

**MINUTES  
BOX ELDER COUNTY COMMISSION  
SEPTEMBER 30, 2008**

The Board of County Commissioners of Box Elder County, Utah met in an Administrative/Operational Session at the County Courthouse, 01 South Main Street in Brigham City, Utah at 8:00 a.m. on **SEPTEMBER 30, 2008**. The following members were present:

Jay E. Hardy	Chairman
Clark N. Davis	Commissioner
Rich VanDyke	Commissioner
LuAnn Adams	Recorder/Clerk

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports
4. Correspondence
5. Assignment Review
6. Smoke-Free Ordinance – Chairman Hardy

The work session adjourned at 8:59 a.m.

The regular session was called to order by Chairman Hardy at 9:00 a.m. with the following members present, constituting a quorum:

Jay E. Hardy	Chairman
Clark N. Davis	Commissioner
Rich VanDyke	Commissioner
LuAnn Adams	Recorder/Clerk

The prayer was offered by Chairman Hardy.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 23, 2008 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER DAVIS AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**BOTHWELL RIFLE RANGE – AL SMART**

Al Smart and Ray Yoda came before the Commissioners.

Al Smart said he would like to have a long-term commitment on the property in Bothwell for a rifle range. He said they finished up construction and spent a little over \$20,000. They have a covered shooting range, restrooms, storage building, new gates, and are putting slag down for the roadway. Mr. Smart is doing a close-out on the NRA grant. They received \$10,800 from the NRA. They have had really good responses from the people that use their ranges. The range does not get trashed. People are charged just enough that they have a responsibility. They don't want to lose their membership. There are set range rules. The Utah National Guard and the Army National Guard go there on a regular basis to use the range for training and weapons qualification. The range has been open to the local police departments.

Chairman Jay Hardy has some concerns with a long-term lease that they may jeopardize their gravel operation. He said the lease would have to be conditional that the gun range would not interfere with the gravel operation. Roads will be a huge expense in the future.

Road Supervisor Bill Gilson said he is concerned with the gravel operation. He said most of the Bothwell area has been mined out. The majority of the gravel area will be to the northwest area of the gravel pit. The Road Department is supportive of the shooting range. He said we want it to go forward, but this is the only gravel pit the county owns. Mr. Gilson said the road department will be setting up in November to crush and make gravel. He said when they make their own material out of the pit; they do not pay any royalty. He said it is something the county will be utilizing over next few years because roads will be a huge expense in the future.

The Commissioners referred this item to the county attorney to draft an agreement to give a five-year commitment with an option, and that the operation be compatible with our road department's operations.

Al Smart said they need the agreement by the first of November.

**TREMONTON ANIMAL CONTROL BILLINGS – GREG HORSPOOL**

Box Elder County received some large animal control bills from Tremonton City and Greg Horspool explained what the county's billings were for.

The Commissioners would like to rewrite the animal control contract with Tremonton and include charging an administrative fee for Tremonton City to collect the fee.

The Commissioners appreciate the inter-relationship they have with Tremonton City.

**BAILIFF/SECURITY SERVICES AGREEMENT**

**MOTION:** A motion was made by Commissioner Davis to approve the contract with the State of Utah regarding bailiff and security coverage in the amount of \$195,000 for the period July 1, 2008-June 30, 2009 with the understanding that paragraph six will be modified to meet County Attorney Hadfield's requirements. The motion was seconded by Commissioner VanDyke and unanimously carried.

