

**MINUTES  
BOX ELDER COUNTY COMMISSION  
JANUARY 20, 2009**

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 **JANUARY 20, 2009**. 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

The work session adjourned at 8:59 a.m.

The regular session was called to order by Chairman VanDyke at 9:00 a.m. with the following members present, constituting a quorum:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

The prayer was offered by Commissioner Shaffer.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF JANUARY 13, 2009 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**FOLLOW-UP BUSINESS****Commission Assignments**

Chairman VanDyke explained the criteria used in making the commission assignments. He tried to group the responsibilities together so they made sense. He said each of the commissioners has a different area of expertise and background and he also took into consideration the geographic location of the commissioner. He said it seems much more efficient if there is a closer proximity of the commission's residence to the assignment. Chairman VanDyke said those were the primary reasons for the assignments. He then presented the following:

*(See Attachment No. 2 – Commission Assignments.)*

**Boundary Commission Appointment/Commissioner Hardy**

Commissioner Hardy said the following are serving on the Boundary Commission: Bear River Mayor Neil Nelson, Garland Mayor Dick Owen, Paul Larsen (at-large), Craig Rees (at-large), Greg Iverson (at-large), and County Attorney Steve Hadfield. Originally Commissioner Davis was appointed. The Boundary Commission was formed to look into an annexation east of Tremonton.

**MOTION:** A motion was made by Commissioner Shaffer to appoint Commissioner Hardy to the Boundary Commission to replace Commissioner Davis for as long as it is determined. The motion was seconded by Commissioner Hardy and unanimously carried.

**NURLA Board**

**MOTION:** A motion was made by Commissioner Hardy to appoint Chairman VanDyke to the NURLA Board. The motion was seconded by Commissioner Shaffer and unanimously carried.

**AMENDED MOTION:** An amended motion was made by Commissioner Hardy to appoint Chairman VanDyke to the NURLA Board to replace Commissioner Davis. The motion was seconded by Commissioner Shaffer and unanimously carried.

**CONSIDERATION OF RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT BETWEEN WILLARD CITY AND THE SPECIAL SERVICE DISTRICT OF SOUTH WILLARD BAY MUNICIPAL SERVICES IN WHICH THE DISTRICT AGREES TO PAY WILLARD CITY FOR UPSIZING CERTAIN SEWER LINES TO BENEFIT A SPECIAL ASSESSMENT AREA IN THE DISTRICT**

Attorney Eric Johnson said the resolution is to commit the special service district of South Willard Bay to impose a special assessment tax on three property owners that have agreed to use the monies from the assessment tax either through bonding or without bonding and apply that to upsize some sewer lines to Willard City.

Attorney Johnson said the next step is to obtain appraisals. He has obtained an appraisal from one of the three property owners which came in at \$20M. That property owner has 65-70% of the assessment so with the other two properties it should equate to approximately \$30M for a half million dollar assessment. Attorney Johnson said as soon as he gets the appraisals, the commission can take the next step and impose an assessment on the three property owners.

**MOTION:** A motion was made by Commissioner Shaffer to approve Resolution No. 09-01, a resolution approving the Interlocal Cooperative Agreement with Willard City and the South Willard Bay Municipal Service District. The motion was seconded by Commissioner Hardy and unanimously carried.

*(See Attachment No. 3 – Resolution No. 09-01.)*

#### **RENEWAL OF FRANCHISE AGREEMENT/CHEVRON PIPELINE COMPANY – STEPHEN HADFIELD/KEVIN HAMILTON**

County Attorney Hadfield said there have been several pipes laid by Chevron throughout the County, and these pipes have been there for a long time. The Franchise Agreement has now expired, and Chevron would like to renew the agreement. The renewal is for 50 years. Chevron can maintain the pipe they have, but if they want to lay more pipes in Box Elder County they will need to get permission. A map is attached to the agreement showing where all the pipes are.

**MOTION:** A motion was made by Commissioner Hardy to grant continuation of Franchise Number 2009-01 to Chevron Pipeline Company. The motion was seconded by Commissioner Shaffer and unanimously carried.

#### **WESTERN BOX ELDER SOIL CONSERVATION DISTRICT PLAN – COMMISSIONER SHAFFER**

Commissioner Shaffer said he was approached two weeks ago by the Western Box Elder Soil Conservation Chairman and asked if the county could work with their committee on forming a conservation plan for Western Box Elder County. This plan will address air and water quality and different resources in Western Box Elder County. They would like to have a commissioner attend their planning meetings to aide in the formulation of the plan. He asked the commissioners for approval to attend this meeting and see what areas the commission could offer assistance and aid in putting this plan together. Commissioner Shaffer said there is a meeting Thursday.

**MOTION:** A motion was made by Commissioner Hardy to give Brian Shaffer authority to attend the Western Box Elder Soil Conservation District meeting and represent the commission. The motion was seconded by Commissioner Shaffer and unanimously carried.

**REPORT ON UTAH ECONOMIC DEVELOPMENT ALLIANCE MEETING AND SUMMIT – KEVIN HAMILTON**

Community Development Director Kevin Hamilton and Economic Development Director Susan Thackeray reported on a couple of meetings they attended last week in St. George. They attended the Utah Economic Development Alliance which is a group consisting of economic development people throughout the state. They also attended the Utah Alliance Conference where they talked about revolving loan funds that are available to provide an opportunity to stop gap and help small businesses. Jason Perry, Governor's Office of Economic Development, spent a lot of time talking about what is going on in Utah. He said we are seeing some downturns in sales tax but still experiencing a huge amount of interest from corporations who want to move to Utah. The Speaker of the House talked about cutting all the departments. EDCU hosted an open house at the Entrada and did a brief presentation. The only area that is seeing a huge downturn is residential construction. Utah has a huge export in gold. Raw gold materials are shipped to Utah and the finished products are exported.

