

**MINUTES  
BOX ELDER COUNTY COMMISSION  
AUGUST 03, 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 **AUGUST 03, 2010**. The following members were present:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
Diane Fuhriman	Deputy Recorder/Clerk

EXCUSED:                   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. Discussion/Resolution Concerning El Paso Corporation – Attorney Hadfield

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
Diane Fuhriman	Deputy Recorder/Clerk

EXCUSED:                   LuAnn Adams                   Recorder/Clerk

The prayer was offered by Commissioner Hardy.

The pledge of allegiance was led by members of Cub Scout Pack 124 and Boy Scout Troop 124 Jace Underwood, Gabe Dunford, Parker Gibby and Collin Gibby.

**APPROVAL OF MINUTES**

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

**AGENDA: ATTACHMENT NO. 1**

**FOLLOW-UP BUSINESS - COMMISSIONERS**

Commissioner Hardy said the Utah Association of Resource, Conservation and Development has been struggling financially and has abandoned the state association. He said Box Elder County belongs to a very strong Resource, Conservation and Development District with Cache, Rich, Oneida, Caribou, Franklin and Bear Lake Counties.

**BID OPENING/VALLEY VIEW – BILL GILSON**

Road Supervisor Bill Gilson and Brent Slater, Jones & Associates, opened the following bids for the Valley View Subdivision Road Realignment Project.

<b><u>Company Name</u></b>	<b><u>Bid Bond</u></b>	<b><u>Bid Amount</u></b>
Granite Construction	Yes	\$186,185.24
Staker Parson Company	Yes	\$220,643.48
Post Asphalt Paving	Yes	\$145,678.00
Advanced Paving & Construction	Yes	\$144,574.50
Great Basin Development	Yes	\$120,422.32
Randy Marriott Construction	Yes	\$141,257.70

**MOTION:** A motion was made by Commissioner Hardy to direct the staff to check the validity of the bids and make a tabulation sheet to present to the Commissioners to award next week. The motion was seconded by Commissioner Shaffer and unanimously carried.

**DEJARNATT CATCH BASIN IMPROVEMENT AND MAINTENANCE AGREEMENT – KEVIN HAMILTON**

Community Development Director Kevin Hamilton said this agreement relates to the NRCS project to clean out sediment from the Dejarnatt Catch Basin in the central part of the county.

**MOTION:** A motion was made by Commissioner Shaffer to accept the Dejarnatt Catch Basin Improvement and Maintenance Agreement and allow the chair to sign. The motion was seconded by Commissioner Hardy and unanimously carried.

**APPROVAL OF DEJARNATT DAM SOIL DISPOSAL AND USE EASEMENT – KEVIN HAMILTON**

Community Development Director Kevin Hamilton said it has been proposed the county have a license to place the soils, rather than an actual easement on the property, to eliminate any long term responsibility of an easement.

**MOTION:** A motion was made by Commissioner Shaffer to accept the Dejarnatt Dam Soil Disposal and Use Easement and allow the chair to sign pending some minor changes and County Attorney review. The motion was seconded by Commissioner Hardy and unanimously carried.

**ASSURANCES RELATING TO REAL PROPERTY ACQUISITION FOR DEJARNATT – KEVIN HAMILTON**

Community Development Director Kevin Hamilton said one of the requirements of the federal government on the Dejarnatt project is the county needs to provide documentation proving we have a right to the property.

**MOTION:** A motion as made by Commissioner Shaffer to authorize the chair to sign the assurances relating to real property acquisition and subject to having signed agreements with the Blue Creek Canal Company. The motion was seconded by Commissioner Hardy and unanimously carried.

**DEJARNATT CATCH BASIN BID AWARD FOLLOW-UP – BILL GILSON**

**MOTION:** A motion was made by Commissioner Shaffer to award the project to Randy Marriott Construction Company for the amount of \$411,600.00 pending the signing of the contracts. The motion was seconded by Commissioner Hardy and unanimously carried.

Road Supervisor Bill Gilson said once the contracts are signed, he will send a notice to proceed to Marriott Construction.

Commissioner Hardy commended Commissioner Shaffer for the time he has spent on these contracts and working with NRCS.

Commissioner Shaffer said there was a huge team effort and it is coming together because a lot of good people from NRCS and throughout the county are working on this project. He said it is a worthwhile project and merits the time we are spending on it and thanked all the team members that put in their time.

**NRCS EWP POCATELLO VALLEY/BLUE CREEK ROAD PROJECT – BILL GILSON**

MOTION: A motion was made by Commissioner Hardy to allow the request for bids to be advertised for the Blue Creek/Pocatello Valley Road Project. The motion was seconded by Commissioner Shaffer and unanimously carried.

