location and size of the Project's terminal and associated facilities, Transwest Express LLC, applicant.

Commissioner Johnson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:54 a.m..

Present were: Recorder Dickens, Interim Treasurer Arnold, Auditor Smith, Matt Ward, Planner Richins, Kevin Orton, HR Director Nielson, Interim Assessor Fitch, Susan Fernandez, Sheriff Jacobson, Deputy Bennett, Captain Bennett, Deputy Clark, Deputy Townsend, John Nye, Joseph Tippetts, and Nancy Smith.

Ms. Fernandez reported that Aces Delta has no issues with the application.

Mr. Tippetts and Ms. Smith explained their application to move the project's terminal facilities to a new location.

Planner Richins explained that this is the formal process to amend the permits that have previously been issued.

Mr. Tippetts explained the conditions that would deal with the ground electrodes and that the company has further information on the situation that he can share.

Mr. Nye asked about the mitigation concerning ground electrodes and the impact on the local dairies.

Mr. Tippetts explained that they are very open in sharing information, but that he is concerned with mitigation as it deals with causation and that the project is protected by speculative claims by State Law. He also explained that there are already measures in place that would allow the County to pursue mitigation if needed.

Mr. Kesler asked if there is any data available concerning transient voltage in connection to the ground electrodes.

Ms. Smith explained that studies have been completed and will continue to be done. She said that the data has been used to chose the locations.

Mr. Nye explained that the salinity of the soil also affects the impacts of the ground electrodes.

There were no other comments made.

Commissioner Johnson made a motion to close the public hearing.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 12:17 a.m..

Commissioner Wright suggested a recess for lunch in order to draft added language to the amended permit that would address the issue of the ground electrodes and their possible impacts.

The meeting recessed at 12:20 p.m.

BREAK FOR LUNCH

The meeting reconvened at 1:20 p.m.

DISCUSSION AND POSSIBLE APPROVAL OF C-2 CONDITIONAL USE PERMIT AMENDMENT APPLICATION #Z-2023-055 TO CHANGE THE LOCATION AND SIZE OF THE TRANSWEST EXPRESS PROJECT'S TERMINAL AND ASSOCIATED FACILITIES, TRANSWEST EXPRESS LLC, APPLICANT

Mr. Tippetts presented the language regarding the ground electrodes to be added to the amendment for approval.

Commissioner Johnson made a motion to approve the C-2 CUP Amendment Applications #Z-2023-055 to change the location and size of the project's terminal and associated facilities, Transwest Express LLC, applicant, and to include the discussed additions.

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

Commissioner Wright read the additions discussed for the record.

DISCUSSION AND POSSIBLE APPROVAL OF C-2 CONDITIONAL USE PERMIT AMENDMENT APPLICATION #Z-2023-056 TO CHANGE THE LOCATION AND SIZE OF THE TRANSWEST EXPRESS PROJECT'S TERMINAL AND ASSOCIATED FACILITIES, TRANSWEST EXPRESS LLC, APPLICANT

Commissioner Johnson made a motion to approve the C-2 CUP amendment application #z-2023-056 to change the location and size of the project's Terminal and Associated Facilities, Transwest Express LLC, applicant.

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

DISCUSSION AND POSSIBLE APPROVAL OF A PURCHASING WORKSHEET FOR DISPATCH RECORDING SYSTEMS

Captain Bennett explained that they are requesting approval to purchase software that was not

the lowest bid received and the need to purchase the worksheet software instead of the other options. He explained that the software from Gosserco Inc. is the only system that will integrate with the systems they currently use, along with providing quality control evaluations.

Commissioner Lyman questioned how it would integrate into the current system and the capabilities it provides that the other options did not.

Captain Bennett and Deputy Imlay further explained the benefits and capabilities the new software would provide.

Captain Bennett explained that there is a grant that they received that could be used to purchase this software.

Commissioner Johnson made a motion to approve accepting the bid from Gosserco Inc., in the amount of \$30,925.10.

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

DISCUSSION AND POSSIBLE APPROVAL COMMERCIAL BUSINESS RADIO CONTRACT RENEWAL- BRYANT ANDERSON

Kendall Anderson and Clayton Anderson presented the TV translators and the Radio Equipment contracts approval and explained the minor changes that they added to the contracts.

Commissioner Johnson made a motion to approve the approve the TV translators and the Radio Equipment contracts with Commercial Business Radio.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-10-31D, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AMENDING THE RULES GOVERNING THE USE OF THE MILLARD COUNTY EQUESTRIAN FACILITIES

Commissioner Wright said that this item has been rescheduled to November 7, 2023.

DISCUSSION AND POSSIBLE APPROVAL OF A STEP AND GRADE ADJUSTMENT FOR THE PUBLIC SAFETY OFFICE ADMINISTRATOR POSITION

Attorney Finlinson explained that this adjustment requires a resolution, which will need to be added to the next commission meeting.

Sheriff Jacobson explained that this has been discussed with the County HR Director and there is precedent for this position to be adjusted on the full-time step and grade scale and that the part-time secretary position in his office to be moved to the full-time step and grade scale.

Captain Bennett further explained how they gathered the data to support adjusting these two positions.

Sheriff Jacobson explained that they are simply updating the job description to accurately reflect the work that is currently being performed and to request that they be adequately compensated.

DISCUSSION AND POSSIBLE APPROVAL OF MOVING THE PART-TIME SECRETARY POSITION IN THE SHERIFF'S OFFICE TO THE FULL-TIME STEP AND GRADE SCALE

This item was discussed in the previous item.

DISCUSSION AND POSSIBLE APPROVAL OF MOVING THE PART-TIME CLERK POSITION IN THE JUSTICE COURT TO THE FULL-TIME STEP AND GRADE SCALE

Judge Probert explained that she has a part-time employee that has full time responsibilities and that she has also discussed this with the County HR Director and there is precedent for this position to be compensated on the full-time step and grade scale.

Attorney Finlinson explained that this requires a resolution which will have to be approved during the next Commission meeting.

Auditor Smith confirmed that the part-time secretary position and the part-time clerk position are budgeted for, but she needs the information on the Public Safety Office Administrator position in the Sheriff's Office.

PUBLIC INPUT

Donald Brown expressed his concerns in regards to the alleviation measures with IPA and his disapproval of the IPP in the County.

Commissioner Wright thanked him for expressing his opinion, as did the other two commissioners.

OTHER BUSINESS

Planner Richins explained that a plat subdivision owned by Kenneth Skeem was approved during the September 27, 2022, Commission Meeting; however, some errors were found during the meeting that needed to be fixed before signatures could be provided. He reported that the errors have been fixed and they are now presenting the application for signatures.

Auditor Smith and Interim County Treasurer Arnold presented the September 2023 monthly financial review for signatures.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

There were none.

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

There were none.

DISCUSSION BY EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Clerk Rowley reminded the Commission that the election was changed from November 7, 2023 to November 21, 2023, due to the special election.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND/OR ACTION

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

Commissioner Johnson made a motion to go into a closed executive session for the purpose of discussing pending and/or threatened litigation.

Commissioner Lyman SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Planner Richins and Sheriff Jacobson.

After the closed executive session the regular meeting reconvened at 2:31p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Wright adjourned the meeting at 2:32 p.m..

Attest: _____

Approved: _____