**AGREEMENT/TOOELE EXCHANGE OF ROAD MAINTENANCE – BILL GILSON**

Road Supervisor Bill Gilson said he is here to speak about the Interlocal Agreement between Tooele County and Box Elder County Road Department. The Interlocal Agreement is for road maintenance and the exchange of B funding between sections of road--a section of the Silver Island Loop Road which is 4.77 miles and the North Lakeside Road section which is 5.75 miles. These two sections of roadway must be accessed by going into Tooele County. It is quite a long journey through Nevada. The other section of road in consideration is Pilot Road which extends out of our county line and goes into Tooele County. He said it is a 5.34 mile section. This was originally brought up to the county two months ago. Chairman Hardy and Bill Gilson met with three other Commissioners out on the Pilot Mountain Road to discuss these road sections and exchange of maintenance agreement between these sections. They are proposing that Box Elder County will maintain the 5.34 miles on the Pilot Mountain Road, and Tooele in turn will provide maintenance on the other 10.5 miles that are near Silver Island and in exchange for this funding, they will provide a weeks worth of work on the Pilot Peak Road to bring the road surface up to a gradable surface. Part of that agreement is for Box Elder County to provide two trucks and two personnel to drive these trucks. Mr. Gilson was told Tooele County will be bringing four trucks and a grader and also providing the material to put on the road to bring it up to a gradable surface which will increase the B maintenance payment. Tooele County will grade and maintain the Silver Island and collect the B maintenance for a B only road on those sections.

Mr. Gilson said County Attorney Hadfield reviewed the Interlocal Agreement and had a couple of questions. Mr. Gilson feels the questions Attorney Hadfield has can be handled with a work order between the two departments.

Sheriff Yeates would like the county road to Silver Island marked horrible, bad road. He said 90% of the search and rescue take place out there.

**MOTION:** A motion was made by Commissioner Davis to approve the Interlocal Local Cooperative Agreement with Box Elder County and Tooele County for the purpose of exchanging road maintenance on the Pilot Peak Road in Tooele County for road maintenance on Silver Island Loop Road and North Lakeside Road in Box Elder County. The motion was seconded by Commissioner VanDyke and unanimously carried.

Road Supervisor Bill Gilson told the Commissioners about a proposed memorandum of understanding with the Utah Division of Forestry, Fire and State Lands. He said it is to build fire

guards throughout the Promontory Range. It will be close to 45 miles across the Promontory Range. They have asked the county for help to do this guard. They are looking at \$75,000 funding for the County. Mr. Gilson said the county will do the work until they have used the \$75,000 up. He said right now is a good time to do the work.

### **ORDINANCE #305/RESIDENTIAL WIND TOWER – TAMARA WRIGHT**

County Planner Tamara Wright said Thomas Furman from the Thatcher area made a request to amend the Box Elder County Land Use Management & Development Code to allow for a residential wind tower. The Planning Commission recommended approval with the following conditions: (1) 1.5 acre lot (2) tower height including any vertical projection above the tower shall not exceed the distance measured from the base of the tower to the nearest property line (3) clearance of blades – shall not extend within 20’ of ground (4) automatic over speed control – must meet design limits of residential wind energy system (5) sound shall not exceed 60 DBA (6) must be a certified residential wind turbine (or submit a description of the safety features of the turbine prepared by a registered mechanical engineer (7) applicant must show proof they have notified utility company (8) compliance with building code, and Federal Aviation Administration regulations and National Electric Code.

MOTION: A motion was made by Commissioner Davis to adopt Ordinance #305, an ordinance amending Section 3-7-070 of the Box Elder County Land Use Management & Development Code entitled “Regulations for Specific Uses” to include a new “Conditional Use” designated as Section 3-7-070-3.7 and entitled: “Residential Wind Tower”. The motion was seconded by Commissioner VanDyke and unanimously carried.

*(See Attachment No. 2 – Ordinance #305.)*

### **AIR QUALITY/BRAG AREA – ROGER JONES**

Bryce Burg, Planning Branch Manager for the Utah Division of Air Quality, Grant Koford, Bear River District Health Department, and Roger Jones, BRAG, came before the Commissioners. Roger Jones said the State of Utah Air Quality made a recommendation in December 2007 that the non-attainment areas are limited to the big urban counties. EPA came back and said we would like to include the populated parts of Box Elder County and also Tooele County in one large non-attainment area. That would add the same federal constraints and regulations to Box Elder County’s air quality as it would to Salt Lake County or Davis County. That is the concern, and we have until October 2 to get our opinions to EPA.