**DISCUSSION/RESOLUTION CONCERNING EL PASO PROJECT – ATTORNEY HADFIELD**

County Attorney Stephen Hadfield said there are nine counties that have been working to pass a resolution indicating their opposition to the agreement between El Paso/Ruby Pipeline and Western Watershed. The agreement would have the effect of putting money toward limiting grazing. He said there have been several different drafts of the resolution and feels it is important that all the counties become unified and pass the same resolution.

Chairman VanDyke said there is a coalition forming a meeting on August 12 and Box Elder County will have representation there. Hopefully, a unified resolution will come from the meeting.

Commissioner Shaffer said the fact we are not passing a resolution today should not diminish from the fact that we do support what is trying to be done here, especially since Western Watershed's agenda is to remove public use from public lands. As a Commissioner he is not in favor of that, it takes away too many things from the public, he is in favor of what this coalition is about.

Chairman VanDyke said this has been a big surprise to the Commissioners and continues to be a real area of concern.

Commissioner Hardy said he thoroughly supports the efforts being made by the nine counties to put together a resolution and trying to keep the public on federal ground. He said grazing permits could be lost because of these individuals and that would be a great loss to our county.

**NINE COUNTY RUBY PIPELINE CORRIDOR COALITION APPOINTMENT – COMMISSIONER SHAFFER**

Commissioner Shaffer said there are nine counties Ruby Pipeline will pass through from Wyoming to Oregon. He said the latest development of Ruby Pipeline cutting a deal with Western Watersheds has created quite a concern for all counties involved, due to the fact this money could restrict public use of public lands. We feel it is very important at this time, to be part of a nine county Ruby Pipeline Corridor Coalition.

MOTION: A motion was made by Commissioner Shaffer to appoint Commissioner Hardy to the Ruby Pipeline Corridor Coalition and to continue his tireless efforts in this endeavor. The motion was seconded by Commissioner Hardy and unanimously carried.

Chairman VanDyke said all three Commissioners have been closely involved with this issue, but gives accolades to Commissioner Hardy for taking a leadership role since this issue first came to our attention and wholeheartedly offers his support.

**LETTER OF SUPPORT/TREMONTON PARKS & TRAILS GRANT APPLICATION – KEVIN HAMILTON**

Community Development Director Kevin Hamilton said Tremonton City is applying for a grant from the Rivers, Trails and Conservation Assistance Program. Mr. Hamilton asked the Commissioners to sign a letter supporting Tremonton City's endeavors.

**MOTION:** A motion was made by Commissioner Shaffer to send the letter to Tremonton City showing County Commission support and authorize the chair to sign. The motion was seconded by Commissioner Hardy and unanimously carried.

*(See Attachment No. 2 – Letter.)*

**CREATION OF AN ACCOUNT TO HOLD FUNDS DONATED TO THE BOX ELDER COUNTY SUMMIT – KEVIN HAMILTON**

Community Development Director Kevin Hamilton informed the Commissioners a fund number has been set up by the County Auditor's Office to hold donated funds from an economic development summit put together by Representative Menlove to be held August 20, 2010.

Commissioner Shaffer appreciates Representative Menlove taking the lead and working hard for Box Elder County and setting opportunities to provide economic stimulation in our county. He said with her efforts, it is important the county show support with her economic development summit

**MOTION:** A motion was made by Commission Shaffer for the County Commission to support Representative Menlove in this upcoming economic development summit. The motion was seconded by Commissioner Hardy and unanimously carried.

Chairman VanDyke stated these are not public funds but funds donated for public betterment.

**SET PUBLIC HEARING/FLOOD DAMAGE PREVENTION ORDINANCE – KEVIN HAMILTON**

Community Development Director Kevin Hamilton said in order to be a part of the federal flood insurance program the county needs to adopt a flood damage prevention ordinance. A public hearing also needs to be held.

**MOTION:** A motion was made by Commissioner Hardy to set the public hearing for the flood damage prevention ordinance for August 31 at 10:00 a.m. The motion was seconded by Commissioner Shaffer and unanimously carried.

**BURT SUBDIVISION AMENDED RURAL ROAD AGREEMENT – TAMARA WRIGHT**

County Planner Tamara Wright said the Burt Subdivision was previously approved and is now submitting the rural road agreement located at 2660 West Highway 13.

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

**SUNNYBROOK SUBDIVISION/RURAL ROAD AGREEMENT – TAMARA WRIGHT**

County Planner Tamara Wright said this is the first administrative review of a one-lot subdivision since the adoption of the new subdivision ordinance.

