

**MINUTES  
BOX ELDER COUNTY COMMISSION  
MAY 04, 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 **MAY 04, 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. Waste Water Code Changes – Tamara Wright

The Administrative/Operational 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 Chairman VanDyke.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF APRIL 27, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1****FOLLOW-UP BUSINESS - COMMISSIONERS****Vulcraft Statistics – Commissioner Shaffer**

Commissioners Shaffer said he met with Vulcraft this week, and they gave some interesting statistics. He said there are approximately 345 employees at Vulcraft and on an average they work 32 hours per week. The major portion of their business is building warehouse-type buildings. Circuit City, as well as other companies, have left many warehouse buildings sitting empty. Vulcraft does not anticipate their business to pick up until some of the square footage spaces are filled in the future, but they are very optimistic they can keep their employees employed and are doing all they can to maintain their business with this down turn.

**AWARD IOWA STRING PAVEMENT BID – BILL GILSON/BRENT SLATER**

Road Supervisor Bill Gilson said bids were opened last Tuesday for an overlay project on the Iowa String Road. The project is for a 3" overlay on 1.7 miles of road in front of Procter & Gamble to reinforce the roadway that the county has reconstructed. He said the bids were reviewed for a primary bid and an alternate. The county determined they wanted to go with the alternate bid. The low bid was Granite Construction at \$283,139.25 on the AC alternate bid. The next bid was \$287,415. Looking at the bid document itself and going through the County Attorney's Office, it was found that in part of the bid document it stated that Box Elder County did have to take the primary bid item winner, and could not award the alternate unless the primary had a tie with another bidder. Geneva was the low bidder at \$338,767.50. He said in that case they had to go with Geneva at \$287,415. He said the due date for completion of construction is July 15 or penalties will start to incur.

**MOTION:** A motion was made by **Commissioner Hardy** to award the bid for the Iowa String Pavement Project to Geneva Rock in the amount of \$287,415. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

**VALLEY VIEW SUBDIVISION EMERGENCY ROAD IMPROVEMENT – BILL GILSON/BRENT SLATER**

Road Supervisor Bill Gilson said about 1½ years ago the road was brought to Bill's attention from some of his employees who snowplow the subdivision. He said the 12% grade is a hazard. The county has had several snowplows break traction and slide off 7150 South onto Hwy 89. Mr. Gilson said from a danger and safety aspect, someone could get hurt and the road could become quite a hazard and liability to the county. They had JUB Engineering Firm do a study on this roadway. The study indicates there is a problem with the landing; measures need to be conducted to mitigate for improved safety conditions. He said they have increased maintenance levels on the road, but having a 12% grade coming onto a state highway is not a good design. He said over the last two years his department has really been involved with new subdivisions and new roads in the county to try and

prevent situations like this road. They look at all designs coming in and give their point of view. Bill Gilson went to the CIP Committee to show them what is going on with the subdivision and what they are looking to do. The cost to realign this roadway is about \$150,000. They will do a ramp-on, ramp-off design.

County Surveyor Brent Slater said the ramp-on, ramp-off design is what UDOT wants. He said they are following their recommendations. Mr. Slater said UDOT also wants engineer drawings. Once the drawings are submitted and get approval, the county can go out for bid which is estimated at \$150,000. He said we are hoping to get it done a little cheaper. The developer of the subdivision has said they have material close by that could be used to build the road up to meet the design. This will help to make the project a little less expensive. The property owner will have to give up an easement for the one ramp, and he has agreed to do that.

Mr. Gilson said this project was not budgeted. He went to the CIP Committee and asked them to support the project. If the road department's regular budget does not have enough money to complete the project, he asked that the remainder of the money be taken out of Class B Surplus Road Funds. He said this is a safety problem, and it needs to be addressed.

Micah Capner, CIP Member, said the committee feels there is a need to take care of this emergency. He said it is not a budgeted item, but he feels Bill Gilson has a good plan to try and use what he can out of the budget and then to pull the rest out of the Surplus B Fund.

**MOTION:** A motion was made by Commissioner Hardy to go ahead with the Valley View Subdivision Road Project at a cost of \$150,000 and hope to keep within the road department's regular 2010 budget; but if there is not enough money, the remainder will come out of the Class B Surplus Fund. The motion was seconded by Commissioner Shaffer and unanimously carried.

### **FOREST ROAD AGREEMENT/WILLARD MOUNTAIN ROAD – BILL GILSON**

This item was cancelled.

### **CONGESTION AND BICYCLES ON HIGHWAY 38 – KATHY FURLONG**

Kathy Furlong came before the Commissioners. She is wondering if the Commissioners could help find a solution to the bikers on Highway 38. She said there is a lot more traffic now that things are developing in Harper Ward and Honeyville, and the road is windy and hilly. The speed limit is 55 m.p.h. and it is dangerous with the amount of bikers on the road. She is wondering if there is a way to put a shoulder on the road or a bike lane.

Commissioner Hardy said Box Elder County has no jurisdiction on the road but between the news media and you coming here, they can make people aware of the safety issue.

Kathy Furlong said the bike races are part of the problem, they ride double and triple, and they won't budge. She said you have people come over a rise or a bend, and the bikers are there. She asked if the Commissioners could get the Sheriff's Department to patrol the road a little bit more. She said they have a right to be there, but they need to be a little bit more courteous as well as try and move for those vehicles.

Commissioner Shaffer said Kathy Furlong is doing a great thing by making this safety issue known. He said it is a community of two different groups of folks that need to share the road and have every right to be on the road. He said we need to understand what the rights and privileges are and obey the traffic laws and be careful. Bikers have the right to be there, but motorists need to be courteous.

Monte Munns sympathizes with what is being said. He approached UDOT to try and get the speed limit lowered. He said right now you have cyclists that want to use the road, farmers, and a lot of development. He said there are a lot of people using the highway and it is still at 55 mph. He tried to get it slowed down and UDOT said until they get people killed, they will not change the speed limit.

Commissioner Hardy suggested getting with BRAG and move forward to see if they can get a bicycle trail.

Chairman VanDyke said this is a worthy public awareness issue.

### **CIP COMMITTEE RECOMMENDATIONS – MICAH CAPENER**

Micah Capener said the CIP Committee met and talked about the fire truck plan. They have a plan of purchasing two brush trucks every year. The request was to purchase the trucks out of the CIP Fund. After reviewing the budget, the fire trucks were designated to come out of the MOU Fund for 2010. The request was for \$130,000. The CIP Committee felt there is a need to continue the emergency vehicle plan. Money for the MOU Fund comes from state and federal land fires. The CIP Committee recommends approval.

**MOTION:** A motion was made by **Commissioner Hardy** to fund the two brush trucks for the fire department up to \$130,000 and to use the MOU monies to fund the trucks. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

Micah Capener said a request came for justice center furnishings. Physical Facilities Manager Donnie Tarver, the court attorney and DMV personnel have gone through the line items and sharpened their pencils. The amount came in at \$328,000. The cost of shelving was cut out for a new total of \$312,000. The CIP recommends approval of the \$312,000.

Commissioner Shaffer said as they started the process of the justice court, the Commissioners knew all along they would need to approve certain things as the building progressed. He said they have come to this point, and it is not a surprise that we are addressing these things. He said it is part of the process of this building to continue to get the building finished. He said it was explained they should go along with the process and approve monies for each process as they move forward. He feels they are at the point to begin wrapping the building up and approve the monies to be able to take occupancy of that building sometime this summer.

Commissioner Hardy said Box Elder County has been very frugal in this project. He thinks there is no fluff. They have watched everything very closely, and the county is going to have a great facility. They are bringing the cost in under what industry right now is charging for building new construction. He said under new construction the county is about \$100 per square foot under. He said we have a great location and hopes it will be a great facility moving forward for the county. He said we do need to put the furnishings in the building, and the Commissioners knew up front we were not putting furnishings in it at that time.

**MOTION:** A motion was made by Commissioner Hardy to fund the furnishings, security, phone system and all the other things that are needed to be able to move into the Justice Court Building up to \$312,000. The motion was seconded by Commissioner Shaffer. The motion passed 2-1 with Chairman VanDyke voting nay.

Chairman VanDyke said a revised cost estimate was presented to the Commissioners early this morning that reduces the overall cost of \$328,000 down to \$242,000. The primary change of that was the lease/purchase of a telephone system as opposed to the actual outright purchase which conveyed the cost of that to an annual fee as opposed to putting one big lump sum into the package. He said in looking back at the history of this project, it has been supplied to all Commissioners that they have been involved in the preliminary approval of the expenses of this building, and even at the \$242,000 to allow for some increasing costs over a period of time. The \$242,000 comes much closer to what was originally proposed.

Commissioner Hardy said the reason to go with the \$312,000 rather than the \$242,000 was the \$242,000 would be for a lease on the equipment for a phone system and other security systems, and there is a built-in cost of 11% and neither Box Elder County nor anybody else is getting 11% right now. He said in his mind it makes more sense to purchase outright rather than pay the 11% for a lease.

Micah Capener said the energy efficiency grant will offset the money approved by approximately \$100,000.

**BURT CHRISTENSEN SUBDIVISION/RURAL ROAD AGREEMENT – TAMARA WRIGHT**

County Planner Tamara Wright said the Burt Christensen Subdivision is a one-lot subdivision located in the Corinne area. It fronts off 6800 West. The address is 335 N. 6800 W. Ms. Wright said there is 150 feet of frontage on 6800 West which requires them to enter into a Rural Road Improvement Agreement. That agreement, because of the rural status in Box Elder County, defers curb, gutter and sidewalk improvements to be done.

**MOTION:** A motion was made by ~~Commissioner Shaffer~~ to approve the Burt Christensen Subdivision and Rural Road Agreement and allow the chair to sign the plat and agreement. The motion was seconded by ~~Commissioner Hardy~~ and unanimously carried.

**PUBLIC HEARING/SANDALL RANCHES ROAD VACATE/ORDINANCE #333 – COMMISSIONERS**

*(See Attachment No. 2 – Attendance List.)*

Chairman VanDyke declared the public hearing to vacate the Sandall Ranches Road open at 10:00 a.m.

County Planner Tamara Wright said Scott Sandall and Randy Moulding made application to vacate a portion of the Sand Hollow Road extending northerly from the intersection of 22000 West Street and Sunset Pass Road, portions of which may be located in Section 28 and 29, Township 11 North Range 6 West. Ms. Wright said the road used to be on a 90 degree angle and in order to straighten the road out the county had an exchange with the Sandalls. A public hearing was held on March 18 in Planning Commission where they recommended approval.

Chairman VanDyke opened the public hearing up for public comment.

County Road Supervisor Bill Gilson said in the case of the road vacation it stems from a verbal agreement that happened between 1960-65. The county wanted to realign the Sunset Pass Road because it had a direct 90 degree angle in it. As far as a verbal agreement through Scott Sandall's family, they said there was an agreement between their family and Ed Sylvester, the county Road Supervisor. The Sandall family said they would give the county free range to go out and improve the road and take the 90 degree angle out, and they will take back the old alignment. The problem is in the old alignment, it is part of the Sand Hollow Road. Mr. Gilson said when we vacate this road section, it will turn the Sand Hollow Road into a dead-end road. He has a bit of a misgiving with that, but on the other side of it there is no BLM access through the Sand Hollow Road and there is no school trust land. It is all private property. The majority of the landowners will get access through Scott Sandall or Randy Moulding to access it that way. He does not see a problem in that regard. He said if we want to go back with the verbal agreement and vacate the road, he does not see a big problem vacating and making a dead-end road out of the Sand Hollow Road. He said it has been a right-of-way for 30-40 years through there. He said it was vacated illegally by doing a hand shake

and a word in the 1960's. Mr. Gilson said they are trying to fix the problem that was done illegally in the 60's and do it the right way now.

County Planner Tamara Wright said during the Planning Commission Meeting it was suggested that they don't just vacate the one little portion north, but to vacate the whole way up through to the next county road. This is something that can be decided on later. This public hearing only addresses the vacation on the north.

**Scott Sandall said he and Randy Moulding have executed an easement agreement to make sure there will be access with the landowners to the end of the adjoining property line along the Sand Hollow Road. They have taken steps to insure that they or other people who may own the property will have the access where the properties adjoin. He said it is their feeling that they need to make this happen, and in the future they will decide where, or if more of the road needs to be vacated.**

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

**MOTION: A motion was made by Commissioner Hardy to allow the staff to finalize the ordinance. The motion was seconded by Commissioner Shaffer and unanimously carried.**

### **BEAR RIVER MEDICAL RESERVE CORPS - MEGGAN SCHULZE**

**Meggan Schulze said the reason she and Kevin Christensen are before the Commissioners is to inform them about a valuable resource that is in Box Elder County. She said it is called the Medical Reserve Corps. She gave a little history. She said it is a national program with local community based emphasis. Its mission is to supplement EMS, hospitals, public health and Red Cross Shelters during times of emergencies or other times of need. She said many medical personnel offered their skills during the 2001 terrorist attacks on New York City, but they were turned away because there was no way to verify their credentials. In 2002 during President Bush's state of the union address, he asked all Americans to provide volunteer services for their community. She said these two things are why the Medical Reserve Corps came to be. Ms. Schulze said it is a way that we can pre-identify our volunteers, pre-credential volunteers and also pre-train them so they are ready if these events happen. She said on May 30, 2006 the Bear River Health Department established the Bear River Medical Reserve Corps in Box Elder County with Kevin Christensen as the unit coordinator. At that time they set up a steering committee to look at what would be the best way for the Medical Reserve Corps to benefit Box Elder County and they came up with areas of focus: (1) to help in a mass casualty incident (2) help with public health events (3) shelters.**

**She said at the beginning of the Medical Reserve Corps they felt it was important to ask for support from the County Commissioners by asking for a letter of support and a resolution. At that time they were very small. The current status is: 109 volunteers, 7 doctors, 1 nurse practitioner, 18 nurses, 20 EMT's, 5 mental health professionals, 3 pharmacists, and three other medical professionals. The total medical volunteer count is at 58 and 51 support volunteers which can come from any type of profession. She pointed out a couple of ways they have helped out the community. She said in July**

2009 they sent one of the medical reserve nurses to Logan to assist at the Red Cross Shelter during the Cache Valley Mud Slide. In September 2009-February 2010 they participated in 49 flu clinics. She said right now the Bear River Health Department is able to sustain the program through state and federal grants. She asked for the Commission's continued support in encouraging all able bodied and qualified individuals to volunteer as Medical Reserve Corps members where time and circumstances permit.

Commissioner Shaffer thanked The Medical Reserve Corps for their volunteerism spirit. He said our communities greatly receive a lot of rewards from volunteerism that is in our county, and he appreciates the efforts.

Commissioner Hardy thanked them for the volunteerism, and said that is what makes our county as good as it is.

**MOTION:** A motion was made by Commissioner Hardy that as a Commission they will continue to support the Medical Reserve Corps and the volunteerism. The motion was seconded by Commissioner Shaffer and unanimously carried.

Kevin Christensen appreciates the Commission's support and desires for public peace and safety, and he hopes that as a group of volunteers, they will be able to step forward with that task.

**PUBLIC HEARING/OLD COUNTY ROAD VACATE/ORDINANCE #334 - COMMISSIONERS**

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

Chairman VanDyke opened the public hearing regarding the old county road located in the Mantua area at 10:15 a.m.

County Planner Tamara Wright said this is a public hearing regarding the vacation of the old county road located within the SW/4 of the SW/4 of Section 10 Township 9 North Range 1 West. It is an abandoned road in the Mantua area. The Planning Commission held a public hearing and found there is no prevailing public interest in keeping the road open, the vacation does not have a substantial effect on the county's general plan, the vacation does not violate any provision of the County Land Use Management and Development Code and that the proposed vacation is in the best interest of the public.

Commissioner Hardy said the county was not aware of the portions and pieces of the road that had not been vacated until Ruby Pipeline asked for an easement. He said the vacation will go back to the adjoining landowners.

Chairman VanDyke asked if there were any comments from the public. There were none.

MOTION: A motion was made by **Commissioner Shaffer** to close the public hearing. The motion was seconded by **Commissioner Hardy** and unanimously carried. The public hearing was closed at 10:22 a.m.

MOTION: A motion was made by **Commissioner Shaffer** to direct staff to finalize the vacation ordinance. The motion was seconded by **Commissioner Hardy** and unanimously carried.

MOTION: A motion was made by **Commissioner Shaffer** to direct the staff to begin the process of vacating the other portion of the old road in Section 9. The motion was seconded by **Commissioner Hardy** and unanimously carried.

#### DAMAGE SURVEY REPORT/EMERGENCY WATERSHED PROTECTION GRANT – LEE BEVERLEY

Lee Beverley said the damage survey report has been performed and has been submitted identifying the work to be done. He asked the Commission Chair to sign the report.

MOTION: A motion was made by **Commissioner Shaffer** to authorize the chair to sign the damage survey report for the Emergency Watershed Protection Grant. The motion was seconded by **Commissioner Hardy** and unanimously carried.

#### WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 69662 through 69783, 990378 – 990386, 2010009 in the amount of \$321,042.89.

#### PERSONNEL ACTIONS – COMMISSIONERS

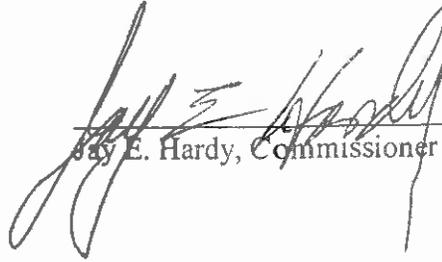
SHERIFF'S DEPT: Phillip Zieseniss, compensation change, effective 04/16/2010

#### ADJOURNMENT

A motion was made by **Commissioner Shaffer** to adjourn. **Commissioner Hardy** seconded the motion, and the meeting adjourned at 10:30 a.m.

ADOPTED AND APPROVED in regular session this 11th day of May 2010.

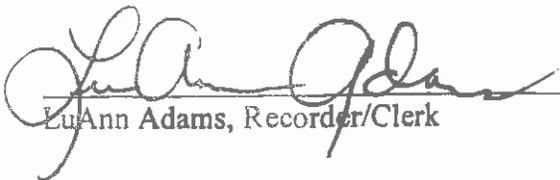
  
\_\_\_\_\_  
Rich VanDyke, Chairman

  
\_\_\_\_\_  
Jay E. Hardy, Commissioner



\_\_\_\_\_  
Brian K. Shaffer, Commissioner

ATTEST:

  
\_\_\_\_\_  
LuAnn Adams, Recorder/Clerk

BOX ELDER COUNTY RECORDER/CLERK  
Box Elder County Courthouse  
01 South Main Street  
Brigham City, Utah 84302

**NOTICE and AGENDA**

*Public Notice* is hereby given that the Box Elder County Board of County Commissioners will hold an **Administrative/Operational Session** commencing at **8:00 a.m.** and a regular **Commission Meeting** commencing at **9:00 a.m. TUESDAY, MAY 4, 2010** in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.

**Administrative/Operational Session**

**\*8:00 a.m.**

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports – Agenda Related
4. Correspondence
5. Assignment Review

**\*8:20 a.m.**

6. Waste Water Code Changes – Tamara Wright

- \*9:00 – 9:05** Call to Order: Chairman VanDyke  
Invocation: Chairman VanDyke  
Approval of Minutes of April 27, 2010
- \*9:05 – 9:10** Follow-Up Business
- \*9:10 – 9:20** Award Iowa String Pavement Bid – Bill Gilson/Brent Slater
- \*9:20 – 9:35** Valley View Subdivision Emergency Road Improvement – Bill Gilson/  
Brent Slater
- \*9:35 – 9:40** Forest Road Agreement/Willard Mountain Road – Bill Gilson

- \*9:40 – 9:45 Congestion and Bicycles on Highway 38 – Kathy Furlong
- \*9:45 – 9:55 CIP Committee Recommendations – Micah Capener
- \*9:55 – 10:00 Burt Christensen Subdivision/Rural Road Agreement – Tamara Wright
- \*10:00 – 10:05 Public Hearing/Sandall Ranches Road Vacate/Ord. #333 – Commissioners
- \*10:05 – 10:15 Bear River Medical Reserve Corp. – Meggan Schulze
- \*10:15 – 10:20 Public Hearing/Old County Road Vacate/Ord. #334 – Commissioners
- \*10:20 – 10:25 Damage Survey Report/Emergency Watershed Protection Grant–Lee Beverley
- \*10:25 – 10:30 Warrant Register & Personnel Actions – Commissioners
- \*10:30 – 10:35 Assignment Review – Commissioners

**Adjournment**

These assigned times may vary depending on length of discussion, cancellation of scheduled agenda items or agenda alteration. Therefore, the times are estimates of the agenda items to be discussed. If you have any interest in any topic, you need to be in attendance at 9:00 a.m.

Prepared and posted this 30<sup>th</sup> day of April 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 30<sup>th</sup> day of April 2010.



LuAnn Adams  
Recorder/Clerk

**NOTE: Please turn off or silence cell phones and pagers during public meetings**

**This facility is wheel chair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made three (3) working days prior to this meeting. Please contact the Commission Secretary's office at 734-3347 or FAX 734-2038 for information or assistance.**

PUBLIC HEARING  
BOX ELDER COUNTY

Date: 5-4-2010

Sandall Ranches Road Vacation

| <u>NAME (Please Print)</u> | <u>ORGANIZATION</u>           | <u>ADDRESS/TELEPHONE</u>                 |
|----------------------------|-------------------------------|--|
| Stephen R. Hudfield        | Box Elder County Attorney     |  |
| LEE BEVERLEY               | Box Elder County DEP. AUDITOR |  |
| RANDY Moulding             | BARN CATTLE                   |  |
| Kevin Potter               | BESO                          |  |
| Scott Sandall              | Sandall Ranches               |  |
| Tom Bennett                | BECO - Auditor                | 734-3317                                 |
| BRENT SLATER               | JONES & ASSOC - CO. ENGINEERS | 501-391-1172                             |
| Meggan Schulze             | Bear River MRC                |  |
| Kevin Christensen          | Bear River Health Dept.       | 435- <del>695-1111</del> <sup>2088</sup> |

PUBLIC HEARING  
BOX ELDER COUNTY

Date: 5-4-2010

Old County Road Vacate

| <u>NAME (Please Print)</u> | <u>ORGANIZATION</u>           | <u>ADDRESS/TELEPHONE</u> |
|----------------------------|-------------------------------|--------------------------|
| Stephen R. Hudfield        | Box Elder County Attorney     |                          |
| Lee Beverly                | Box Elder County Det. Auditor |                          |
| Rebecca Dily               | Box Elder City                | 3347                     |
| Kevin Potter               | BESO                          |                          |
| Tom Bennett                | BECO                          | 734-3317                 |
| Tamara Wright              | BECO                          | 734-3316                 |
| Kevin Christensen          | BRHD                          | 435-695-2088             |
| Meggan Schulzer            | BRMPC                         | 435-695-2085             |