Bryce Burg said they have monitored air quality in Box Elder County. In 2006 EPA reviewed some federal standards. He said as part of the designation process, they were able to look at monitoring data over a three-year period and compare that to the new standard. He said when they did their evaluation they made a determination based on nine factors and made a recommendation to EPA. Their original recommendation was a portion of Cache County, a portion of Weber County all of Davis County, all of Salt Lake County and the portion of Utah County that is in the basin. Along

with that recommendation, they submitted their analysis and the scientific data they used to make that recommendation. EPA over the next eight months evaluated that and came back with their recommendation. He said it was a bit of a surprise they included Box Elder County and Tooele County where the air quality monitoring data showed that Box Elder County is in compliance with the federal standards. He said there is a public comment period that is open and it closes on October 2. Mr. Burg said the state will also be making comments.

Roger Jones said BRAG will send a letter on behalf of the County and so will the Health Department.

MOTION: A motion was made by Commissioner Davis to draft a letter from Box Elder County incorporating our opposition to Box Elder County being included in the non-attainment area designation and that we encourage BRAG and the Bear River Health Department to also send their letters of support regarding this petition. The motion was seconded by Commissioner VanDyke and unanimously carried.

### **PUBLIC HEARING/ROCKY MOUNTAIN POWER CUP – COMMISSIONERS**

*(See Attachment No. 3 – Attendance List.)*

Chairman Hardy declared the public hearing open at 10:30 a.m.

County Planner Kevin Hamilton said this public hearing is for a proposed amendment to the general plan to include the Populus to Ben Lomand power line transmission corridor proposed by Rocky Mountain Power. Mr. Hamilton then explained the route.

Mr. Hamilton said about a year ago the county enacted a pending ordinance ordinance which required bodies coming to the county to comply with any ordinance that is in the process of being created. In March of this year we started the process of creating a large utilities corridor ordinance. That ordinance required that any time a project of this size is proposed in the county, they have to come to the county and request a general plan amendment. In compliance with the pending ordinance which has now been adopted, Rocky Mountain Power submitted an application for an amendment to our general plan. The Planning Commission asked for three changes. Mr. Hamilton explained the changes.

George Humbert, Rocky Mountain Power, said they are here to seek approval for the Box Elder County General Plan amendment. He said not long ago they met with the Planning and Zoning Commission who made a recommendation for the County Commission to approve. Mr. Humbert said there were three areas the Planning Commission asked them to look at specifically. A fair amount of work went into re-evaluating those areas and determining if they could accommodate the requests that were made which are south of Plymouth, west of Garland and South Willard. Rocky Mountain Power is also willing and able to meet the conditions that were given to them the evening of the 28<sup>th</sup> for the conditional use permit. Mr. Humbert is hoping to receive approval today for their general plan amendment from the County Commission.

Commissioner Davis said there were five conditions outlined by the Planning Commission on the issuance of the conditional use permit. The conditional use permit is issued contingent upon the adoption of the change in the amendment of the general plan. The CUP has not been issued yet.

George Humbert said they are working on a modification at the Interchange of 84 and I-15. They are currently investigating an option to have the line come along I-15 directly, and have met with property owners and UDOT. That is still in progress. The original proposal was to make the bend with the on-ramp. He said if they are able to make that happen, they will come back before the Planning Commission and seek approval on that change or any other changes that may occur between now and the starting of construction.

Chairman Hardy opened the public hearing up to those in attendance.

Lawrence Frazier, Mayor Pro-Tem of Deweyville, read the following statement from Deweyville Mayor Robert Thayne (*See Attachment No. 4 – Testimony of Deweyville Town Mayor.*) Mr. Frazier said if all the lines are in one corridor, you are allowing a catastrophic catastrophe or terrorist attack. He said Deweyville respects Rocky Mountain Power's request and hopes the Commission will select this option. Mr. Frazier submitted a petition signed by 300 residents.

