

**MINUTES  
BOX ELDER COUNTY COMMISSION  
AUGUST 17, 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 17, 2010**. The following members were present:

	Rich VanDyke	Chairman
	Jay E. Hardy	Commissioner
	Brian K. Shaffer	Commissioner
	LuAnn Adams	Recorder/Clerk
Also Present:	Marla Young	Deputy Recorder/Clerk

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports
4. Correspondence
5. Assignment Review
6. BENSH Vehicle Purchase – Jenica Child

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
Also Present:	Marla Young	Deputy Recorder/Clerk

The prayer was offered by Chairman VanDyke.

The pledge of allegiance was led by Girl Scout Megan Kaminski.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF AUGUST 10, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY [REDACTED], SECONDED BY [REDACTED] AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**FOLLOW-UP BUSINESS – COMMISSIONERS****Ruby Pipeline and Current Road Conditions – Commissioner Hardy**

Commissioner Jay Hardy said the roads out west have not yet been worked on. He said Ruby Pipeline is moving equipment to get going on the project. The big equipment and transports are tearing up county roads.

Chairman VanDyke stated there are contracts and agreements in place to have the roads done.

Commissioner Shaffer said they are fragile roads. The Commission is encouraging the pipeline to come to our county, but expect them to hold up to the agreements and commitments they have made for the best interest of our county and its citizens. He said we need to protect the infrastructures we have in place so we can continue to use them alongside of this project.

**MOTION:** **Commissioner Hardy** made a motion to allow Bill Gilson to have the authority to act as he sees fit to make decisions on these roads. The motion was seconded by **Commissioner Shaffer** and unanimously carried

**Letter of Support for Brigham City Light Rail – Commissioner Shaffer**

Commissioner Shaffer stated that on March 17, 2009 the Box Elder County Commission offered support for light rail to come to Brigham City. Brigham City is asking the county to support a community grant application for this project and has asked the Commissioners to sign a letter of support.

**MOTION:** **Commissioner Shaffer** made motion to authorize the chair to sign the letter of support for Brigham City's rail location and grant application. **Commissioner Hardy** seconded the motion. The motion unanimously carried.

Commission Shaffer read a letter of support for Brigham City Light Rail.

*(See Attachment No. 2 – Letter)*

**BENSF VEHICLE PURCHASE – JENICA CHILD**

Jenica Child, County Fleet Manager, said it has become necessary for Box Elder County to purchase a vehicle from Brigham City. This vehicle was purchased by Brigham City this year using strike force grant funds and due to some unforeseen insurance issues the county needs to take over this vehicle. She stated the vehicle is currently titled, registered, and insured by Box Elder County so we need to prove ownership and pay for it. She said approval is needed for purchase and funding of the vehicle; we will need to take the purchase from two lines. The first is the CIP line, using the remaining funds approved by the CIP committee this year in the amount of \$23,926.90 with the remaining \$1,211.10 coming from the detective's equipment over \$5,000 line.

Chairman VanDyke clarified that this is not an additional purchase but a replacement purchase.

Ms. Child confirmed it was a replacement vehicle and the total cost had been approved from the CIP committee.

Commissioner Hardy mentioned that the grant money will go back to the Sheriff's Department to fund equipment somewhere else.

Ms. Child stated Box Elder County's portion is approximately \$25,000.

**MOTION:** Commissioner Hardy made a motion to allow the purchase of the BENSF vehicle using CIP funds and detective equipment funds. Commissioner Shaffer seconded the motion. The motion carried unanimously.

#### **STATE PREDATOR CONTROL CONTRACT – COMMISSIONERS**

Commissioner Shaffer stated this is a State Predator Control Contract which is an ongoing contract. The state offers this service but the county has to commit some funds to it. The way the funds are derived is a group of ranchers in our county make contributions to this fund so they can receive predator control from the state. The state contract is for \$10,000 but the ranchers in Box Elder County have contributed approximately \$12,000 to this fund this year for the control of predators to livestock.

**MOTION:** Commissioner Shaffer made a motion to approve the contract. Commissioner Hardy seconded the motion. The motion carried unanimously.

#### **CHANGE THE LEGAL NAME OF POCATELLO VALLEY ROAD PROJECT – BILL GILSON**

Bill Gilson stated it has become necessary to change the name of the Pocatello Valley Roadway Improvement Project due to NRCS regulations and requirements for that money. He said they are not eligible to improve roads, but they are there to protect the roadways. For legalities and auditing purposes through NRCS, they would like to see the county change the word "improvement" to "protection". The bid document and contract with the contractor that wins the award would need to reflect the change.

**MOTION:** Commissioner Shaffer made a motion to change the name from Pocatello Valley Road Project Improvements to the new name of Pocatello Valley Roadway Protection. The motion was seconded by Commissioner Hardy. The motion carried unanimously.

**NRCS EWP PACKAGE C – BILL GILSON**

Bill Gilson submitted the Box Elder County EWP, Diversion Terraces and Sediment Basins (Package C), to the Commissioners. The location of these terraces and the project are in the Blue Creek drainage area. He gave some background stating that after looking at it, they will be moving over 700,000 cubic yards of material throughout these terraces and catch basins to rework the watershed and catch more water coming off the farm ground. The engineer's estimate runs approximately \$1.1 million. Mr. Gilson said he would like to go out to advertisement on this project and try to get bids back into the Commission by September 7. He stated the document looks well prepared and put together. Jones and Associates are still looking at it. Mr. Gilson said he has been working with NRCS to stipulate under the conditions a requirement with the contractor to work closely with the land owners in the area so the landowners will know when they will be entering their property and what they will be doing.

