

**MINUTES
BOX ELDER COUNTY COMMISSION
JUNE 29, 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 29, 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. Cache County Contract/Assistance to do Roadwork – Bill Gilson/Attorney Hadfield
7. Lighting Fixtures & Signage at 6800 W and Hwy 38 Intersection – Bill Gilson
8. Contract/West Corinne Water Company – Commissioner Hardy

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.
Pledge of Allegiance – Led by Jill Dallon, Girl Scout

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF JUNE 15, 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**Set Yearly Lease Rate/Payment Deadline Lease – Kevin Hamilton**

This item was cancelled.

Property Tax Deferral and Indigent Abatement – Brenda Smith Flint

Commissioner Shaffer said Brenda Smith Flint has worked with a lady at USU and been given guidance and counsel to be able to refinance her home to meet her obligations.

MOTION: A motion was made by **Commissioner Shaffer** that upon Brenda Smith Flint's application and eligibility of indigent abatement, we give her tax relief to the point that if she is eligible, the amount she would owe the county is \$3,278.69. If she isn't eligible, then she needs to continue with the amount of \$6,557.37. The motion was seconded by **Commissioner Hardy** and unanimously carried.

DISPATCH COMMITTEE MEMBERSHIP/APPROVAL OF NOMINEES – POLICE CHIEF NANCE

Tremonton Police Chief Nance asked the Commissioners for permission to set up a committee consisting of citizens to look at the dispatch center and future needs.

Commissioner Shaffer said for a long time he has felt we should involve citizens in things like this.

MOTION: A motion was made by **Commissioner Shaffer** to appoint Jeff Scott, Kyle Potter and Annette MacFarlane to explore the 800 Megahertz Radio and dispatch center and that these people serve on the committee for as long as it takes to implement an 800 Megahertz Radio System in the county. The motion was seconded by **Commissioner Hardy** and unanimously carried.

BOX ELDER COUNTY FAIRGROUNDS MASTER PLAN – JOAN HAMMER, DONNIE TARVER, MONTE MUNNS

Commissioner Shaffer said the county sent out a request for proposal to do a master plan at the fairgrounds, and has received three bids.

Chairman VanDyke said there have been some ongoing plans to upgrade and create some new facilities at the fairgrounds. With the creation of the CIP Committee, this has been a natural evolution towards professional people addressing a master plan at the fairgrounds. He said the fairgrounds have the potential of being the focal point of tourism in the county, and instead of doing something here or there; a long-term master plan would be nice.

Joan Hammer told the Commissioners the following bids were received:

<u>Company Name</u>	<u>Bid Amount</u>
Belt Collins Company	\$69,955
Civil Solutions Group	\$45,900
Keffer Overton Associates	\$50,000

Ms. Hammer told the Commissioners that Keffer Overton Associates is a company with fairgrounds experience and feels this is an important qualification. She said it is also important to have the ability to be on the ground during the fair since that is the largest user of the facility. Ms. Hammer said the TTAB feels the fairgrounds master plan is a worthy project, and they will donate the money for the study.

MOTION: A motion was made by **Commissioner Shaffer** to approve Keffer Overton Associates as the proposal to prepare a master plan for the fairgrounds. The motion was seconded by **Commissioner Hardy** and unanimously carried.

AGREEMENT FOR WEST CORINNE WATER TAP – COMMISSIONER HARDY

This item was cancelled.

CURLEW VALLEY SENIOR CENTER – COMMISSIONERS

A letter was received from the Oneida School District asking the Commissioners to continue their support of \$1,500 towards the Curlew Valley Senior Center in their 2011 budget. The Curlew Valley Senior Center helps the citizens in the Snowville area. The Commissioners will consider this during their budgeting process. They acknowledged receipt of the letter.

SUMMARY OF STATISTICS/VICTIMS ADVOCATE GRANT – ATTORNEY HADIFLED, CINDY LORRIGAN

This item was cancelled.

SET PUBLIC HEARING DATE/SURPLUS OF RACE TRACK PROPERTY – KEVIN HAMILTON

Director of Community Development Kevin Hamilton said U.S. Pipeline is requesting to use the race track property as a staging area. Mr. Hamilton said in order to comply with the county's surplus property ordinance; we need to hold a public hearing.

MOTION: A motion was made by Commissioner Shaffer to set a public hearing on July 27 at 10:00 a.m. to consider leasing the race track property. The motion was seconded by Commissioner Hardy and unanimously carried.

CIP COMMITTEE POLICY & PROCEDURES RESOLUTION #10-08 – SHIRLENE LARSEN

MOTION: A motion was made by **Commissioner Hardy** to adopt the Policy and Procedures Resolution #10-08 as recommended by the CIP Committee and allow the chair to sign. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

(See Attachment No. 2 – Resolution #10-08.)

Commissioner Shaffer thanked Shirlene Larsen for the time she spent reviewing and adding words to make the document useful for many years, and for dealing with the boards that are in charge of restricted funds.

PUBLIC HEARING/ROAD VACATION BEAVER DAM – COMMISSIONERS

(See Attachment No. 3 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:00 a.m.

Director of Community Development Kevin Hamilton said the road vacation is for portions of 400 West in the Beaver Dam area. The state realigned the roads to make the intersection safer, and eliminated some small portions. This will allow the county to vacate those portions of road that were eliminated when the state realigned them.

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

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 10:02 a.m.

PUBLIC HEARING/VACATION OF AN ALLEYWAY-RIVERSIDE – COMMISSIONERS

(See Attachment No. 4 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:01 a.m.

Director of Community Development Kevin Hamilton said this is a road the county put through the vacation process last year. He said as staff got looking at the state requirements for vacating a road, they realized we had missed some of the requirements. He said this public hearing is to make sure Box Elder County is in compliance with the law. Mr. Hamilton said these are alleyways in Riverside that are no longer being used and there was a request they be vacated.

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

MOTION: A motion was made by **Commissioner Hardy** to close the public hearing. The motion was seconded by **Commissioner Shaffer** and unanimously carried. The public hearing was closed at 10:03 a.m.

PUBLIC HEARING/VACATION OF AN OLD COUNTY ROAD/MANTUA – COMMISSIONERS

(See Attachment No. 5 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:03 a.m.

Director of Community Development Kevin Hamilton said the county went through the road vacation process in the last two months, but we are holding the public hearing again to make sure Box Elder County is in compliance with the law. He explained it was the portion of the old highway that used to go from Mantua to Logan. When the state came in and rebuilt the road, there were some small segments of the old highway that were left as public rights-of-way and this public hearing is to vacate that portion of the road.

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

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 10:04 a.m.

PUBLIC HEARING/VACATE A PORTION OF SAND HOLLOW ROAD – COMMISSIONERS

(See Attachment No. 6 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:05 a.m.

Director of Community Development Kevin Hamilton stated the county went through the vacation process but realized there was a need to rehold the public hearing.

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

MOTION: A motion was made by **Commissioner Hardy** to close the public hearing. The motion was seconded by **Commissioner Shaffer** and unanimously carried. The public hearing was closed at 10:07 a.m.

PUBLIC HEARING/TRAP CLUB LEASE – COMMISSIONERS

(See Attachment No. 7 – Attendance List.)

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

Director of Community Development Kevin Hamilton said the Golden Spike Trap Club has been occupying the site in the south end of the old landfill. There have been various forms of proposed leases over the years. He said we are now trying to finish a lease for the trap club that gives them some sense of permanency and allows them to move forward with some other requests they have. As part of their events, they are required to have a certain amount of RV parking space. The lease would include the property and allow them to go forward, and they must comply with Brigham City's laws.

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

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 closed at 10:13 a.m.

PUBLIC HEARING/BRANDON ERICKSON RE-ZONE – COMMISSIONERS

(See Attachment No. 8 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:17 a.m.

County Planner Tamara Wright said this public hearing is for a request to do a rezone on a piece of property off Hwy 30 in the Beaver Dam area from a MU-40 to a RR-2 in order to place a home on the property. Ms. Wright said the property is surrounded by other RR-2 zoning areas.

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

MOTION: A motion was made by **Commissioner Hardy** to close the public hearing. The motion was seconded by **Commissioner Shaffer** and unanimously carried. The public hearing was closed at 10:20 a.m.

PUBLIC HEARING/WIND ORDINANCE PROPOSAL – COMMISSIONERS

(See Attachment No. 9 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:20 a.m.

County Planner Tamara Wright said the Planning Commission has had a lot of educational opportunities to learn about myths vs. reality with wind turbines. She presented a draft ordinance. The Planning Commission has reviewed the ordinance and recommends adopting the ordinance. She pointed out that the small and medium towers will be permitted uses in all zones and the large wind turbine systems would be by conditional use permit.