Richard Nicholas, Tremonton, said he is an affected landowner. He wants to be clear he has been part of a citizens group in the Tremonton area that has been opposed to the construction of this power line in its proposed route by Rocky Mountain Power. He said their position has been to take it out west or put it in the same corridor. He said for him personally this is not about Richard Nicholas' property. It is bigger and broader than that. His position has been that he does not want the power line in the middle of the Bear River Valley. He said it will go through seven of eight communities and it does not need to. He wants to make a clarification on the \$36M cost. He said the \$36M figure does not apply to the route they are currently talking about; it applies to the route abandoned. Mr. Humbert told Richard Nicholas he did not know what the cost of that route would be. Mr. Nicholas does not want anybody in any community to take the heat for this power line. Rocky Mountain Power has told them it has to go somewhere and it will affect someone. He said if it is going somewhere and it will affect someone then it is incumbent on the people building the line to do everything possible to see that it goes in a place where it affects no one, if that place exists, or it affects the very fewest people possible. He said there is a place somewhere that it will affect the fewest people possible. Mr. Nicholas said where is that? It is either out in the West Desert or somewhere else? He said the word power in Rocky Mountain Power means more than electricity. These people have more power when it comes to the location of a power line than the three commissioners, State of Utah, state legislative committee and all the mayors combined. He said not one has been able to turn them to the right or left. They have more power in the citing of a power line than all of government. Mr. Nicholas said it is a frightening thought. These people have a job to do, and they are doing their job. He is not be-meaning these people. He said it does not always come down to cost. If it is all about cost and people do not matter, then why didn't they start construction already? He said why have we been having all of these public meetings and public input? It nullifies the public process to completely worthless. If it is all about money, why we are sitting here talking about it today. If at the end of the day, that is what determines the deal and the

public does not, then we should not be wasting our time. He said it is not easy to build a power line, but it is better to spend some extra money and have it in the right place forever than to make it cheaper and have it in the wrong place forever. Mr. Nicolas said having it through all of these seven communities and right through downtown Tremonton is not the right place. He hopes the Commission will weigh this heavily on their minds. He hopes that some of these things will play into it. He said people should be able to make a difference. This is America. At the end of the day somebody is going to have to say to themselves, where does this place exist where it affects as few people as possible? He said we will all need to answer that, and when we do that is where we need to put it.

Earl Peterson said he is affected by this power line and also his community. He is representing Denton John who could not be here today because of illness. He is requesting the Commissioners do not issue a public permit until public meetings in the evening are held so more people can come and express their views. Rocky Mountain Power needs to respect the public utilities request concerning having public meetings where this issue could be discussed openly. Denton John said as chairman of the concerned citizens committee, Rocky Mountain Power has never considered him or considered the organization of concerned citizens, and they ought to be doing that. Mr. Peterson suggested we look at option one on public lands instead of going right through the middle of the valley. He also stated Willard has not issued a CUP even though rumors are that they have and Elwood has not officially issued a permit. The Planning Commission recommended they do, but it is the Elwood Town Board that has to issue the permit. He said there are 300 signatures against it going along the existing corridor. Denton John has over 1,000 signatures opposing that route. He said there is discussion and arguments on both sides of the issue that are very well known. He also suggested the citizens need to be considered a little stronger and postpone approving the CUP. Mr. Peterson was told this morning by some of the Rocky Mountain Power people that the \$38M more to go along the mountain side was not to go along the mountain side. The \$38M more was to follow the railroad tracks. The railroad vetoed that because of the static electricity that would come along and affect the railroad. Rocky Mountain Power did not want it there because of the wet conditions. There are problems no matter where you go. It affects other people, and he does not want to see anyone affected, but somebody has got to be affected by this power line when it goes through. He said we want the least people to be affected as possible, and we want the system to work for 100-200 years because that is what it is designed to do. He said it is a long-term project, not a short-term project. Money needs to be considered, but the impact on the people is much greater than the money involved.