Commissioner Shaffer asked if NRCS is amiable to that request, and Mr. Gilson confirmed that they are.

Mr. Gilson said some of the main concerns we have are to get all easements taken care of. Out of package C, 90% of the easements for the terraces have been found, and it is that last 10% that need to be worked out. Mr. Gilson stated there is a need for PR and pre-planning so there is not any argument over easements. Most of the farmers in that area want to see the terraces and know it will help them in the long haul.

**MOTION: Commissioner Shaffer** made a motion to authorize Bill Gilson to advertise and have a bid opening on September 7. The motion was seconded by **Commissioner Hardy**. The motion unanimously carried.

**CONTRACT EXTENSION FOR EWP GRANT – LEE BEVERLEY**

Lee Beverley stated the Emergency Watershed Protection Grant was for 220 days which expires September 24, 2010. He said we have already applied for and been approved for a contract extension, extending it to May 2, 2011. He asked for the Chairman VanDyke's signature on the amendments. There are two amendments; one on the financial agreement which is the \$6.7 million grant for the work, and a \$100,000 grant for a technical assistance grant for administrative purposes.

**MOTION: Commissioner Shaffer** made a motion to authorize the chair to sign the authorization of extensions for the financial as well as the project. **Commissioner Hardy** seconded the motion. The motion unanimously carried.

**MENTAL HEALTH GRANT/LETTER OF SUPPORT – CHAIRMAN VANDYKE**

Tim Frost, Bear River Mental Health Department, said they became aware of a grant they would like to apply for. It calls for a co-location of a mental health and physical health care provider as a clinic to co-locate in a school. He stated that Box Elder School District is willing to participate and the location will probably be at Box Elder High School. Dr. Cary Lloyd, who sits on the youth empowerment team for Brigham City and is a strong advocate for youth concerns prevention, has been asked to participate in the project.

Mr. Frost asked for a letter of support from the county with the deadline being Monday. He said a committee will need to be formed and wondered if the county would like to have someone on that committee to stay informed on what is taking place. The grant allows not only students, but also families of those at the high school. The prime recipients would be those who traditionally could not get help elsewhere.

Commissioner Shaffer asked how they plan to go forward and fund this program after the grant.

Mr. Frost said there would be two aspects, (1) the mental health component where there is an area of pocketed funds they have that could be used to serve those without insurance coverage (2) the physical health aspect which is a different story. He said in researching this project they have found others that have partnered with IHC, Select Health, Valley Mental Health, and have had charitable donations to help. His idea is to develop some kind of a fund, whether they become a United Way site or something like that, to sustain this program. He stated this is a two-year grant with the possibility of a third year.

**MOTION:** **Commissioner Hardy** made a motion for all three Commissioners to sign a letter of support for the Mental Health Grant. **Commissioner Shaffer** seconded the motion. The motion passed unanimously.

**RESOLUTION/RUBY PIPELINE \$20M AGREEMENT – COMMISSIONER HARDY**

Commissioner Hardy said this is a resolution in relationship to moving forward with the issue regarding El Paso, Western Watershed (WWP), and Oregon Natural Desert Association (ONDA). He said he attended a meeting held on August 12<sup>th</sup> at the Utah State Capitol where 13 counties from five states were represented. All counties were in favor of moving forward with a position statement.

Commissioner Shaffer said Box Elder County as well as the other 13 counties felt it was inappropriate action that Ruby Pipeline/El Paso took in cutting a deal with Western Watersheds. This resolution is a way we can express our feelings that we don't agree with the agreement. This resolution will ask El Paso to show us the contract that they have made and from there we will make some decisions going forward of what we want to have happen. The reason we feel it was inappropriate is it gives Western Watersheds an opportunity to retire grazing permits and ties public lands up with private property. It also allows for the purchase of private property. He said with our

large livestock economy in Box Elder County, it is in the best interest of the county to do all we can to protect the livestock industry so we can have public grazing in the future.

Chairman VanDyke stated as elected officials they have the obligation to step forward and protect the rights and land of our citizens. He said although this project is worthy of completion, anytime the rights of our citizens are jeopardized, we have the obligation to step forward and make our feelings known.

Commissioner Shaffer stated that the commissioners are not opposed to the pipeline coming. He said we are glad to have Ruby Pipeline but expect them to meet their obligations and commitments with our county.

Commissioner Hardy said it isn't going to be a pretty sight and it will take a lot of effort. He hopes the restoration is going to be as good as expected.

MOTION: **Commissioner Hardy** made a motion that they ask County Attorney Hadfield to put a statement together in a formal form and pass as a resolution today to be signed next week. **Commissioner Shaffer** seconded the motion. The motion passed unanimously.

**EMPLOYEE NIGHT AT THE COUNTY FAIR – PEGGY MADSEN**

Commissioner Shaffer said annually at our County Fair/Rodeo we offer an official night for the county employees to attend the rodeo. Tickets will be sent out with the employee's payroll stubs. The Commissioners would like to invite all county workers to enjoy the fair and rodeo as a token of appreciation for their hard work and dedication.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 71532 - 71688 in the amount of \$382,762.97. Claim 71534 was voided.

**PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF'S DEPT: Ryan M. Beardall, new hire, effective 08/09/2010  
SHERIFF'S DEPT: Charles Hoffman, compensation change, 07/17/2010

**ADJOURNMENT**

A motion was made by **Commissioner VanDyke** to adjourn. **Commissioner Shaffer** seconded the motion, and the meeting adjourned at 9:48 a.m.

**ADOPTED AND APPROVED** in regular session this 24 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