

**MINUTES
BOX ELDER COUNTY COMMISSION
JANUARY 05, 2010**

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 **JANUARY 05, 2010**. The following members were present:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	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. BEC Special Service District #1 Board of Director Vacancies – H. Leon Kotter

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

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

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

The prayer was offered by Commissioner Shaffer.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF DECEMBER 15, 2009 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.

Commissioner Shaffer said the Valley View Estates will be taken off of the agenda because it was tabled. Chairman VanDyke said the reason for the postponement was to collect information from our engineers. He said we have not received any comments at this time.

Chairman VanDyke said Pre-Obligation Forms/NRCS Grant needs to be taken off the agenda.

AGENDA: ATTACHMENT NO. 1

APPOINT COMMISSION CHAIRMAN – COMMISSIONERS

MOTION: A motion was made by Commissioner Hardy to appoint Commissioner VanDyke as the chair for 2010. The motion was seconded by Commissioner Shaffer and unanimously carried.

Chairman VanDyke commented that it has been an honor and privilege to work with Commissioner Hardy and Commissioner Shaffer this last year, and he feels that as a Commission in general, they have made some pretty good progress in several different areas.

BEC SPECIAL SERVICE DISTRICT #1 BOARD OF DIRECTOR VACANCIES – H. LEON KOTTER

Commissioner Shaffer said Lyle Nessen, Louis Douglas, Brad Hawkes, Carl Roberts and Reed Stokes currently serve on the board. Commissioner Shaffer said Carl Roberts, Reed Stokes and Louis Douglas terms have expired. The district had the following four people submit their name as a candidate: Reed Stokes, John Reese, Carl Roberts and Chubb Munns. He said in order to be considered the candidate must be a landowner or operate in the special service district. All of the gentlemen fall in that category.

MOTION: A motion was made by Commissioner Shaffer to appoint John Reese, Carl Roberts and Chub Munns as board members with their term expiring 12/31/2013. The motion was seconded by Commissioner Hardy and unanimously carried.

Commissioner Shaffer thanked Reed Stokes for his service on the board. He said Reed Stokes has done a great job and service for the board. He said as with all boards, it is important to have new people, new ideas and new duties for people to be of service to our county. Commissioner Shaffer said it is a great opportunity to have new blood.

BEC SERVICE AREA #2/PARK VALLEY APPOINTMENTS – BRYAN MORRIS

MOTION: A motion was made by Commissioner Shaffer to appoint Brent Rose and David Morris as board members and April Larsen as secretary to the Box Elder County Service Area #2/Park Valley Service District with their term expiring 12/31/2013. The motion was seconded by Commissioner Hardy and unanimously carried.

RENEWAL OF CLASS A BEER LICENSES – LUANN ADAMS

MOTION: A motion was made by Commissioner Hardy to accept the renewal of a Class A Beer License for the Fast Stop in Plymouth and Riverside Corner. The motion was seconded by Commissioner Shaffer and unanimously carried.

BEAR RIVER MENTAL HEALTH 2010 CONTRACT – STEPHEN HADFIELD

County Attorney Stephen Hadfield said the original contract was signed in 2005. Each year the base amount has been changed. The base amount for this year is \$80,155.

MOTION: A motion was made by Commissioner Shaffer to accept the contract between Box Elder County and the Bear River Mental Health for 2010 and approve the chair to sign. The motion was seconded by Commissioner Hardy and unanimously carried.

Commissioner Shaffer noted in the 2010 budget we have adopted \$84,155 for Mental Health.