Charlie Smith thanked the Commissioners for what they did for him and his neighbors. He is elated the route will not go over his house. He is glad Commissioner Davis stated the CUP has not yet been issued. He said it seems there is an ordinance to protect the people to have a say. He said the entities represent the interest of the people. The public's interest should not be jeopardized. He said we really have something that hasn't been done before. We have a three-quarter billion project that somebody is going to foot the bill for. He said the Division of Public Utilities has given Rocky Mountain Power 90 days since August 26 on condition they get the permits from local governments. In the actual certificate, the Public Service Commission again required Rocky Mountain Power to get the permits they need. This body is critical to issuing those permits. It was stated in further

testimony before the Public Service Commission that this is a three-quarter billion dollar thing. In this case it might be very well to consider a prudent review. He said before we go spending so much money on a project like this, we need to determine if it is the wisest thing to do. The Public Service Commission has indicated they might hear that in some later rate-case disputes which may come up after the fact. In this time of tremendous budget crisis by not only the state, county and national government, it is incumbent on us to follow good business practices, require a business plan, a cost recovery analysis and how this plan fits into the overall scheme of things. Where on the federal grid will this follow, what are the sources of the power? How does this fit into any kind of an integrated resource plan? He thanked the Commissioners for representing them.

Harriet Ritter's family has property in Tremonton. She asked the Commissioners to put this off for more public hearings. She asked the Rocky Mountain Power people to give her a route for months. Last week all of the routes changed, and she was sent a letter that said she had 10 days and this is their final offer. They had never made an offer. After the fact they sent her specifics about it. She thinks there needs to be a few more public hearings, and Rocky Mountain Power needs to be specific on their offers because they are not dealing with the citizens they are going to affect.

Jay Agular, Willard City Planner, encouraged the Commissioners to take time and do good due diligence on making the decision. The position Willard City has taken is to request alignments that were already disturbed or would create less disturbance than the preferred alternative that Rocky Mountain Power has proposed. He asked the County Commission to look at the long-term impact this will have. He said the \$36M number that was used or offered to the COG as justification for not considering the alternatives that were brought forward has never been confirmed. The County Commission should pursue that and try to get detailed information. He said this might need to be done in an executive session because it affects real estate. He also requested the meetings be held in the evening so more citizens can participate.

Cameron Hansen, resident of Perry, is concerned that there has been very little public input as far as Rocky Mountain Power actually going to the city of Perry and having any kind of an open house. He has asked representatives of Rocky Mountain Power if they would have an open house, and their response was what good would that do. His response back was at least we can know where this is going. Mr. Hansen lives up by the Geneva Gravel Pit, and he knows the line has been altered from the proposed route that was shown. He knows that it is much closer than what the original route was supposed to be. He said it is within 200 feet of his house, and it is going directly behind the back of his subdivision and all of his neighbors. He struggles with the fact that the line can be moved closer to residents to benefit a gravel pit. He said at the request of the committee at the capitol, Rocky Mountain Power was supposed to go back to the communities and visit with the local officials. That has not taken place. He wished there could be some public input and they can go back to Perry City. To his knowledge there has not been one public open house. He would like to have a power point presentation.

Charlie Taylor has heard a lot of testimonies. One of the points is this is still America. He has a terrible time with this big company and all the meeting and innuendos that have been passed around, finding out where it is going to go and finding out why it has to be this way. Box Elder County is



one of the largest counties in the United States. He said there is certainly plenty of room to put this line some place besides going down this beautiful Bear River Valley. It is one of the prettiest valleys in the country, and there is going to be a lot people coming up here. We all have to be thinking of our children, grandchildren and great grandchildren and what is going on. His point is we need to find out if our elected officials have any power to stop this. It is about time everybody sits back and looks at the fact that you could put the power line where it doesn't affect so many people, and it isn't going to ruin one of the prettiest valleys in the area.