Commissioner Shaffer said since adopting the new ordinance, the time for completing the process of a one-lot subdivision has been cut in half, and commended Ms. Wright for her efforts.

Ms. Wright said the subdivision is a 5 ½ acre lot located at approximately 5765 West 6400 North in the Bear River City area.

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

**ESCROW RELEASE FOR PETTINGILL ESTATES SUBDIVISION – TAMARA WRIGHT**

County Planner Tamara Wright said Pettingill Estates is an older subdivision that had a few outstanding items that needed to be completed before building permits could be issued. Ms. Wright said Brent Slater and Bill Gilson have inspected all the improvements and recommend the County Commission accept these improvements and release the funds in escrow for Pettingill Estates.

MOTION: A motion was made by Commissioner Shaffer to accept the improvements for the Pettingill Estates Subdivision and release the escrow funds. The motion was seconded by Commissioner Hardy and unanimously carried.

**ORDINANCE #344 – MURRAY GRAVEL RE-ZONE – TAMARA WRIGHT**

Community Development Director Kevin Hamilton said a public hearing was held last week for the Murray Gravel Pit and a motion was made to approve the re-zoning as requested and add some property west of the canal. Mr. Hamilton asked to postpone the adoption of the ordinance pending County Attorney approval of the verbiage so it is made clear no excavation and/or mining will take place west of the canal.

**PROMONTORY POINT PUBLIC ROADS – PAUL HALES**

Landowner Paul Hales said December 27, 1965 was when the first real dispute happened over these roads. The County Commission minutes from that meeting state Nick Chournos met with the Commissioners protesting the county removing the locks on the gates along the road which runs along the west side of promontory from the little valley site north toward the Indian Caves. Mr. Hales said so at that point, there was not a lock where the large gate is now.

Mr. Hales has done extensive research and said from 1998 when the access management map was put together, to 2000, something happened but he can find no record in the County Commission minutes documenting any changes. Mr. Hales said the map shows it as a county road in 1998.

Commissioner Hardy said he was a Commissioner in 1998 and thinks what might have happened is the access management group that was put together to represent all the entities, decided which roads were needed and which roads were not. If a road was not accessible, they probably did not put it on the map and said this is not something we are going to fight over later; but all these other roads we are going to put on the map and the county will want to maintain and keep them. Commissioner Hardy said he knows, had it been a county road, the ordinance adopted did not vacate any of those roads if they were not on the access management map. Commissioner Hardy asked Mr. Hales to help show the Commissioners if this has been a county road.

Paul Hales said the December 27, 1965 minutes show those roads had been in use for at least 18 years. The January 10, 1966 minutes state the Commission would give Nick Chournos an opportunity to take the locks off before the county goes out and removes the locks. The access management map's legend shows it as a city/county road in 1998.

Commissioner Hardy said in 1966 an attorney for the Chournos' stated it was not a county road. The Commissioners may have said we have no jurisdiction and are not going to cut the locks anymore and just dropped the issue, but it was never officially declared in a Commission Meeting. Commissioner Hardy said he heard that is what happened but there are no minutes to back it up.

Commissioner Hardy said if it was a county road, it would have to be vacated and doesn't think there is enough proof of whether or not it is a county road. He said the Commissioners are not ready to make a decision of any kind at this time and are in the process of working with the entities to resolve this issue.

Chairman VanDyke asked Mr. Hales to give the Commissioners a month to gather some more definable information and give opportunity for some type of agreement to develop. He said the Commissioners are not comfortable with taking any action because of not being 100% informed. Chairman VanDyke said the information Mr. Hales presented provided great insight.

Commissioner Shaffer commended Mr. Hales on his demeanor in presenting this issue and thanked him for the time and research he has put in on the matter.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 71254 through 71385, 990409 through 990418 in the amount of \$504,556.48.

**PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF: David P. Freeze, transfer of duties, effective 07/18/2010  
WEED DEPT: Dallin Fukui, re-hire, effective 07/26/2010  
ASSESSOR: Jesse Roberts, separation, effective 08/10/2010  
ROAD DEPT: L. Kim Richins, compensation change, effective 07/18/2010

**ADJOURNMENT**

A motion was made by Commissioner Shaffer to adjourn. Commissioner Hardy seconded the motion, and the meeting adjourned at 11:23 a.m.

**ADOPTED AND APPROVED** in regular session this 10<sup>th</sup> day of August 2010.

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Rich VanDyke, Chairman

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Jay E. Hardy, Commissioner

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Brian K. Shaffer, Commissioner

ATTEST:

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LuAnn Adams, Recorder/Clerk