Chairman VanDyke asked for comments from those in attendance.

Michelle Stevens and Monica Bonner from Wasatch Wind said they are a wind energy developer/owner and operator based in Park City. They are very excited to have the opportunity to develop the second wind farm in Utah. Spanish Fork was their first commercial wind farm in Utah. Michelle Stevens said it is very exciting to be able to bring some revenue and jobs to the state of Utah. They are working towards developing a wind farm in Box Elder County. They are very supportive that the county is working very closely with the state's model ordinance and feel it is a great ordinance and very fair. It allows counties to consider the projects from start to finish and give projects a very fair opportunity to be considered. She said it gives developers an opportunity to understand the rules. She feels it is not too restrictive. She appreciates the steps and efforts the county is taking. They have two small concerns. They have a problem with the setback waiver. The other concern is the K Wind Study that is required. They do not want to give this information out. The data is their trade secrets and will put them at a disadvantage in the RFP process. They told the county they have come up with some solutions.

(See Attachment No. 9A – Wasatch Wind.)

Lorrie Hunsaker, Brigham City, applauded the Commissioners for looking at alternative energy. She said looking at the world's situation; it is a mess. Ms. Hunsaker loves the wind turbines in Spanish Fork. She feels it is clean energy and something that is not depleting the earth's resources. She hopes that Wasatch Energy can make it happen, and she hopes Box Elder County will make it friendly to businesses that want to come in, but protect the interest of the citizens. She feels this is a great alternative to some of the other things and is excited to move forward with Wasatch Energy.

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 10:43 a.m.

PUBLIC HEARING/SUBDIVISION ORDINANCE – COMMISSIONERS

(See Attachment No. 10 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:25 a.m.

County Planner Tamara Wright said staff has been working on amending Article 6 of the Box Elder Land Use Management and Development Code entitled Subdivisions. She said they have worked with our County Engineer/Surveyor, Road Department, and Fire Inspector to bring our code into

compliance with the processes that are followed. The Planning Commission has recommended approval. Ms. Wright said the biggest change to the code is to allow an administrative review for one-lot subdivisions that meets certain requirements. If the requirements are met, staff can get it all collected and then staff can review it. Another change is adding language in the code to make people aware of other concerns outside of the subdivision. People will have the full picture upfront so the developer will know everything he needs to look at. There are also changes in the letter of credit language.

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

MOTION: A motion as made by **Commissioner Hardy** to close the public hearing. The motion was seconded by **Commissioner Shaffer** and unanimously carried. The public hearing was closed at 10:47 a.m.

ACTION ON PUBLIC HEARINGS VACATING ROADS – KEVIN HAMILTON

MOTION: A motion was made by **Commissioner Hardy** to adopt the road vacation ordinances subject to a final review and approval by the staff and County Attorney and allow the chair to sign. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

(See Attachment No. 11 – Ordinance No. 341.)

(See Attachment No. 12 – Ordinance No. 342.)

(See Attachment No. 13 – Ordinance No. 343.)

SIGN LEASE AGREEMENT/GOLDEN SPIKE TRAP CLUB – KEVIN HAMILTON

MOTION: A motion was made by **Commissioner Shaffer** that a meeting be set up to discuss the lease agreement with the Golden Spike Trap Club and representatives for the county will be Kevin Hamilton, Attorney Stephen Hadfield and Chairman VanDyke and to also invite Micah Capener to meet or give input and that this meeting will take place before next week's Commission Meeting. The motion was seconded by **Commissioner Hardy** and unanimously carried.

ACTION ON PUBLIC HEARING ORDINANCES – TAMARA WRIGHT

County Planner Tamara Wright said Ordinance No. 338 is an ordinance rezoning Brandon Erickson's property located in T12N R2W Sec 11 from a MU-40 to the RR-2. She said the Planning Commission has reviewed the application and forwarded their approval to the Commission.

MOTION: A motion was made by **Commissioner Shaffer** to approve Ordinance No. 338 and authorize the chair to sign. The motion was seconded by **Commissioner Hardy** and unanimously carried.

(See Attachment No. 14 – Ordinance No. 338.)

Director of Community Development Kevin Hamilton discussed the wind ordinance. He said based on the comments from the public hearing, he would like to prepare the ordinance and bring it back next week for adoption with some minor changes. Mr. Hamilton reviewed the changes.

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

County Planner Tamara Wright said Ordinance No. 340 amends Article 6 of the Box Elder County Land Use Management and Development Code Entitled Subdivisions. The Planning Commission has reviewed it and recommends approval.

MOTION: A motion was made by **Commissioner Shaffer** to adopt Ordinance No. 340 and allow the chair to sign. The motion was seconded by **Commissioner Hardy** and unanimously carried.

(See Attachment No. 15 – Ordinance No. 340.)

DEJARNATT DAM PROJECT & ADVERTISEMENT OF RFP'S – BILL GILSON, KEVIN HAMILTON

Road Supervisor Bill Gilson said NRCS has delivered specifications, drawings and everything that the Road Department needs for the DeJarnatt Sediment Basin Clean-Out Project which is part of the Emergency Watershed Project in the Pocatello Valley area. Bill Gilson and County Engineer Brent Slater have reviewed them. They are now looking at doing a bid advertisement.

MOTION: A motion was made by **Commissioner Shaffer** to authorize Kevin Hamilton and Bill Gilson to send out the request for proposals. The motion was seconded by **Commissioner Hardy** and unanimously carried.

ADOPTION-FIRE DISTRICT BOUNDARIES/MODIFICATION-FSSD CONTROL BOARD – DAVE FORSGREN

Honeyville Mayor Dave Forsgren presented a map showing the new proposed boundaries of the Central Box Elder County Fire District. Mayor Forsgren said when the control board was originally organized, it consisted of six members. Corinne and Elwood have since pulled out of the district and the control board needs to go from six members down to four. He said it will consist of the Bear River Mayor, Honeyville Mayor, Deweyville Mayor and one County Commissioner.

MOTION: A motion was made by **Commissioner Shaffer** to allow the County Surveyor to write a boundary description for the fire district as shown on a map presented by Mayor Forsgren. The motion was seconded by **Commissioner Hardy** and unanimously carried.

MOTION: A motion was made by **Commissioner Shaffer** to reduce the size of the administrative control board from six to four members consisting of the mayors from Bear River City, Honeyville and Deweyville and one County Commissioner. The motion died for lack of a second.

County Attorney Hadfield suggested the District get advice from the district's attorney regarding the downsizing of the administrative control board.

DEBT RELIEF – REBECCA BROCKSMITH

Rebecca Brocksmith told the Commissioners that she was sentenced to 440 days in jail for driving on suspension with an expired registration and no proof of insurance. She went to jail and got the \$44.00 a day assigned to her which totaled \$19,360. She said a couple of weeks ago she received a judgment from a collections agency stating she now owes \$38,445.25. She has no way of paying the bill. She said the collection agency told her she needed to talk to the people that issued the fine to see if the interest could be eliminated.

County Attorney Stephen Hadfield recommended the Commissioners check with the court to see why the fines were imposed.

Chairman VanDyke said the Commissioners need some additional time to review the case and receive more information.

SET PUBLIC HEARING/MURRAY GRAVEL RE-ZONE – TAMARA WRIGHT

County Planner Tamara Wright said property located at approximately 1025 S 105 E in Willard was recently de-annexed from Willard. She said it has gone before the Planning Commission regarding rezoning the property to be used as a gravel mining operation. The Planning Commission has recommended approval with conditions that this is only approved for the upper 10 acres, giving them an easement for their scale house and for bringing the truck up and docking it there until they get established.

MOTION: A motion was made by **Chairman VanDyke** to set the public hearing regarding the Murray Gravel Pit for July 27 at 10:05 a.m. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

ANGIE BOWEN JONES SUBDIVISION – TAMARA WRIGHT

County Planner Tamara Wright said the Angie Bowen Jones Subdivision is a one-lot subdivision located at 16461 N Beaver Dam Road. It is located in a RR-2 Zone; it also has a rural road agreement. Ms. Wright said the Planning Commission has recommended approval.

MOTION: A motion was made by **Commissioner Hardy** to accept the Angie Bowen Jones Subdivision and rural road agreement and allow the chair to sign. The motion was seconded by Commissioner Shaffer and unanimously carried.

BURT SUBDIVISION – TAMARA WRIGHT

County Planner Tamara Wright presented the Burt Amended Subdivision Plat which is a three-lot subdivision. It is located at approximately 2650 W Hwy 13.