Lou Anderson, Honeyville, is shocked to hear about the proposed change in Rocky Mountain's proposal to move the line along the mountain area. First of all it will heavily impact three communities. Right now the Rocky Mountain proposal has less impact on the town of Honeyville. If it is changed, it will be devastating to that little community. Right now it only goes through part of the town. He said we have great concern about that. The general feeling of the people in Honeyville is they would like Rocky Mountain Power to keep on track. They are doing a good job. They realize Rocky Mountain Power has made concessions. He said at this meeting it has been brought up that they are immovable, they won't discuss the issues, they won't come to terms and won't do anything, but Honeyville believes Rocky Mountain Power has made concessions and that it does listen to people and property owners. He sympathizes with those that will be greatly affected. There are other reasons they favor the proposed route. Maintenance will cost more if you get it up by the mountains and any utility company has a right to maintain its lines. Maintenance costs will be much less if it goes by the freeway. He said there will need to be roads made, and it will destroy the environment. He said severe economic conditions will affect the communities because each time a line comes in, they move it further west which brings this line practically on the towns. Honeyville has its water lines there and serves three communities. He said there is concern about the \$36M. Anything to do with energy or power is costing more. It seems like everybody should be concerned about additional costs. With the addition of \$36M, we do not see this as a step forward in lowering costs. He said we feel this would be an increase in energy and power costs. Where our costs are continuously rising, they are not in favor of additional costs at all. They are concerned because the proposed line is up near the mountainous areas and will be devastating to future building. He said we are a community, so is Deweyville and so is Collinston. Right now Collinston is virtually not impacted. It will impact that community. Deweyville has very little impact, but the new route will heavily impact the community. It will be devastating on Honeyville. He said we are small, but we are an important part of this county and would like our views considered.

**MOTION:** A motion was made by Commissioner Davis to close the public hearing. The motion was seconded by Commissioner VanDyke and unanimously carried. The public hearing was closed at 11:30 a.m.

Chairman Hardy said Box Elder County got a change that moved and saved 2-3 homes in the Garland area and a dairy. The change also moved the line 1,500 feet onto the canal in South Willard. He feels the county ended up getting a pretty good trade-off. He said we would like it somewhere else; everybody would like it somewhere else. He would like to see it changed in a few different areas. He would like to see it put along the interstate in Tremonton and liked to have seen it go over the gravel pit in the Perry area. He was disappointed in those two areas, and those are two cities that

he worked with trying to get those two cities along with the county. He feels it is unfortunate he cannot get Rocky Mountain Power to move on those two issues. He feels the county did well.

Commissioner Davis reviewed the history of the county's involvement in the process. He feels Rocky Mountain Power did an extremely poor job of marketing and selling and using public relations to inform the community on the front-end of the project. Rocky Mountain Power also acknowledged that fact. Because of the poor communication, we ended up going to the legislative committee. The legislative committee has no power; all they can do is receive input. They can propose future legislation that may impact future power lines, but they have no authority to adjust the existing legislation because this is a grandfathered proposal. Part of the problem we are dealing with is the legislation that is already in place and the legislation that is not in place. In 2005 there was federal deregulation, and the state did not step in and assume any type of oversight over the citing of corridors. When they went to the legislative committee, Rocky Mountain power was given the responsibility to get with the communities with COG and the individual communities. The discussion that was heard about the \$36M was in an executive session and that information should have never been disclosed. Those people in the executive session have inappropriately disclosed information that was supposed to be a confidential discussion between Rocky Mountain Power and your publicly elected officials. Chairman Hardy established two separate committees. A committee for the south end and a committee for the north end. Commissioner VanDyke was the representative for the committee on the north end and Chairman Hardy on the south end. We have conducted extensive field surveys. They have been onsite throughout the county. In the end the mayor's council decided they wanted to negotiate with Rocky Mountain Power individually because they felt they knew the needs of their individual communities better than the COG. That has happened throughout the county. We had hoped there would be some type of unity that we could stay together as a group to have better negotiating power. There has been a substantial amount of communication, dialogue and negotiations that have been conducted by Rocky Mountain Power with those individual communities. Commissioner Davis then told everyone about the legislation and what they are impacted by as a County Commission. He referred to Section 54-14-201. He explained what happens when you tell a utility company where to place their line. "Conditions on citing of facilities by local governments payment of actual excess costs.--If otherwise authorized by law, a local government may require or condition the construction of a facility in any manner if: (1) the requirements or conditions do not impair the ability of the public utility to provide safe, reliable and adequate service to its customers, and (2) the local government pays for the actual excess cost resulting from the requirements of the conditions". If Box Elder County requires Rocky Mountain Power to change their alignment, we will change the composition of the people in the room because there will be different property owners affected but we assume the liability for a \$36M change order. The Commissioners do not have the discretion to say we want you to automatically move it to this location or that location. The task the Public Service Commission has placed upon Rocky Mountain Power and other utilities is to construct the least cost option. The reason they are instructed to do that is because we are all rate payers. We are consumers of electrical power. The Public Service Commissioners are trying to protect all rate payers. We have encouraged the legislature to consider other options than the least cost option. That is not always the best cost. Those are the requirements that Rocky Mountain Power are under. They are required to construct the least cost option. If we change the alignment as a county we take on the incremental cost. The second legislation talks about

actions or disputes for which the board of review may be sought. There is a state citing board that can review these provisions. He read Section 54-14-303(5) "If a local government has not made a final decision on the public utility's application for a permit, authorization, approval, exception or waiver with respect to a facility within 120 days of the date that the public utility applied for the local government for the permit, authorization, approval, exception or waiver". We have 120 days to act as a County Commission in representing your interest. If we fail to act then Rocky Mountain Power goes to the state. Commissioner Davis asked do you think the state is going to be more sympathetic to your individual needs. All the concessions that have been negotiated by the mayors, all the negotiations that have been conducted by Rocky Mountain Power to tweak these refinements along their designated line are at risk of being lost if we fail to act as a County Commission. He said we have until October 23 to act. It is his opinion that the County Commission needs to act before October 23 because we do not want to refer this to the state. We think we are more sensitive to your needs, and we think that we have represented you well. He said we have spent a lot of time with Rocky Mountain Power, and it has been a very emotional issue. We empathize with property owners. When your home is impacted, that is something sacred. That is not just market value. He said there is a lot attached to a home above and beyond market value. What they found out is when they proposed an alternate route by the COG our route impacted more homes than Rocky Mountain Power's Route did; we just impacted different homes. He said we are naïve to think that we are expert enough to recognize the proper alignment for a 345KV line. We are doing the best we can to represent your interest. We don't want to put the extra incremental cost of \$36M on the residents of Box Elder County, and we do not want to jeopardize losing the concessions that have already been negotiated by failing to act.

Commissioner VanDyke said this has been a highly emotional time and a heart wrenching experience. We are a government of law. As elected officials we have to act within the parameters of the law. If there is anyone you need to be angry with, it is the state. They dropped the ball and did not implement the oversight requirements. They leave us in the predicament we are in. He wants the people to know we have an election time coming up. Some are going to vote for some and some are going to vote for other candidates. He said once you sit in this chair, you represent everybody. We do not want anyone to be hurt. He said we have fought as hard as we could within the parameters outlined to represent the people. He said it has been a little discouraging at times to be accused of not doing all that we can do. That is just not the way it is. The mayors have fought, the county government has fought, elected officials, and citizen groups have fought. He said this could have been a lot worse. Commissioner VanDyke said he did not agree with the methods and tactics Rocky Mountain Power used when they came in and told us that this is where the route was going to be and that is it. On three different occasions the Commissioners questioned them, and they were told the same thing. Tough--this is where it is going. They have modified some from that. Charlie Smith's area was an area of concern, South Willard area has been a major concern. No one got everything they wanted. There have been concessions made. Is this the best that we can do? He is not sure yet. All Commissioner VanDyke knows is that the battle has been long and it has been hard. From the bottom of all of the Commissioners' hearts they are on the public's side.

**RESOLUTION #08-19/ROCKY MOUNTAIN POWER CUP – KEVIN HAMILTON**

MOTION: A motion was made by Commissioner Davis to table until October 7. The motion was seconded by Commissioner VanDyke and unanimously carried.

Chairman Hardy said we have an economy that is still growing in Box Elder County and we need to be proud because we will be able to have places for our children to work in our county. Chairman Hardy said he is proud to represent everyone.

**RECESS**

The Commissioners took a recess at 11:45 a.m. and reconvened at 11:55 a.m.

**PUBLIC HEARING/MODERATE INCOME HOUSNG ELEMENT – COMMISSIONERS**

Chairman Hardy declared the public hearing open at 11:00 a.m.

Chairman Hardy asked for comments from those in attendance. There were no comments.

County Planner Kevin Hamilton said this public hearing is in regards to a moderate income housing element for our general plan. The element is required by state law and there are some significant penalties if we do not engage in it. It takes away some of our abilities to engage in economic development. The plan states that Box Elder County has an adequate supply of moderate income housing. The only area we see some shortfalls is in the 30% of median income group or households where there is less than \$17,000 per year household income.

MOTION: A motion was made by Commissioner Davis to close the public hearing. The motion was seconded by Commissioner VanDyke and the motion was unanimously carried. The public hearing was closed at 12:08 p.m.

**RESOLUTION #08-18/MODERATE INCOME HOUSING ELEMENT – KEVIN HAMILTON**

MOTION: A motion was made by Commissioner Davis to adopt Resolution #08-18, a resolution amending the Box Elder County General Plan to include the moderate income housing element. The motion was seconded by Commissioner VanDyke and unanimously carried.

*(See Attachment No. 5- Resolution #08-18)*

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 59500 thru 59668 in the amount of \$337,871.51.

**PERSONNEL ACTIONS – COMMISSIONERS**

ATTORNEY: Cindy Lorrigan, compensation change, effective 09/05/2008  
COMM DEV: Tamara Wright, compensation change, effective 09/17/2008  
CO LIBRARY: Bradley J. Rhodes, compensation change, effective 09/17/2008  
CO LIBRARY: Philip Lee, compensation change, effective 09/17/2008  
CO LIBRARY: Sharon Zundel, compensation change, effective 09/17/2008  
FAIRGROUNDS: Lynn C. Chugg, separation, effective 09/16/2008  
FAIRGROUNDS: Jake V. Flint, separation, effective 08/23/2008  
SHERIFF: Mary Ann Packer, compensation change, effective 09/13/2008  
SHERIFF: Sherie Isaacson, compensation change, effective 09/24/2008  
SHERIFF: Crystal C. Blasi, compensation change, effective 04/10/2008  
WEED DEPT: Kevin Fukui, separation, effective 08/26/2008

**EXECUTIVE SESSION**

1. **Strategy session for “imminent litigation**
2. **Strategy session to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms.**

MOTION: At 12:15 p.m. a motion was made by Commissioner Davis to move into an executive session to discuss imminent litigation, purchase or lease of real property. The motion was seconded by Commissioner VanDyke and unanimously carried.

MOTION: At 12:58 p.m. a motion was made by Commissioner VanDyke to reconvene into regular Commission Meeting. Commissioner Davis seconded the motion, and regular Commission Meeting was reconvened.

Chairman Hardy explained that imminent litigation and purchase or lease of real property was discussed in executive session.

**ADJOURNMENT**

A motion was made by Commissioner Davis to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 12:59 p.m.

**ADOPTED AND APPROVED** in regular session this 7th day of October 2008.

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Jay E. Hardy, Chairman

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Clark N. Davis, Commissioner

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Rich VanDyke, Commissioner

ATTEST:

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LuAnn Adams, Recorder/Clerk