APPELLATE CONTRACTS/INDIGENT DEFENSE TRUST FUNDS – STEPHEN HADFIELD

County Attorney Stephen Hadfield gave the Commissioners the contract for the appeal of convicted murderer Glen Griffin. He said the state has set up an indigent defense fund and each of the counties pay a premium into the fund and the fund in turn pays the cost of the appeal. This is the contract for the appeal. The attorney that has been hired is Jennifer Gowans and she has reviewed and signed the contract. As Attorney Hadfield reviewed the contract on page 2, paragraph 2d he had some concerns. It says, "If the appeal is resolved, withdrawn or rendered mute for whatever reasons, the county shall be obligated to pay an appellate counsel entitled to receive only those fees and expenses up to and at that point". He said what it says is if the appeal for whatever reason was dismissed or found mute then the county would be responsible. Attorney Hadfield said that is not right; it is the fund that is responsible.

MOTION: A motion was made by Commissioner Hardy to accept the contract as is with the exception of Paragraph 2d that it either be deleted or worked out with the state and allow the chairman to sign the contract subject to approval by County Attorney Hadfield. The motion was seconded by Commissioner Shaffer and unanimously carried.

LETTER OF INTENT/BEAR RIVER CANAL COMPANY – COMMISSIONER HARDY

Commissioner Hardy said in order to protect the interest of the water shares that Box Elder County has, the County leases the shares back to the Bear River Canal Company so they can be used.

MOTION: A motion was made by Commissioner Hardy that the Commission would like the 66 shares of water the county owns to be placed in the lease pool. It is the County's intent

that the county's water shares that were leased last year be leased again in 2010. The motion was seconded by Commissioner Shaffer and unanimously carried.

PRE-OBLIGATION FORMS/NRCS GRANT – KEVIN HAMILTON

This item was canceled.

GRANT APPLICATION FOR PLYMOUTH & GARLAND BRIDGES – BILL GILSON

Road Supervisor Bill Gilson said he would like to make an application for federal funding to replace bridges in Box Elder County. The County has a lot of bridges and over the next 20 years we will need to replace two bridges a year to keep up. The two bridges Mr. Gilson would like to apply for federal funding are the South Plymouth Bridge located one mile south of Plymouth at 6000 West 19600 North. The total cost is \$1.3M. The county is asking for \$1,075,000 in federal funding through UDOT. The local match on the project would be split between \$193,000 and \$75,000 in-kind cost match to realign the road. The other bridge is in East Garland located two miles northeast of Garland. It is the bridge on 44000 West that crosses the canal system. It is a wooden bridge. The total project cost is just over \$800,000. Mr. Gilson wants to ask for \$660,000 from the federal government with a local match of \$145,000. Mr. Gilson said right now they are in the planning stages and need commission approval before it goes to the Transportation Committee and the Sub-Committee.

Commissioner Shaffer feels this is one of the best ways to have the bridge system replaced in the County, and we need to support the efforts.

MOTION: A motion was made by Commissioner Hardy to approve a letter of support to the Utah Transportation Commission. The motion was seconded by Commissioner Shaffer and unanimously carried.

RECESS

The Commissioners took a recess at 9:53 a.m. and reconvened at 10:00 a.m.

PUBLIC HEARING/RE-ZONE PROMONTORY MOUNTAIN – COMMISSIONERS

(See Attachment No. 2 – Attendance List.)

Chairman VanDyke declared the Public Hearing open at 10:00 a.m.

Director of Community Development Kevin Hamilton said the County has adopted a new ordinance requiring any landfill to be located within a zone created specifically for that purpose. The county received an application last fall to have property on the southwest side of the Promontory Range

rezoned for that purpose. This application went to the Planning Commission who recommended it come before the Commission with a favorable recommendation. He said the ordinance requires a public hearing be held.

Chairman VanDyke then opened comments up to those in attendance.

Darwin Bingham said he is concerned about all the property being together and what affects it will have on private property. He wonders if it will stay within the parameters of the proposed usage. He talked with a family about a fellow who has set up recycling in other states. He said they recycle from the garbage and dispose what is left.

MOTION: A motion was made by Commissioner Shaffer to close the public hearing. The motion was seconded by Commissioner Hardy and the public hearing closed at 10:10 a.m.