MOTION: A motion was made by **Commissioner Hardy** to accept the Burt Amended Subdivision and allow the chair to sign the plat. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

RECESS

The Commissioners took a recess at 11:10 a.m. and reconvened at 11:20 a.m.

INDEPENDENT AUDIT REPORT 2009- FRED BURR, WIGGINS & CO.

Tom Bennett reviewed the Financial Report Year Ending December 31, 2009. He said Box Elder County's total net assets increased by \$2.8 million or 7.7%. He said this had to do with favorable property and sales tax revenues and also a reduction in expenditures. He said we lowered the county's tax rate and at the same time we were able to increase our property tax revenues. He said each department did their part to spend less in their budgets; there was an increase in the general fund by 1.4 million or 14.3%. He said they reduced the county's long-term debt by \$766,000 or 10.3%. The Municipal Service Fund saw the largest decrease of \$1.1 million or 22.8% mainly due to spending the fund balance for capital projects.

Mr. Bennett then reviewed the county's revenues and expenses. He said the county is continuing to decrease its long-term debt. The county did not go into any new debt. All of our capital projects, including the new Justice Center, are all paid for cash out of fund balances in the capital projects fund. The debt was reduced by 10% and we are scheduled to be out of debt by 2017. He feels the county is in a very favorable position. He said we are increasing our fund balances and spending cash for our capital projects and not entering into new debt. He hopes we will be able to continue the trend to maintain or lower our tax rate.

Fred Burr, Wiggins & Co. went over the purpose of the financial statements. Mr. Burr reviewed the financial report, single audit report and the management report.

MOTION: A motion was made by **Commissioner Hardy** to accept the 2009 Independent Audit Report with Wiggins & Co. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

CONTRIBUTION ADJUSTMENT URS – H. DOUG PETERSON

Personnel Director Peggy Madsen said each year the state retirement office talks to the employees and every year the employees are reminded to make sure the county has the right dates of service and beneficiaries. Doug Peterson has a discrepancy on his years of service. The retirement office sent a letter explaining the choices. Ms. Madsen reviewed the choices.

Doug Peterson said he feels like it was the county's mistake and that he has lost eight months of service. He is willing to pay the \$816.61, and would like the county to pay the difference. Mr. Peterson would like to have credit for the time he has worked for the county.

MOTION: A motion was made by **Commissioner Shaffer** that the county will participate in paying the county's portion of the employer contribution plus interest. The motion was seconded by **Commissioner Hardy** and unanimously carried. The motion was withdrawn.

Commissioner Hardy made a suggestion that in order to help Doug Peterson pay the contributions Box Elder County will pay the total fund upfront and withhold a certain amount out of his check until the bill is paid.

MOTION: A motion was made by **Commissioner Hardy** to authorize an agreement to be put together and signed by both parties allowing the county to pay its half plus interest and Doug Peterson to pay his half with interest and the county will pay the retirement contribution adjustment upfront. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 70511 through 70621 in the amount of \$122,281.76. Claims 70622 through 70734, 990390, 2010013 in the amount of \$470,430.17. Claims 68213, 68164, 68250 were voided.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF DEPT:	Carolyn Loosli, compensation change, effective 06/05/2010
SHERIFF DEPT:	Brad Nelson, separation, effective 06/26/2010
SHERIFF DEPT:	Stephanie Gill, compensation change, effective 03/08/2010
LANDFILL:	Karson Riser, new hire, effective 06/23/2010
LANDFILL:	Tyson Belk, new hire, effective 06/22/2010

EXECUTIVE SESSION

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

MOTION: At 12:30 p.m. a motion was made by **Commissioner Shaffer** to move into an executive session to discuss personnel issues. The motion was seconded by **Commissioner VanDyke**, and the motion was unanimously carried.

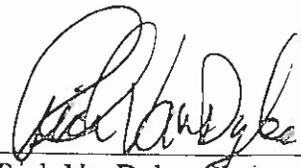
MOTION: At 1:50 p.m. a motion was made by **Commissioner Shaffer** to reconvene into regular commission meeting. **Chairman VanDyke** seconded the motion, and regular commission meeting was reconvened.

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

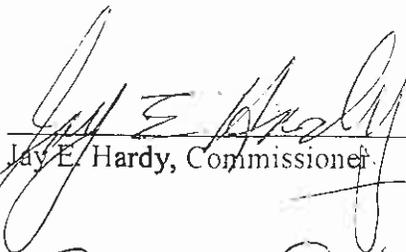
ADJOURNMENT

A motion was made by **Commissioner Shaffer** to adjourn. **Chairman VanDyke** seconded the motion, and the meeting adjourned at 1:52 p.m.

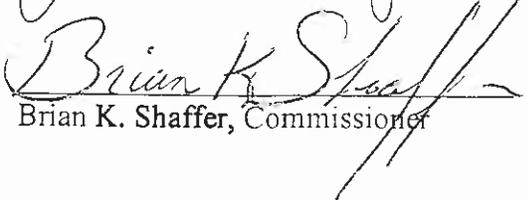
ADOPTED AND APPROVED in regular session this 6th day of July 2010.



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 29, 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. Dispatch Committee Membership/Approval of Nominees – Police Chief Nance
7. Box Elder County Fairgrounds Master Plan – Joan Hammer, Donnie Tarver, Monte Munns
8. Contract/West Corinne Water Company – Commissioner Hardy

- *9:00 – 9:05 Call to Order: Chairman VanDyke
Invocation: Chairman VanDyke
Pledge of Allegiance – Led by Jill Dallon, Girl Scout
Approval of Minutes of June 15, 2010
- *9:05 – 9:10 Follow-Up Business
Set Yearly Lease Rate/Payment Deadline Ag Lease – Kevin Hamilton
- *9:10 – 9:20 Dispatch Committee Membership/Approval of Nominees – Police Chief Nance
- *9:20 – 9:30 Box Elder County Fairgrounds Master Plan – Joan Hammer, Donnie Tarver,
Monte Munns
- *9:30 – 9:40 Agreement for West Corinne Water Tap – Commissioner Hardy
- *9:40 – 9:45 Curlew Valley Senior Center – Commissioners
- *9:45 – 9:50 Summary of Statistics/Victims Advocate Grant – Attorney Hadfield, Cindy Lorrigan
- *9:50 – 9:55 Set Public Hearing Date/Surplus of Race Track Property – Kevin Hamilton

- *9:55 – 10:00 CIP Committee Policy & Procedures Resolution #10-08 – Shirlene Larsen
- *10:00 – 10:01 Public Hearing/Road Vacation Beaver Dam – Commissioners
- *10:01 – 10:03 Public Hearing/Vacation of an Alleyway-Riverside – Commissioners
- *10:03 – 10:05 Public Hearing/Vacation of an Old County Road-Mantua – Commissioners
- *10:05 – 10:10 Public Hearing/Vacate a Portion of Sand Hollow Road - Commissioners
- *10:10 – 10:17 Public Hearing/Trap Club Lease – Commissioners
- *10:17 – 10:20 Public Hearing/Brandon Erickson Re-Zone – Commissioners
- *10:20 – 10:25 Public Hearing/Wind Ordinance Proposal – Commissioners
- *10:25 – 10:30 Public Hearing/Subdivision Ordinance – Commissioners
- *10:30 – 10:40 Action on Public Hearings Vacating Roads – Kevin Hamilton
- *10:40 – 10:45 Sign Lease Agreement/Golden Spike Trap Club – Kevin Hamilton
- *10:45 – 10:55 Action on Public Hearings Ordinances – Tamara Wright
- *10:55 – 11:10 Dejamatt Dam Project & Advertisement of RFP's – Bill Gilson, Kevin Hamilton
- *11:10 – 11:20 Adoption-Fire District Boundaries/Modification-FSSD Control Board –Dave Forsgen
- *11:20 – 11:30 Debt Relief – Rebecca Brocksmith
- *11:30 – 11:35 Set Public Hearing/Murray Gravel Re-Zone – Tamara Wright
- *11:35 – 11:40 Angie Bowen Jones Subdivision – Tamara Wright
- *11:40 – 11:45 Burt Subdivision – Tamara Wright
- *11:45 – 12:15 Independent Audit Report 2009 – Fred Burr, Wiggins & Co.
- *12:15 – 12:20 Contribution Adjustment URS – H. Doug Peterson
- *12:20 – 12:25 Warrant Register & Personnel Actions – Commissioners
- *12:25 – 12:30 Assignment Review – Commissioners

Executive Session

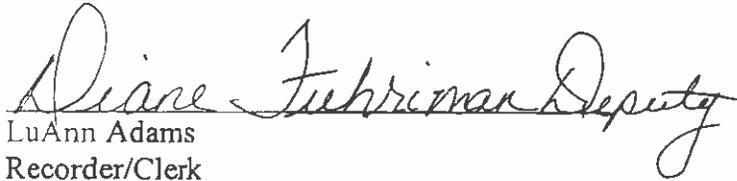
1. Discussion of character, professional competence or physical or mental health of an individual.

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 24th day of June 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 24th day of June 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.

RESOLUTION NO. 10-08

A RESOLUTION OF THE BOX ELDER COUNTY COMMISSION TO FORMALIZE ADOPTION OF A CAPITAL IMPROVEMENTS POLICY AND THE ESTABLISHMENT OF THE BOX ELDER COUNTY CAPITAL IMPROVEMENT PLANNING (CIP) COMMITTEE, AND TO ADOPT THE POLICIES, PROCEDURES AND BYLAWS BY WHICH THE BOX ELDER COUNTY CAPITAL IMPROVEMENT PLANNING COMMITTEE SHALL OPERATE

WHEREAS, the Box Elder County Commission has previously adopted a "Capital Improvements Policy" for Box Elder County and created a committee known as the "Box Elder County Capital Improvement Planning Committee" (hereinafter "CIP Committee), to implement said policy into actual practice; and

WHEREAS, the Box Elder County Commission has previously appointed members of the CIP Committee, and said members have prepared and proposed the adoption of the policies, procedures and bylaws by which the CIP Committee shall function, a copy of which is attached hereto; and

WHEREAS, the Box Elder County Commission has reviewed the proposed policies, procedures and bylaws and finds that they are appropriate and would properly implement the County's Capital Improvement Policy; and

WHEREAS, in addition to adopting the proposed policies, procedures and bylaws, the Box Elder County Commission would like to formalize its previous adoption of the Capital Improvement Policy and its previous establishment of the CIP Committee; and

WHEREAS, the Box Elder County Commission has found and determined that it would be in the best interests of and promote the general health, welfare and safety of the residents of Box Elder County to formalize the adoption of the County Capital Improvement Policy and establishment of a CIP Committee, and to adopt the policies, procedures and bylaws attached hereto;

PUBLIC HEARING
BOX ELDER COUNTY

Date: 6-29-2010
Road Vacation / Beaver Dam

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
ES Beverly	BECO - ADTOF	734-3360
Lori Hunsaker	BENS	723-3471
Steve Hadfield	B.E. County Attorney	
Stavanni	Stavanni	225 2249
Dave Archer	The Leader	257-5182
Roger Friedel	Truman City	
MONICA BURNER	WASATCH WILD	657-2550
Michelle Jensen	" "	435 503 8831
Bill Wilson	B.E. Co. Road	257-5450
H. Vester	BESD	734-3800
J. Madsen	BECO.	734.3378

PUBLIC HEARING
BOX ELDER COUNTY

Date: 6-29-2010

Vacation of an Alleyway, Riverside

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
LEE BEVERID	BECO-AUDITOR	734-3360
Lori Munsaker	BENJ	723-3471
Steve Halford	B.E. County Attorney	
Margaret	Standard	275 6049
Dave Archer	The Leader	257-5182
Roger Friden	Tremonton C. 4	
MONICA DONNER	WASATCHWIND	657-2550
Michelle Stevens	"	435 503 8831
Bill Allen	BE. Co. Road	257-5450
J. Yeater	BESO	734-3800
P. Madsen	BEC	734-3348

PUBLIC HEARING
BOX ELDER COUNTY

Date: 6-29-2010

Vacation of an Old County Road, Mantua

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
Lee Brainerd	BEO-Auditor	734-3360
Lori Hunsaker	BENI	723-3471
Steve Hadfield	B.E. County Attorney	
Amey MacArthur	Standard	7256049
Dave Archer	The Leader	257-5182
Roger Frick	Tremonton City	
MONICA BOKNER	WASATCH WIND	657-2550
Michelle Stevens	" "	435 503 883,
Bill Gilson	Box Elder Co.	257-5450
Allyntey	BESO	734-360
P. Madsen	BEC	734-3848

PUBLIC HEARING
BOX ELDER COUNTY

Date: 6-29-2010

Vacate a Portion of Sand Holbw Road

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
Lee Ferebee	BECO. AUDITOR	734-3360
Lori Hunsaker	BENI	723-3471
Steve Hadfield	B.E. County Attorney	
Angie Macomber	Standard	325 0049
Dave Archer	The Leader	757-5182
Roger Fridal	Tremonton City	
MOXICA BORNER	WASATCH WILD	457-2550
Michelle Stevens	" "	435 503 8831
Bill Wilson	B.E. Co Road	257-5450
Ik Neaty	Bgs	734-3800
P. Madsen	BECO.	734.3348

PUBLIC HEARING
BOX ELDER COUNTY

Date: 6-29-2010
Trap Club lease

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
Lee Petersen	BECO Auditor	734-3360
Lori Hunsaker	BENI	723-3471
Steve Hadfield	B.E. County Attorney	
Amy Macavitti	Standard	
Dorie Archer	the Leader	257-5182
Roger Frida	Tremonton City	
MONICA BOYKER	WASATCH WILD	687-2550
Michelle Stevens	" "	435 503 8831
Kenn Poffen	BESO	734 3814
Bill Hilson	BE Co. Road	257-5450
JK Healy	BESO	734 3800
A. Wadsen	BECO.	734-3348

PUBLIC HEARING
BOX ELDER COUNTY

Date: 6-29-2010
Brandon Erickson Re-Zone

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
LEE BEVERLY	BECO-AUDITOR	734-3360
Lori Hunsaker	BENS	723-3471
Steve Hudfield	B.E. County Attorney	
Ann MacAvonia	Standard	
Dave Archer	The Leader	257-5182
Ryan Fr. del	Tremont Co.	
MONICA BOWLER	WASATCH WORLD	457-2550
Michelle Stevens	" "	435 503 8831
Kevin Potter	BESD	734 3814
Bill Filson	BE Co. Road	257-5450
Juventus	BESD	734-3800
P. Madson	BECO.	734-3348

PUBLIC HEARING
BOX ELDER COUNTY

Date: 6-29-2010
Wind Ordinance Proposal

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
Lee Beverley	BECO Auditor	734-3360
Lori Hummer	BENJ	723-3471
Steve Hatfield	BE. County Attorney	
Amy MacAvinta	Standard	
Dave Archer	The Leader	257-5182
Roger Fridal	Tremonton City	
MONICA BONNER	WASATCH WIND	657-2550
Michelle Stevens	" "	435 503 8831
Kevin Potts	BESO	734 3914
Bill Wilson	BE Co. Road	257-5450
J. Yeater	BESO	734-3800
P. Maduen	BECO.	734-3348



Wasatch Wind

5-4-030.2. Wind Study Required, Section C (P 5-4-8): The costs to develop a wind farm are widely known. The one area that differentiates one wind development company from another or makes one project more profitable than another are the wind speeds. By furnishing the wind data to a government agency which exposes us to the Freedom of Information Act and thus makes our data available to the public is very worrisome to us for two reasons: a) if we decided to sell our power through a competitive bid process, another company could determine what price per MWh we would bid into the RFP and would therefore have an advantage; b) we are unclear as to how the State and County would review the data and how Box Elder County would use that information. In order to illustrate that a wind project is viable so that the County does not use its resources to review a nonviable project, we would like to offer several solutions for the County to consider:

Wind Study Language Recommendation Options:

- a) Box Elder County should consider requiring that the wind data be evaluated by a private meteorologist that can confirm the wind resource and keep the wind data confidential.
- b) The permit to construct could be contingent on the company receiving a Power Purchase Agreement (PPA), which is a contract that the company must begin generating power by a certain date otherwise be responsible for liquidated damages. This is a significant investment for the wind energy company which would not take place unless the company felt confident that the wind facility would be built.

We appreciate your consideration of our concerns and the proposed solutions. Please do not hesitate to contact us at anytime to discuss this further.

Warm regards,

Michelle Stevens, on behalf of Wasatch Wind



Wasatch Wind

June 29, 2010

Box Elder County Commission
1 South Main St
Brigham City, UT 84302

Wasatch Wind Statement regarding Box Elder Wind Energy Ordinance

Wasatch Wind appreciates Box Elder County's efforts to create wind energy regulations. We are supportive of wind energy regulations that allow Counties to thoroughly consider the attributes of each unique project while not imposing unnecessary restrictions that can discourage development opportunities at the outset. Wind energy regulations help companies like us understand the rules we need to play by, and gives the County and local governments the opportunity to learn the details and potential benefits of each project and make informed decisions. We believe that Box Elder County's Wind Ordinance is fair and will encourage development opportunities and the benefits associated with new development, to present themselves. We at Wasatch Wind are very excited to be working in Box Elder County on a potential wind energy project that we anticipate will bring millions of dollars of development investment and significant tax revenue to your County.

We are here today to ask the County to consider a few items of concern to us before passing the Wind Energy Ordinance. I would like to quickly discuss these concerns and have prepared suggested language to address them.

5-4-030.2. Setback Waiver, Section C (P 5-4-8): In the current draft of the Box Elder County Land Use Management & Development Code WIND ORDINANCE, the Setback Waiver was deleted. We would like the County to consider reintroducing a setback waiver into the ordinance because it provides flexibility to wind energy developers as they determine where to locate turbines. For example – Wasatch Wind has been collecting wind data for a potential project in Box Elder County for three years. The area where the project will be located is limited in space due to land ownership and terrain. While we intend to adhere to the setbacks as they are outlined in the current draft of the ordinance whenever possible, because our project is narrow we may have to consider placing one or two turbines closer to the adjacent landowner than required by the setback, in order to ensure a viable project. We would ask that if we are able to get permission from the adjacent landowner, that the County would consider allowing us to waive the setback requirements.

Recommended Setback Waiver Language:

- 5-4-030.2. Criteria Standards.
- C. Setback Waivers. The Planning Commission may consider an exception to the minimum setbacks required if the following criteria are met:
- a. A signed agreement of consent from abutting property owner(s), and
 - b. The public right-of-ways and power lines are not impacted by the location.

Att # 9A

PUBLIC HEARING
BOX ELDER COUNTY

Date: 6-29-2010

Subdivision Ordinance

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
LEE BEVERLEY	BECO-Advisor	734-3360
Lori Hunsaker	BENJ	723-3471
Steve Hudfield	B.E. County Attorney	
Amelia Monte	Standard	
Dave Archer	The Leader	257-5182
Reggie Frick	Tremont City	
MONICA BANNER	WABATCH WIND	657-2550
Michelle Stevens	WAB " "	435 583 883
Kern Potter	BESO	734-3814
Bill Jones	BEC Road	257-5450
JL Yeater	BESO	734-3800

Doc 292663 P 1131 P 13
Date 10/30/2010 11:43AM Fee 40.00
Clara Adams - Filed By #
Box Elder Co., UT
For BOX ELDER COUNTY

ORDINANCE NO. 341

AN ORDINANCE OF BOX ELDER COUNTY, SUPPLEMENTING AND REPLACING ORDINANCE No. 322 WHICH WAS PREVIOUSLY ADOPTED, TO FINALIZE AND COMPLETE THE VACATING AND EXTINGUISHING OF A PORTION OF THE COUNTY ROAD THAT IS AN 18 FOOT WIDE 1/2 ALLEY RUNNING NORTH AND SOUTH THROUGH THE MIDDLE OF BLOCK 2 OF RIVERSIDE PLAN LOCATED IN THE SE 1/4, SECTION 11, TOWNSHIP 12N, RANGE 32, SALT LAKE BASE AND MERIDIAN;

WHEREAS, the Box Elder County Commission has been petitioned to vacate that certain 1/2 alley that is an 18 foot wide 1/2 alley running north and south through the middle of Block 2 of the Riverside Plan located in the SE 1/4, Section 11, Township 12N, Range 3W, Salt Lake Base and Meridian and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on August 20, 2009, to allow the general public to comment on this proposed 1/2 alley vacation and at the conclusion of the public hearing recommended that the County Commission grant the petition to vacate; and

WHEREAS, the Box Elder County Commission previously adopted Ordinance No. 322 vacating and extinguishing that certain 1/2 alley that is an 18 foot wide 1/2 alley running north and south through the middle of Block 2 of the Riverside Plan located in the SE 1/4, Section 11, Township 12N, Range 3W, Salt Lake Base and Meridian, but has since determined that proper notice in accordance with § 72-3-108 of the Utah Code was not provided prior to the adoption of Ordinance No. 322; and

WHEREAS, the Box Elder County Commission scheduled a public hearing on the petition to vacate and provided notice of such public hearing by publishing it in a newspaper of general circulation in Box Elder County once a week for four (4) consecutive weeks prior to the hearing posting it in three (3) public places for four (4) consecutive weeks prior to the hearing and by mailing notice of such hearing to the Utah Department of Transportation and to all of the owners of the property abutting the road being vacated, and by posting it on a website established by the collective efforts of Utah's newspapers and

WHEREAS, the Box Elder County Commission, after appropriate notice in accordance with the provisions of § 72-3-108 of the Utah Code, held a public hearing on June 29, 2010, to allow the general public to comment on this proposed road vacation; and

WHEREAS, the fee to the land being vacated, as described in the attached legal description set forth in Exhibit "A" will be released and shall revert to the adjoining property owners, Matt G. Gibbs, Sherry J. Gibbs, and Vernon Douglas Roche and Cecelia Joanne Roche Trust, as set forth below, and

WHEREAS, the Box Elder County Commission finds that there is no prevailing public interest in keeping the road open; and

WHEREAS, both the Box Elder County Planning Commission and the Box Elder County Commission have found that the proposed vacation does not have a substantial effect on the county's general plan; and

WHEREAS, the Box Elder County Commission finds that the proposed vacation does not violate any provision of the County Land Use Management and Development Code; and

ALL#11

WHEREAS, the Box Elder County Commission is satisfied that neither the public nor any person will be materially injured by the proposed vacation; and

WHEREAS, the Box Elder County Commission finds that the proposed vacation is in the best interest of the public;

NOW THEREFORE, the Board of Box Elder County Commissioners being the legislative body of Box Elder County, State of Utah, ordains as follows:

SECTION 1: That the portion of the county road which is an 18 foot wide 1/2 alley running north and south through the middle of Block 2 of the Riverside Plan located in the SE 1/4, Section 11, Township 12N, Range 3W, Salt Lake Base and Meridian, as more fully set forth in Exhibit "A" attached hereto, is hereby vacated.

SECTION 2: That the fee to the vacated portions of the county road, as set forth in Exhibit "A" shall be released and shall revert to the adjoining property owners as follows:

- A. To Matt G. Gibbs and Sherry J. Gibbs, the real property specifically described in Exhibit "B" attached hereto.
- B. To Sherry Gibbs, the real property specifically described in Exhibit "C" attached hereto.
- C. To Matt G. Gibbs and Sherry J. Gibbs, the real property specifically described in Exhibit "D" attached hereto.
- D. To Vernon Douglas Roche and Cecelia Joanne Roche Trustees of the Vernon Douglas Roche and Cecelia Joanne Roche Trust dated 10/01/2004 the real property specifically described in Exhibit "E" attached hereto.

SECTION 3: That this vacation shall not effect or eliminate any easements, public, or private, above ground or underground, that existed prior to the vacation.

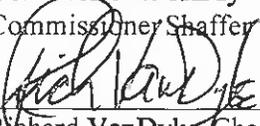
SECTION 4: That the County Recorder is hereby authorized and directed to cause certified copies of this ordinance and proof of publication of the notice of the public meetings on this matter to be properly filed in the office of the Recorder of Box Elder County, Utah.

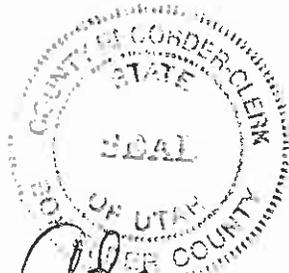
SECTION 5: This ordinance shall become effective fifteen (15) days after its passage and publication as provided by law.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 29th day of June, 2010, by the Board of County Commissioners of Box Elder County, Utah,

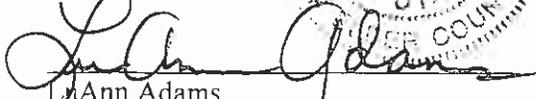
Commissioner VanDyke
 Commissioner Hardy
 Commissioner Shaffer

Voting aye
 Voting aye
 Voting aye


 Richard VanDyke, Chair
 Box Elder County Commission



Attest:


 LuAnn Adams
 Box Elder County Recorder/Clerk

Box Elder County

18 Feet Wide Alley Vacation

Located in SE 1/4, Section 11, Township 12N, Range 3W, SLB&M

Overall Alley Description

Vacate the 18 feet wide alley which is part of the SE 1/4, Section 11, Township 12N, Range 3W, SLB&M as follows:

The alley is 18 feet wide found west of 5400 West (State Highway 13) more particularly described as follows: Beginning at the north east corner of lot 1, Block 2, of the Riverside Plat, thence south 417.4 feet to the south line of lot 3, said Block 2, thence east 18 feet to the west line of Lot 4, said Block 2, thence north 417.4 feet to the north west corner of lot 2, of said Block 2, thence 18 feet west to the beginning point.

Containing .172 acre

Box Elder County

18 Feet Wide Alley Vacation

Matt G Gibbs and Sherry J Gibbs

Tax ID #06-046-0011

Vacate a portion of the 18 feet wide alley which is part of the SE 1/4, Section 11, Township 12N, Range 3W, SLB&M as follows:

Any portion of the alley west of 5400 West (State Highway 13) more particularly described as follows: Beginning at the north east corner of lot 1, Block 2, of the Riverside Plat, thence south 208.7 feet to the south line of said lot 1, Block 2, thence east 9 feet to a point which is 9 feet east of the south east corner of said lot 1, Block 2, thence north 208.7 to a point which is 9 feet east of the north east corner of said lot 1, Block 2, then west 9 feet to the starting point.

Contains 1,878.30 square feet or .043 acre

Exhibit C

Ex 292663 3 1131 17

Box Elder County

18 Feet Wide Alley Vacation

Sherry Gibbs

Tax ID #06-046-0009

Vacate a portion of the 18 feet wide alley which is part of the SE 1/4, Section 11, Township 12N, Range 3W, SLB&M as follows:

Any portion of the alley west of 5400 West (State Highway 13) more particularly described as follows: Beginning at the north west corner of lot 2, Block 2, of the Riverside Plat, thence south 208.7 feet to the south line of said lot 2, Block 2, thence west 9 feet to a point which is 9 feet west of the south west corner of said lot 2, Block 2, thence north 208.7 to a point which is 9 feet west of the north west corner of said lot 2, Block 2, then east 9 feet to the starting point.

Contains 1,878.30 square feet or .043 acre

Exhibit D

292663 1131 18

Box Elder County

18 Feet Wide Alley Vacation

Matt G Gibbs and Sherry J Gibbs

Tax ID #06-046-0085

Vacate a portion of the 18 feet wide alley which is part of the SE 1/4, Section 11, Township 12N, Range 3W, SLB&M as follows:

Any portion of the alley west of 5400 West (State Highway 13) more particularly described as follows: Beginning at the north east corner of lot 3, Block 2, of the Riverside Plat, thence south 208.7 feet to the south line of said lot 3, Block 2, thence east 9 feet to a point which is 9 feet east of the south east corner of said lot 3, Block 2, thence north 208.7 to a point which is 9 feet east of the north east corner of said lot 3, Block 2, then west 9 feet to the starting point.

Contains 1,878.30 square feet or .043 acre

Exhibit E

292663 1131 19

Box Elder County

18 Feet Wide Alley Vacation

**VerNon Douglas Roche and Cecelia Joanne Roche Trustees of the
VerNon Douglas Roche and Cecelia Joanne Roche Trust dated 10/01/2004**

Tax ID #06-046-0010

Vacate a portion of the 18 feet wide alley which is part of the SE 1/4, Section 11, Township 12N, Range 3W, SLB&M as follows:

Any portion of the alley west of 5400 West (State Highway 13) more particularly described as follows: Beginning at the north west corner of lot 4, Block 2, of the Riverside Plat, thence south 208.7 feet to the south line of said lot 4, Block 2, thence west 9 feet to a point which is 9 feet west of the south west corner of said lot 4, Block 2, thence north 208.7 to a point which is 9 feet west of the north west corner of said lot 4, Block 2, then east 9 feet to the starting point.

Contains 1,878.30 square feet or .043 acre

ORDINANCE NO. 342

AN ORDINANCE OF BOX ELDER COUNTY, SUPPLEMENTING AND REPLACING ORDINANCE NO. 333 WHICH WAS PREVIOUSLY ADOPTED, TO FINALIZE AND COMPLETE THE VACATING AND EXTINGUISHING OF 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 SALT LAKE BASE AND MERIDIAN;

WHEREAS, the Box Elder County Commission has been petitioned 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 Salt Lake Base and Meridian; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on March 18, 2010, to allow the general public to comment on this proposed road vacation, and at the conclusion of the public hearing recommended that the County Commission grant the petition to vacate; and

WHEREAS, the Box Elder County Commission previously adopted Ordinance No. 333 vacating and extinguishing a portion of the Sand Hollow Road but has since determined that proper notice in accordance with §72-3-108 of the Utah Code was not provided prior to the adoption of Ordinance No. 333; and

WHEREAS, the Box Elder County Commission scheduled a public hearing on the petition to vacate and provided notice of such public hearing by publishing it in a newspaper of general circulation in Box Elder County once a week for four (4) consecutive weeks prior to the hearing, posting it in three (3) public places for four (4) consecutive weeks prior to the hearing and by mailing notice of such hearing to the Utah Department of Transportation and to all of the owners of the property abutting the road being vacated, and by posting it on a website established by the collective efforts of Utah's newspapers; and

WHEREAS, the Box Elder County Commission, after appropriate notice in accordance with the provisions of §72-3-108 of the Utah Code, held a public hearing on June 29, 2010, to allow the general public to comment on this proposed road vacation; and

WHEREAS, the fee to the land being vacated, as described in the attached legal description set forth in Exhibit "A" will be released and shall revert to the adjoining property owners, Bar-M Cattle Company, LLC and Sandall Farm and Ranch Family Partnership, a Utah General Partnership as set forth below; and

WHEREAS, the Box Elder County Commission finds that there is no prevailing public interest in keeping the road open; and

WHEREAS, both the Box Elder County Planning Commission and the Box Elder County Commission have found that the proposed vacation does not have a substantial effect on the county's general plan; and

WHEREAS, the Box Elder County Commission finds that the proposed vacation does not violate any provision of the County Land Use Management and Development Code; and

WHEREAS, the Box Elder County Commission is satisfied that neither the public nor any person will be materially injured by the proposed vacation; and

WHEREAS, the Box Elder County Commission finds that the proposed vacation is in the best interest of the public;

NOW THEREFORE, the Board of Box Elder County Commissioners, being the legislative body of Box Elder County, State of Utah, ordains as follows:

SECTION 1: That portion only of Sand Hollow road located in Sections 28 and 29 of T11N, R6W SLB & M beginning at the intersection of 22000 West Street and Sunset Pass Road and extending Northerly to the north line of said Sections 28 and 29 as more specifically described in Exhibit "A" attached hereto, is hereby vacated

SECTION 2: That the fee to the vacated portions of the county road, as set forth in Exhibit "A" shall be released and shall revert to the adjoining property owners as follows:

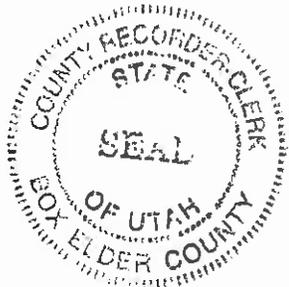
- A. To Bar-M Cattle Company, LLC, the real property specifically described in Exhibit "B" attached hereto.
- B. To Sandall Farm and Ranch Family Partnership, a Utah General Partnership, the real property specifically described in Exhibit "C" attached hereto.

SECTION 3: That this vacation shall not effect or eliminate any easements, public, or private, above ground or underground, that existed prior to the vacation.

SECTION 4: That the County Recorder is hereby authorized and directed to cause certified copies of this ordinance and proof of publication of the notice of the public meetings on this matter to be properly filed in the office of the Recorder of Box Elder County, Utah.

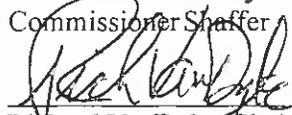
SECTION 5: This ordinance shall become effective fifteen (15) days after its passage and publication as provided by law.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 29th day of June, 2010, by the Board of County Commissioners of Box Elder County, Utah,



Commissioner VanDyke
 Commissioner Hardy
 Commissioner Shaffer

Voting aye
 Voting aye
 Voting aye


 Richard VanDyke, Chair
 Box Elder County Commission

Attest:


 LuAnn Adams
 Box Elder County Recorder/Clerk

EXHIBIT A
Overall Road Description

Vacate all of the 66 foot wide Old County Road located in Sections 28 & 29, T11N, R6W SLB & M

More particularly described as follows: That portion only of Sand Hollow road located in said Sections 28 and 29 beginning at the intersection of 22000 West Street and Sunset Pass Road and extending Northerly along section line to the north line of said Sections 28 and 29.

EXHIBIT B
Bar M Cattle Company LLC

Vacate that portion of the Old County Road located in Section 28, T11N, R6W SLB & M

Lying 33 feet easterly, parallel and adjacent to the following described line: Beginning at the intersection of 22000 West Street and Sunset Pass Road and extending Northerly along section line to the north line of said Section 28.

EXHIBIT C
Sandall Farm & Ranch Family Partnership

Vacate that portion of the Old County Road located in Section 29, T11N, R6W SLB & M

Lying 33 feet westerly, parallel and adjacent to the following described line: Beginning at the intersection of 22000 West Street and Sunset Pass Road and extending Northerly along section line to the north line of said Section 29.

ORDINANCE NO. 343

AN ORDINANCE OF BOX ELDER COUNTY, SUPPLEMENTING AND REPLACING ORDINANCE No. 334 WHICH WAS PREVIOUSLY ADOPTED, TO FINALIZE AND COMPLETE THE VACATING AND EXTINGUISHING OF ALL OF THE OLD COUNTY ROAD LOCATED WITHIN THE SW/4 OF SW/4 OF SEC 10 TOWNSHIP 9 NORTH RANGE 1 WEST SALT LAKE BASE AND MERIDIAN;

WHEREAS, the Box Elder County Commission has requested that a portion of the Old County Road located within the SW/4 of SW/4 of Section 10 Township 9 North Range 1 West Salt Lake Base and Meridian be vacated; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on March 18, 2010, to allow the general public to comment on this proposed road vacation, and at the conclusion of the public hearing recommended that the County Commission grant the petition to vacate; and

WHEREAS, the Box Elder County Commission previously adopted Ordinance No. 334 vacating and extinguishing a portion of the Old County Road, but has since determined that proper notice in accordance with § 72-3-108 of the Utah Code was not provided prior to the adoption of Ordinance No. 334; and

WHEREAS, the Box Elder County Commission scheduled a public hearing on the petition to vacate and provided notice of such public hearing by publishing it in a newspaper of general circulation in Box Elder County once a week for four (4) consecutive weeks prior to the hearing posting it in three (3) public places for four (4) consecutive weeks prior to the hearing and by mailing notice of such hearing to the Utah Department of Transportation and to all of the owners of the property abutting the road being vacated, and by posting it on a website established by the collective efforts of Utah's newspapers and

WHEREAS, the Box Elder County Commission, after appropriate notice in accordance with the provisions of § 72-3-108 of the Utah Code, held a public hearing on June 29, 2010, to allow the general public to comment on this proposed road vacation; and

WHEREAS, the fee to the land being vacated, as described in the attached legal description set forth in Exhibit "A" will be released and shall revert to the adjoining property owners, Young Resources, LTD., June Baxter, and Michael Nelson, as set forth below; and

WHEREAS, the Box Elder County Commission finds that there is no prevailing public interest in keeping the road open; and

WHEREAS, both the Box Elder County Planning Commission and the Box Elder County Commission have found that the proposed vacation does not have a substantial effect on the county's general plan; and

WHEREAS, the Box Elder County Commission finds that the proposed vacation does not violate any provision of the County Land Use Management and Development Code; and

WHEREAS, the Box Elder County Commission is satisfied that neither the public nor any person will be materially injured by the proposed vacation; and

WHEREAS, the Box Elder County Commission finds that the proposed vacation is in the best interest of the public;

NOW THEREFORE, the Board of Box Elder County Commissioners, being the legislative body of Box Elder County, State of Utah, ordains as follows:

SECTION 1: That certain road known as the "Old County Road" located within the SW/4 of the SW/4 of Section 10, Township 9 North, Range 1 West Salt Lake Base and Meridian, as more specifically described in Exhibit "A" attached hereto, is hereby vacated.

SECTION 2: That the fee to the vacated portions of the county road, as set forth in Exhibit "A" shall be released and shall revert to the adjoining property owners as follows:

- A. To Michael Nelson, the real property specifically described in Exhibit "B" attached hereto.
- B. To Young Resources, LTD, the real property specifically described in Exhibit "C" attached hereto.
- C. To June Baxter, the real property specifically described in Exhibit "D" attached hereto.

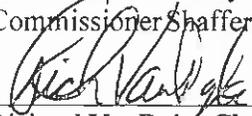
SECTION 3: That this vacation shall not effect or eliminate any easements, public, or private, above ground or underground, that existed prior to the vacation.

SECTION 4: That the County Recorder is hereby authorized and directed to cause certified copies of this ordinance and proof of publication of the notice of the public meetings on this matter to be properly filed in the office of the Recorder of Box Elder County, Utah.

SECTION 5: This ordinance shall become effective fifteen (15) days after its passage and publication as provided by law.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 29th day of June, 2010, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner VanDyke	Voting <u>aye</u>
Commissioner Hardy	Voting <u>aye</u>
Commissioner Shaffer	Voting <u>aye</u>


 Richard VanDyke, Chair
 Box Elder County Commission



Attest:


 DuAnn Adams
 Box Elder County Recorder/Clerk

EXHIBIT A
Overall Road Description

Vacate all of the 66 foot wide Old County Road located Northeasterly from the State Highway 89-91 and that is within the SW Quarter of the SW Quarter of Section 10, T9N, R1W, SLB & M

EXHIBIT B
Michael G. Nelson Description

Vacate all of the 66 foot wide Old County Road located Northeasterly from the State Highway 89-91 and that is within the following: Beginning 12.78 chains North of the Southwest corner of Section 10, T9N, R1W, SLB & M and running thence North 7.22 chains; thence East 12.58 chains; thence S 45°40' W 12.51 chains; thence N 69° W 3.82 chains to the point of beginning.

EXHIBIT C
Young Resources LTD

Vacate all of the 66 foot wide Old County Road located Northeasterly from the State Highway 89-91 and that is within the following: Beginning at the Southwest corner of Section 10, T9N, R1W, SLB & M and running thence North 12.78 chains; thence S 69° E 3.82 chains; thence N 45° 40' E 12.51 chains; thence East 27.42 chains; thence South 20 chains; thence West 40 chains to the Point of beginning. Less: State Highway 89-91 and the tract deeded to Melvin Jensen, Less: Beginning at the SE corner of the SW Quarter of Section 10, T9N, R1W, SLB & M and running thence West along the section line to the easterly right of way line of State Highway 89-91; thence Northwesterly along said easterly right of way line of said State Highway for a distance of 450 feet; thence Northeasterly on a direct line to the NE corner of the SE Quarter of the SW Quarter of said Section 10; thence South along the quarter section line to the Point of beginning.

EXHIBIT D
June Baxter

Vacate all of the 66 foot wide Old County Road located Northeasterly from the State Highway 89-91 and that is within the following: Beginning at the SE corner of the SW Quarter of Section 10, T9N, R1W, SLB & M and running thence West along the section line to the easterly right of way line of State Highway 89-91; thence Northwesterly along said easterly right of way line of said State Highway for a distance of 450 feet; thence Northeasterly on a direct line to the NE corner of the SE Quarter of the SW Quarter of said Section 10; thence South along the quarter section line to the Point of beginning.

ORDINANCE NO. 338

AN ORDINANCE OF BOX ELDER COUNTY AMENDING THE BOX ELDER COUNTY ZONING MAP BY REZONING A PROPERTY IN TOWNSHIP 12 NORTH, RANGE 2 WEST OF SECTION 11 FROM MIXED USE-40 TO THE RURAL RESIDENTIAL-2 ZONE.

WHEREAS, the property owner is requesting that the property described herein be rezoned from mixed use-40 (MU-40) to the rural residential-2 (RR-2) zone; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on May 20, 2010, to allow the general public to comment on this proposed rezone and amendment of the zoning map; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed rezone and amendment to the zoning map is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, and will provide for the health, safety, and general welfare of the public and protect the environment; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission amend the zoning map as has been requested; and

WHEREAS, the Box Elder County Commission scheduled a public hearing on the petition to rezone the property and amend the Box Elder County zoning map and provided notice by mailing to each affected entity at least 10 calendar days before the public hearing, and by posting it on the county's official website; and by publishing it in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on June 29, 2010, to allow the general public to comment on this proposed rezone; and

WHEREAS, after providing for public comment from the general public, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the zoning map as set forth below is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not have any significant adverse affect upon adjacent property, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the County Legislative Body of Box Elder County, State of Utah, hereby ordains as follows:

SECTION 1: Zoning Map Amendment. The Zoning Map of Unincorporated Box Elder County is hereby amended by reclassifying that certain parcel of real property located in unincorporated Box Elder County and specifically described in Exhibit "A" attached hereto, from mixed use-40 (40) to the rural residential-2 (RR-2)

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

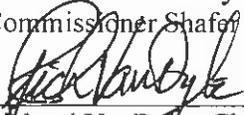
Att # 14

passage.

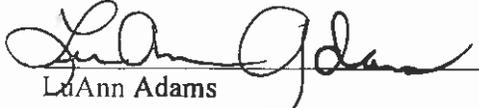
PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 29 day of June, 2010, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner VanDyke
Commissioner Hardy
Commissioner Shafer

Voting aye
Voting aye
Voting aye


Richard VanDyke, Chair
Box Elder County Commission

Attest:

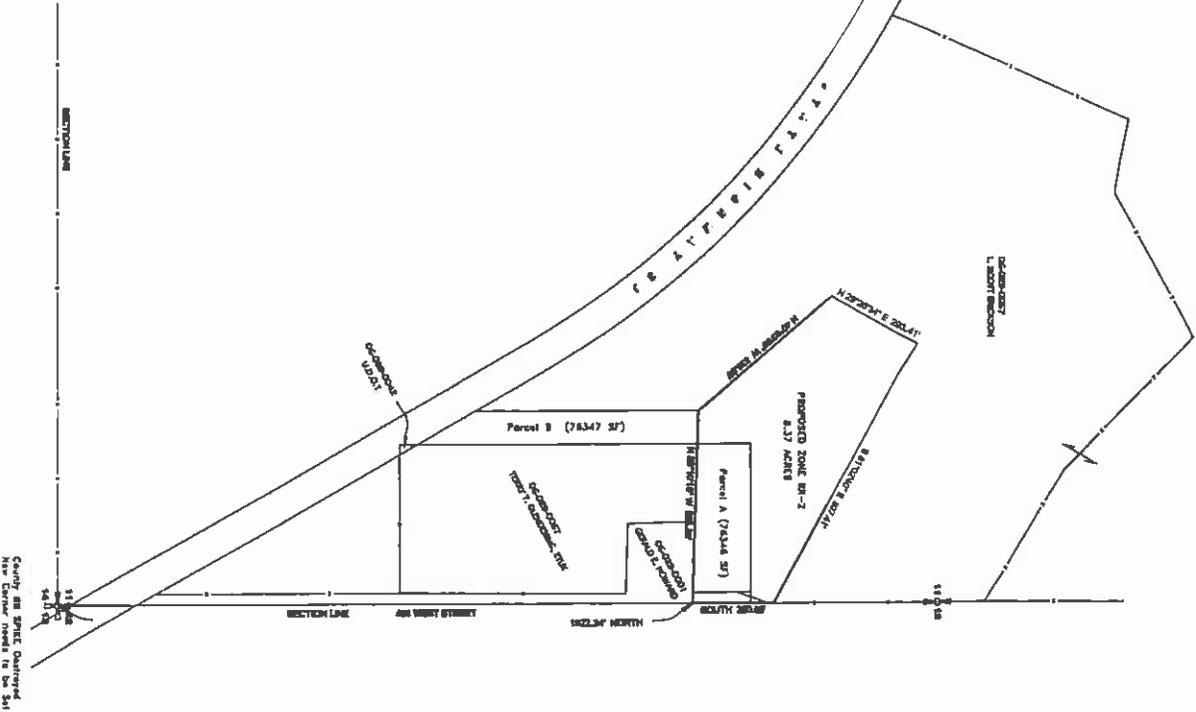
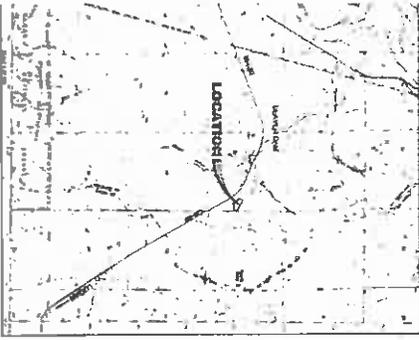

LuAnn Adams
Box Elder County Recorder/Clerk



RR-2 ZONING PROPOSAL

A PART OF SECTION 11, T 12 N, R 2 W, S.L.B.&M.

BOX ELDER COUNTY, UTAH



PROPOSED RR-2 ZONING BOUNDARY DESCRIPTION

Beginning on the County boundary of Section 11, T 12 N, R 2 W, STATE of a point 1323.24 feet from the center of the section line to the center of the section line, bearing S 89° 10' 10" W 204.65 feet, thence N 42° 01' 01" W 526.00 feet, thence N 29° 24' 34" E 783.41 feet, thence S 81° 02' 20" E 897.41 feet, thence SOUTH 200.00 feet to the point of beginning.

Containing 8.27 acres, more or less.

BASIS OF BEARING

The basis of bearing is the East Line of the Section 11, T 12 N, R 2 W, STATE assumed bearing "True".

SURVEYOR'S CERTIFICATE

I, Donald L. Johnston, hereby certify that I am a Licensed Professional Land Surveyor and have certified the facts as presented by the law of the State of Utah and have made a survey of the above described property and further certify that this plat correctly shows the true dimensions of the property surveyed.



LEGEND	
	Survey Monument as Required
	Section Boundary Plat 240
	Quarter Section Monument on Section
	Quarter Section Monument Plat 240
	Boundary Plat 240
	Section Boundary

JOHNSTON ENGINEERING
PROFESSIONAL CORPORATION
Civil Engineers & Land Surveyors

844 EAST MAIN
TREMONTON, UT 84327
(435) 257-1150
Fax: 257-1150

RR-2 ZONING PROPOSAL
IN SECTION 11, T 12 N, R 2 W, S.L.B.&M.
BOX ELDER COUNTY, UTAH

APPROVED: D.L.J.
DATE: 11-25-2010
BY: [Signature]
TITLE: [Signature]
DATE: [Signature]

REVISIONS

NO.	DATE	DESCRIPTION OF REVISION



ORDINANCE NO. 340

AN ORDINANCE OF BOX ELDER COUNTY AMENDING ARTICLE 6 OF THE BOX ELDER COUNTY LAND USE MANAGEMENT AND DEVELOPMENT CODE ENTITLED "SUBDIVISIONS" TO UPDATE OUR ORDINANCE WITH BEST PRACTICE MANAGEMENT AND UTAH STATE CODE.

WHEREAS, the Box Elder County Planning Commission recommends amending Article 6 of the Box Elder County Land Use Management and Development Code to update our ordinance with best practice management and Utah State code; and

WHEREAS, the Box Elder County Planning Commission has determined that the Box Elder County Land Use Management & Development Code should be amended periodically to address public health, safety, and general welfare and to protect the environment; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing and provided notice of such hearing by mailing such notice to each Affected Entity at least ten (10) calendar days prior to the hearing, posted notice of such hearing in at least three (3) public locations within the county or on the county's official website, and publishing notice of such hearing in a newspaper of general circulation in the area at least ten (10) days before the hearing; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on May 20, 2010, to allow the general public to comment on these proposed definition additions, and modifications; and

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

WHEREAS, the Box Elder County Commission scheduled a public hearing on the petition to amend the Box Elder County Text and provided notice by mailing to each affected entity at least 10 calendar days before the public hearing, and by posting it on the county's official website; and by publishing it in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on June 29, 2010, to allow the general public to comment on the proposed additions, and modifications; and

WHEREAS, the Box Elder County Commission, after providing an opportunity for public input and after becoming familiar with the proposed additions, and modifications, finds that the amended Subdivision ordinance will be in the best interests of and promote the health, safety and general welfare of the residents of Box Elder County;

A77#15

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. Article 6 of the Box Elder County Land Use Management and Development Code entitled "Subdivisions," is hereby amended to read in its entirety as set forth Exhibit "A" attached hereto.

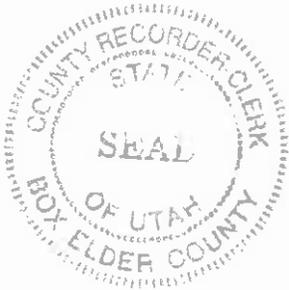
SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

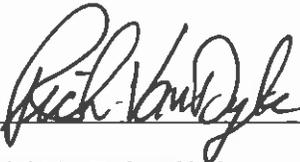
PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 29th day of June, 2010, by the Board of County Commissioners of Box Elder County, Utah,

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