Governor Huntsman pointed out that we are in a deleveraging market. We have too much debt around the nation. He said the reason is greed and ethics. He felt very strongly that this downturn in the economy has potential for being positive to Utah. He said capital is a coward and it runs for cover. Utah is the fastest growing state in the nation. Utah has one of the lowest rates of foreclosure in the nation. Utah has cheap utilities and fairly inexpensive property. He said people will be looking for work, and Utah is one of the locations being targeted as ground zero. He said we still have a great work ethic, education system set up for industrial development that is second to none. Mr. Hamilton said whether it is one or five years, he is not only seeing Box Elder County as recovering, but being property strong. It will put pressure on the county to prepare for the huge demand of businesses and people moving into the county. He said we need to decide if we want to see jobs in the county or protect the rural character in the county. It is time to update our general plan and put policies and procedures in place to make sure we have things in place to protect the public. Mr. Hamilton said development can be a blessing or a curse. He said we need to take the time to refocus.

Susan Thackeray said "What is Going Down Up North" will be held in September in Logan. There was a speaker at the conference in St. George that Ms. Thackeray would like to have speak to the Women in Business Groups and talk about some innovative things. Ms. Thackeray would like to drive our conference a little and expand it to the private sector.

**QUESTIONS ON CONDITIONAL USE PERMIT – JERRY ANDERSON**

Taylor Anderson asked if they could get the \$375.00 application fee for a second conditional use permit waived. Mr. Anderson said the conditional use permit has expired, and there are a few things that need to get done weather permitting.

MOTION: A motion was made by Commissioner Hardy to waive the fees and have the Andersons go back to the Planning Commission. The motion was seconded by Commissioner Shaffer and unanimously carried.

Commissioner Shaffer said the reason he is in favor of waiving these fees is because the conditions were not spelled out very clear in the original conditional use permit.

### **PUBLIC HEARING/EAST CORINNE RE-ZONE – COMMISSIONERS**

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

*(See Attachment No. 4 – Attendance List.)*

County Planner Kevin Hamilton said a petitioner requested quite a bit of the area east of the Bear River and north of Corinne be re-zoned to half acre lots, the same as the areas west of the Bear River. Mr. Hamilton told the commissioners they can re-zone using the parcels or follow the map. He said the challenge with using the map is it follows the wetlands boundaries. The Planning Commission is comfortable with the re-zoning. They made motions either way for approval. The decision is whether we want to follow the wetlands boundary or follow the parcel boundaries.

Commissioner Hardy said the area of ground on a map is a high ridge that runs through the valley. On the west is the Bear River Flood Plain and on the East is Box Elder Lake and wetlands. This strip runs between the two. When it was recently zoned, it was set up as a zoning area called the West Corinne Zone Area. There was a public hearing held, but nobody came because these landowners are on the east side of the river. The area is known as West Brigham or East Bear River. This area was zoned as an A-20. The landowners felt like this was an injustice.

Chairman VanDyke asked for comments from those in attendance.

Wayne Hardy said he is straight east of Bear River and is in favor of one-half acre zoning.

Jeff Hardy said he plans on farming and not subdividing his property, but he does not want to have his hands tied. He would like to have the ability to develop it, but now their hands are tied to five-acre lots. Mr. Hardy is in favor of going to one-half acre lots. He said when you deal with utilities like Utah Power and they come through, it is beneficial to have the one-half acre lots for compensation.

Commissioner Shaffer said it is good to have input and see what the property owners want in their area.

MOTION: A motion was made by Commissioner Shaffer to close the public hearing. The motion was seconded by Commissioner Hardy, and the public hearing was closed at 10:16 a.m.

MOTION: A motion was made by Commissioner Shaffer to refer this back to the Planning Department to draft an ordinance that the county recognizes the property east of the Bear River and follow the map to only include developmental properties and not the wetland areas in this new re-zone area. The motion was seconded by Commissioner Hardy and unanimously carried.

**RECESS**

The Commissioners took a recess at 10:20 a.m. and reconvened at 10:27 a.m.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 61487 thru 61647, 990198 thru 990204 in the amount of \$281,988.40.

**PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF: Ken Sheridan, change 24-2438, transportation budget, effective 01/05/2009  
SHERIFF: Brad J. Nelson, change 24-4238, transportation budget, effective 01/05/2009  
SHERIFF: Christine A. Gerhardt, compensation change, effective 01/19/2009  
LANDFILL: Travis Limb, compensation change, effective 01/05/2009  
REC/CLERK: Marla Young, compensation change, effective 01/05/2009  
JUSTICE COURT: Lorraine Riser, compensation change, effective 01/05/2009

**ASSIGNMENT REVIEW – COMMISSIONERS**

The Commissioners reviewed their assignments.

**ADJOURNMENT**

A motion was made by Commissioner Shaffer to adjourn. Commissioner Hardy seconded the motion, and the meeting adjourned at 10:50 a.m.

**ADOPTED AND APPROVED** in regular session this 20th day of January 2009.

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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

The following items were discussed in Administrative /Operational Session after Commission Meeting had adjourned:

1. Rex Facer Presentation

The Administrative/Operational Session adjourned at 11:41 a.m.