ORDINANCE #324/RE-ZONE TO MSW – TAMARA WRIGHT

Director of Community Development Kevin Hamilton presented an ordinance for the rezoning of property in Promontory. He stated a public hearing was held, and there was one comment. Mr. Hamilton said the first step is to get the zoning in place and then go through the permitting process.

MOTION: A motion was made by Commissioner Shaffer to adopt Ordinance #324 and create a municipal waste zone as outlined in the ordinance. The motion was seconded by Commissioner Hardy and unanimously carried.

(See Attachment No. 3 – Ordinance #324.)

VALLEY VIEW ESTATES – TAMARA WRIGHT

This item was canceled.

RUBY PIPELINE CONDITIONAL USE PERMIT FEE WAIVER – TAMARA WRIGHT

Director of Community Development Kevin Hamilton said the County has received a request from Ruby Pipeline to waive the application fee for the conditional use permit since this is property they are leasing from the county as a staging area.

MOTION: A motion was made by Commissioner Hardy to waive the fee in lieu of the funding that has been given to the County upfront. The motion was seconded by Commissioner Shaffer and unanimously carried.

REPORT ON VETERANS ISSUES FOR 2009 – NORMAN I. NELSON

Norman I. Nelson, Post Commander VFW Post 1695, reported to the Commissioners the services provided in Box Elder County and the northern part of the state. Mr. Nelson said twice a month service officers come to Brigham City and help veterans with their veteran benefits. He said there is a new nursing home in Ogden that is now taking in veterans and a clinic opening in Logan that allows video conferencing so a nurse and a provider may speak directly to a physician at the VA Hospital in Salt Lake City.

Mr. Nelson said 1100 people attended the Veterans Day Patriotic Program. They provided 24 veterans from this area with WWII medals and Korean Era medals they had earned but had not yet received. He said family members of the veterans came to Box Elder County from as far away as Spanish Fork to attend.

Mr. Nelson said they have been passing out information on Agent Orange to Vietnam Veterans at local events. The veterans from Box Elder County had 24,847 hours of community service including delivering meals on wheels, teaching flag etiquette at schools, posting colors, parades and special events and raised \$6,000 in food and clothing for the food pantry and veterans shelter. Mr. Nelson said they provided military services at 250 funerals this year.

Commissioner Hardy said Box Elder County needs to be proud of the services they offer for funerals and Eagle Scout projects.

Commissioner Shaffer was at Camp Fife and witnessed a flag ceremony that he will remember for a very long time.

Chairman VanDyke comes from a family of military service and said it is a wonderful service that they provide.

DECLARE HARDSHIP/APPEAL TO REDUCE PROPERTY TAXES – DWAIN SYLVESTER

This item was cancelled.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 67419 through 67531 in the amount of \$250,096.08. Claim 67532 through 67680, 2009026 in the amount of \$444,059.01. Claim 67681 through 67814, 990337 through 990348 in the amount of \$390,954.58. Claim 67424 was voided.

PERSONNEL ACTIONS – COMMISSIONERS

COMMISSION: Rebecca Dilg, compensation change, effective 12/22/2009
RECORDER/CLERK: Diane Fuhrman, compensation change, effective 12/30/2009
SHERIFF DEPT: Douglas J. Spencer, compensation change, effective 12/23/2009
SHERIFF DEPT: Kenneth S. Chugg, compensation change, effective 12/07/2009
SHERIFF DEPT: Jeremy McKenzie, compensation change, effective 12/08/2009
FIRE DEPT: Shawn L. Jensen, separation, effective 12/20/2009
FIRE DEPT: Blair Westergaard. Separation, effective 12/20/2009
FIRE DEPT: Dustin R. Richards, separation, effective 12/20/2009

ADJOURNMENT

A motion was made by Commissioner Hardy to adjourn. Commissioner Shaffer seconded the motion, and the meeting adjourned at 10:32 a.m.

ADOPTED AND APPROVED in regular session this 12th day of January 2010.

Rich VanDyke, Chairman

Jay E. Hardy, Commissioner

Brian K. Shaffer, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk