

**MINUTES
BOX ELDER COUNTY COMMISSION
JUNE 01, 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 **JUNE 01, 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. Gun Club Agreement – Commissioners
7. Report on ICSC Conference – Kevin Hamilton
8. Suggestion for Naming New Building – Monte Munns

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 Commissioner Hardy.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF MAY 25, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY CHAIRMAN VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS - COMMISSIONERS**Trap Club Lease Agreement - Attorney Stephen Hadfield**

County Attorney Hadfield said all of the research indicates there has been an agreement with the trap club since 1982. He said several attempts have been made to put the agreement in writing, but right now it is a verbal agreement, and we are not sure of the terms. The trap club has approached the county wanting to do more activities. Attorney Hadfield said because no written lease can be found, he recommends holding a public hearing.

Commissioner Shaffer said it has not been uncommon in the past to have a verbal agreement, but he feels it is time to have a written lease signed.

MOTION: A motion was made by **Commissioner Hardy** to set a public hearing for the trap club lease on June 29 at 10:10 a.m. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

Grouse Creek Special Service District

Commissioner Shaffer said the combining of the two special service districts in Grouse Creek has been in the works for some time. The combination has not happened, but in the mean time we need to have a functioning service district board. Some of the terms have expired and people have moved away.

MOTION: A motion was made by **Commissioner Shaffer** to appoint Clay Blanthorn, Shorty Williams, and Sam Blanthorn as Chair to the Grouse Creek Special Service District. The motion was seconded by **Commissioner Hardy** and unanimously carried.

WIR Report – Commissioner Hardy

Commissioner Hardy reported that going forward the PILT money could be scary as to where and how it will be coming. Box Elder County has 1,202,575 acres of federal land and that makes up about 50% of the county's land. Last year Box Elder County received a PILT payment in the amount of \$2,805,786. He said if that continues it goes to 2012. What happens after that is anybody's guess. That amount is \$2.33 per acre in Box Elder County. The U.S. average is \$1.48. He explained there are A and B Counties. Utah set up all of the service districts with mineral lease service districts and mineral leases are not deducted against the PILT payment. Commissioner Hardy said there was some discussion and a Commissioner from Montana did some research and found out that it is funded by acreage, population base and prior year payments and that is why some counties get \$2.33 and some counties only get .44 cents. They found out that counties throughout the United States have been overpaid by as much as \$30M per year. The way the law is written, the Federal Government could require that money to be collected in a year or over a period of years if the federal government decides to go back and collect. He said it could be a disaster. Commissioner Hardy said

that makes up a major portion of the county's budget. The PILT payment is about one-third of the county's property taxes.

Commissioner Hardy said going forward, in order to get grants, we need to put together a regional strategic plan, and in order to increase the county's chances of getting funding, we need to partner up with other counties and other states. He said we have a good opportunity to get funds for the Stevell Road if we put the plan together.

Commissioner Hardy said if China was to put a call in today and call in all the debt from the United States, China would own the United States.

Commissioner Hardy learned that the Census income needs to match the local data. If it does not, there will probably not be a grant match. A lot of the funds that will be able to be received will flow through the U.S. Department of Agriculture. USDA Rural Development funds a broad range of programs that are critical to rural counties. These programs include funding for water, waste water, infrastructure, community facilities, broadband, housing, renewable energy and business development. He said it pretty much covers a wide-range of places that we can get grants.

Commissioner Hardy said there is a new material being grown for biodiesel called Camolina. It is oil and right now they are using it in aviation fuel. He said it is a clean biodiesel. Montana State is running 20% biodiesel fuel tests on the switch engines on the rail and in their school buses. Toyota has come to the state of Montana and is working with Montana State.

He said 13 Commissioners were defeated in Utah that were long-standing Commissioners. There were 18 incumbent Commissioners defeated in Idaho.

SOIL DISPOSAL CHARGE FOR EWP GRANT – LEE BEVERLEY

Lee Beverley said he is before the Commission to talk about the Emergency Water Protection Grant and finalizing the charge for soil disposal. He said Box Elder County will be disposing the soil from the Dejarnatt Dam and the other debris basins which is our cost share for the grant. The total project is nearly \$9M of which the county must fund 25%.

Chairman VanDyke pointed out the involvement is in-kind. He said we can trade the entire 25% in-kind match through the soil disposal.

MOTION: A motion was made by **Commissioner Shaffer** to accept the letter of proposal and authorize the Chair to sign. The motion was seconded by **Commissioner Hardy** and unanimously carried.

ORDINANCE #337/GEOTHERMAL FOR PROCTER & GAMBLE – TAMARA WRIGHT

County Planner Tamara Wright said Procter & Gamble made an application to amend the Box Elder County Land Use Development Code Article 3-4-070, regulations for specific uses. They wanted to add two uses to the code. The first one is to allow test wells for geothermal exploration as a permitted use and secondly, the development of geothermal resources through production and reinjection wells to be allowed as a conditional use. She said those are the two uses being added to the M-G (General Industrial District Zone).

MOTION: A motion was made by **Commissioner Hardy** to adopt Ordinance No. 337 and allow Chairman VanDyke to sign the ordinance. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

(See Attachment No. 2 – Ordinance No. 337.)

BRANDON ERICKSON RE-ZONE IN BEAVER DAM AREA – TAMARA WRIGHT

County Planner Tamara Wright said Brandon Erickson would like to rezone seven (7) acres from a MU-40 to an RR-2 zone. The property is adjacent to the RR-2 zone. The property is located at approximately 400 West on Hwy 30 in the Beaver Dam area.

MOTION: A motion was made by **Commissioner Hardy** to set a public hearing for the Brandon Erickson rezone on June 29 at 10:17 a.m. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

WIND ORDINANCE PROPOSAL – TAMARA WRIGHT

County Planner Tamara Wright asked to have a public hearing set for a wind ordinance. She said Bingham Properties came to the county in 2008 and made an application to add wind turbines to certain zones. She said this item has taken some time to educate the Planning Commission and staff. They visited the South Fork Wind Turbine site and did some research with the state, and drafted a model ordinance to address some of the myths and truths about wind turbines. She said an ordinance has been created that addresses small and large wind systems and also putting in towers to survey the area for data. She said it has been about two years of research, education and dedication and they want to be as proactive as the county can.

MOTION: A motion was made by **Commissioner Shaffer** to set a public hearing to hear the wind ordinance proposal for June 29 at 10:20 a.m. The motion was seconded by **Commissioner Hardy** and unanimously carried.

SUBDIVISION ORDINANCE AMENDED – TAMARA WRIGHT

County Planner Tamara Wright asked the Commissioners to set a public hearing for a subdivision ordinance amendment. She said this is regarding one-lot subdivisions which will allow an administrative review process instead of having the Planning Commission review. The amendment will reduce the time for simple one-lot subdivisions. She said it is important to note the administration will still review a concept, preliminary and final plan, and it will also be reviewed by all of the people in the county that review subdivisions. She said the amendment also sets the new standards for street grades.

MOTION: A motion was made by **Commissioner Hardy** to set a public hearing on June 29 at 10:25 a.m. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

SUBCONTRACTOR AGREEMENT BEC/PARK VALLEY FIRE DEPARTMENT – BRIAN CARVER

Brian Carver, BRAG Community and Economic Development Director, said his purpose in coming to the Commission is to help provide information on a subcontractor's agreement between Box Elder County and the Park Valley Fire Department. He said this is for a contract the county entered into in the fall of 2009 to be the sponsor for the fire department in receiving funds from the CDBG Program through the U.S. Department of Housing and Urban Development. The purpose of the grant is to construct a new fire station. He said as the sponsor of the project, the county is the contractor with the State of Utah who will be distributing funds. The purpose of the subcontractor's agreement is to make sure the county and the fire department are in agreement on responsibility in executing the provisions of the contracts and insuring the county is passing monies along from the State of Utah to the subcontractor.

MOTION: A motion was made by **Commissioner Shaffer** that Box Elder County enter into an agreement with the subcontractor of the Park Valley Fire District and authorize payments to be made through the county to the subcontractor and authorize the chair to sign the agreement. 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 70185 through 70278 in the amount of \$371,049.38.

PERSONNEL ACTIONS – COMMISSIONERS

ROAD DEPT:	Chad Gatehouse, seasonal new-hire, effective 05/24/2010
SHERIFF'S DEPT:	Alexander D. Evans, compensation change, effective 05/09/2010
FIRE DEPT:	Blair Westergard, re-hire, effective 06/01/2010
FIRE DEPT:	Dustin Richards, re-hire, effective 06/01/2010
FIRE DEPT:	Shawn L. Jensen, re-hire, effective 06/01/2010

EXECUTIVE SESSION

DISCUSSION OF CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL AND POTENTIAL LITIGATION

MOTION: At 10:01 a.m. a motion was made by **Commissioner Shaffer** to move into an executive session to discuss personnel issues and potential litigation. The motion was seconded by **Commissioner Hardy** and unanimously carried.

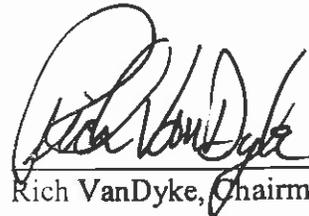
MOTION: At 11:10 a.m. a motion was made by **Commissioner Shaffer** to reconvene into regular commission meeting. **Commissioner Hardy** seconded the motion, and regular commission meeting was reconvened.

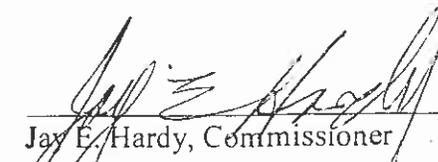
Chairman VanDyke explained that personnel matters and potential litigation were discussed during the executive session.

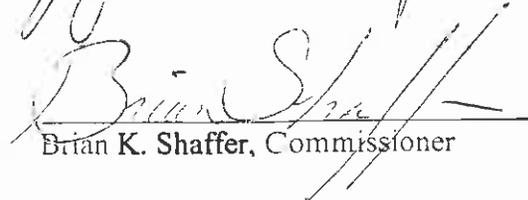
ADJOURNMENT

A motion was made by **Commissioner Hardy** to adjourn. **Commissioner Shaffer** seconded the motion, and the meeting adjourned at 11:12 a.m.

ADOPTED AND APPROVED in regular session this 15th day of June 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, JUNE 1, 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. Gun Club Agreement - Commissioners
7. Report on ICSC Conference – Kevin Hamilton
8. Suggestion for Naming New Building – Monte Munns

- *9:00 – 9:05** Call to Order: Chairman VanDyke
Invocation: Commissioner Hardy
Approval of Minutes of May 25, 2010
- *9:05 – 9:10** Follow-Up Business
- *9:10 – 9:15** Soil Disposal Charge for EWP Grant – Lee Beverley
- *9:15 – 9:20** Ordinance #337/Geothermal for Procter & Gamble – Tamara Wright
- *9:20 – 9:25** Brandon Erickson Re-Zone in Beaver Dam Area – Tamara Wright
- *9:25 – 9:30** Wind Ordinance Proposal – Tamara Wright
- *9:30 – 9:35** Subdivision Ordinance Amended – Tamara Wright

- *9:35 – 9:45 Subcontractor Agreement BEC/Park Valley Fire Department – Brian Carver
- *9:45 – 9:50 Warrant Register & Personnel Actions – Commissioners
- *9:50 – 9:55 Assignment Review – Commissioners

Executive Session

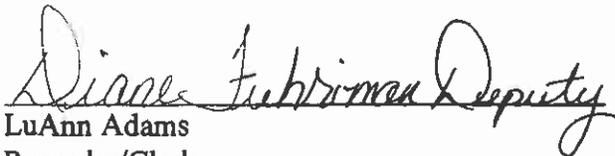
1. Discussion of character, professional competence or physical or mental health of an individual.

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 27th day of May 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 27th day of May 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.

ORDINANCE NO. 337

AN ORDINANCE OF BOX ELDER COUNTY AMENDING §3-4-070-26 OF THE BOX ELDER COUNTY LAND USE MANAGEMENT AND DEVELOPMENT CODE ENTITLED "MINING" UNDER THE SUBSECTION OF SAID SECTION ENTITLED "REGULATIONS FOR SPECIFIC USES" OF THE COMMERCIAL AND MANUFACTURING ZONING DISTRICTS TO ALLOW (1) TEST WELLS FOR GEOTHERMAL EXPLORATION WITHIN THE GENERAL INDUSTRIAL DISTRICT (M-G) ZONE AS A PERMITTED USE, AND (2) DEVELOPMENT OF GEOTHERMAL RESOURCES THROUGH PRODUCTION AND REINJECTION WELLS AS A CONDITIONAL USE.

WHEREAS, the Box Elder County Planning Commission determined that (1) test wells for geothermal exploration be allowed as a permitted use and (2) development of geothermal resources through production and reinjection wells be allowed as a conditional use in the M-G zoning district; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on April 15, 2010, to allow the general public to comment on adding 1) test wells for geothermal exploration be allowed as a permitted use and (2) development of geothermal resources through production and reinjection wells be allowed as a conditional use to the uses of M-G zoning district in the Box Elder County Land Use Management & Development Code; and

WHEREAS, after providing an opportunity for public input, the Box Elder County Planning Commission is recommending approval of the proposed amendment to provide for the health, safety, and general welfare of the public and protect the environment; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on May 18, 2010, to allow the general public to comment on the proposed amendment; and

WHEREAS, the Box Elder County Commission, after providing an opportunity for public input, finds that the proposed amendment will be in the best interests of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the Box Elder County Commission, acting as the legislative body of Box Elder County, State of Utah, ordains as follows:

SECTION 1: Ordinance Amendment §3-4-070-26 of the Box Elder County Land Use Management and Development Code entitled "Mining" under the said section entitled, "Regulations for Specific Uses," is hereby amended to read in its entirety as follows:

3-4-070-26	MINING	(Ordinance 301)						
		C-N	C-S	C-H	C-G	M-FP	M-G	C-E
3-4-070-26.1	Chemicals & Fertilizers (mineral) Mining	-	-	-	-	-	C	-
3-4-070-26.2	Coal Mining	-	-	-	-	-	C	-
3-4-070-26.3	Crude Petroleum & natural Gas	-	-	-	-	-	C	-
3-4-070-26.4	Dimension Stone	-	-	-	-	-	C	-
3-4-070-26.5	Land Excavations	C	C	C	C	-	C	-
3-4-070-26.6	Metal Ore Mining	-	-	-	-	-	C	-
3-4-070-26.7	Sand & Gravel –Quarrying	-	-	-	-	-	C	-
3-4-070-26.8	Other Mining & Quarrying of Non-Metallic Minerals (except fuels)	-	-	-	-	-	C	-
3-4-070-26.9	Test Wells for Geothermal Exploration	-	-	-	-	-	P	-
3-4-070-26.10	Development of geothermal resources through production and reinjection wells	-	-	-	-	-	C	-

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

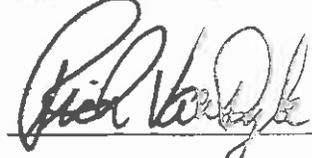
PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 1st day of June
. 2010, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner VanDyke Voting Aye

Commissioner Hardy Voting Aye

Commissioner Shaffer Voting Aye

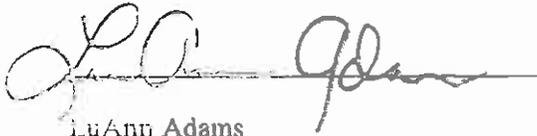




Rich VanDyke, Chair

Box Elder County Commission

Attest:



LuAnn Adams

Box Elder County Recorder/Clerk