

**MINUTES  
BOX ELDER COUNTY COMMISSION  
MARCH 17, 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 **MARCH 17, 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
6. Burn Permits – Sheriff Yeates
7. Letter to NURLA – Commissioner Hardy

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 MARCH 03, 2009 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER HARDY, SECONDED BY COMMISSIONER SHAFFER AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1****FOLLOW-UP BUSINESS****Report on Washington, D.C.**

Commissioner Hardy said one of the places the County might be able to get money through the Stimulus Program is Broad Band and TOPS. Commissioner Hardy was informed to not wait at the mailbox for a check for the projects that Box Elder County requested. Another way to check on the projects is recovery.gov to see what is happening. He said it is signed in for personally and the account is pasted online. He found out that probably the most accessible money is through the USDA water and waste water. They will fund county and community facilities. There was a billion dollars funded for CDBG grants, and the only way to access that funding is through the state. There was \$1.9 billion allocated for cities and counties and \$56M approved for the Bureau of Indian Affairs. There is an 18-month time line that can be built, but the program is going to run for 36 months. Commissioner Hardy said another place there is money is [www.energy.gov](http://www.energy.gov). That money deals with the building code. The building code will mandate energy efficient buildings. Funding may be obtained to help make government buildings more highly efficient like changing windows. Commissioner Hardy said one of the things that is a concern is the emissions that are out there today in industry that are generated from fire and coal plants. He said it won't change if we don't clean them up. He is concerned that we will force the cleanup too much, and they will move their operation to another country. He said we want to clean up, but want to do it by a method that won't push them to a third-world country. Commissioner Hardy thought the conference was very good. He noticed a change in politics in Washington, especially regarding being conservative.

Chairman VanDyke said the NACO Conference is an annual conference which gives county leaders the opportunity to attend workshops and have discussions and exchange propaganda that provides some leadership to the counties who attend. It helps to determine the direction the county is going. He said while the convention was a success, it was pretty evident that conservatism in Washington, D.C. is not a very popular position to take. He found that difficult to cope with. He had the opportunity to talk to several local counties, and they were all of the same opinion that conservatism is unpopular. He said it was a good opportunity to share information. Chairman VanDyke said he is not a doom and gloom person, but he is a realist and the reality of the financial situation is one that is less than optimal. Prior to the NACO Conference he had the opportunity to meet with the legislature about different issues. He met with the appropriations chair who said 2009 was going to be the best year of the next four in terms of finances. He said there are some things in place that will relieve some of the pain. He had the opportunity of attending a sheriff's meeting yesterday where they talked about the legislature reducing jail reimbursement from \$11M to \$6.5M. He said that is a state payment to the county jails to take care of state prisoners. The Sheriff's Association is trying to deal with the loss of revenue and trying to communicate to the legislature that this is not a good move even though it is in place.

Chairman VanDyke said it is necessary the public understands some of the efforts being made across the nation. Utah, in general, has done a very good job in insulating itself from the impact of the financial problems the country is going through. Utah has a good reputation of dealing with crisis for the fact that we are conservative. He said the day will come that we will be looked up to for our practices and will be looked at as time goes on as a solution to all of these problems that are happening across the country. He said in a lot of cases capital improvement projects are being put on hold. He said there is a real focus on screwing down the screws and determining need versus want. He said the public needs to be aware that reserve funds can only be spent once. He said in our situation we have some reserve funds for capital improvements, but those funds may need to be used as funds for the county's operating expenses. He said this needs to be scrutinized in department budgets wherever possible. Many counties have taken the position of not creating any new positions. There has been a concerted effort to eliminate employee overtime. He said many counties are reducing their labor force through attrition. Many counties are offering early retirement to reduce labor force. The bottom line seems to be focused on employees, but that is the last worst case scenario. Some counties are eliminating step increases for a period of time. The worst case scenario is a reduction in workforce because then there is a reduction in services. He said the bottom line is if revenue is not available, cutbacks do not become a matter of choice. He said we have an obligation to trim expenses and avoid tax increases. We are servants of the public and have a responsibility to safe-guard public funds during these hard times. These are trying times, but they won't last forever. Chairman VanDyke is convinced that by adhering to the conservative principles we will be able to weather the storm. He is asking for cooperation and understanding. He said Box Elder County is destined for excellence, and we will get there, but there will be tough times. He said we as a commission and all elected officials and employees are looking at any and all ways of relieving the pain. Chairman VanDyke said the meetings for the most part were uplifting and educational, and he is appreciative of having that responsibility.

#### **LETTER OF AWARENESS FOR UDOT – BLAKE HALL**

Blake Hall said they are building a large storage bay to house RV's, etc. in South Willard on the highway, and UDOT informed them they need a letter of awareness from the County Commission before they can come to them and talk about an access.

Kerry Schneider said he is the landowner and will break ground next year. He said the property is already zoned for this kind of use.

**MOTION:** A motion was made by Commissioner Hardy to address a letter to UDOT stating the county is aware of the changing of an access for moving forward on the building of a commercial building in South Willard. The motion was seconded by Commissioner Shaffer and unanimously carried.

**RODEO CONTRACT #09-12 – STEPHEN HADFIELD**

County Attorney Stephen Hadfield said he was given the rodeo contract to review. He met with Jeff Madsen who agreed we need to redraft it for a tighter format.

MOTION: A motion was made by Commissioner Shaffer to sign Rodeo Contract #09-12 per County Attorney Hadfield drafting a contract that will be acceptable to our attorney and the rodeo company. The motion was seconded by Commissioner Hardy and unanimously carried.

**CONSULTANT CONTRACT #09-13- PEGGY MADSEN**

Personnel Director Peggy Madsen said Dennis Sheffield has been a consultant for the Auditor's Office. Mr. Sheffield's contract needs to be updated.

Commissioner Shaffer is concerned that we have consultant, consultant, and consultant in the Auditor's Office.

Peggy Madsen said Mr. Sheffield is the consultant for asset management.

MOTION: A motion was made by Commissioner Hardy to accept Contract #09-13 with Dennis Sheffield for consulting work not to exceed 25 hours. The motion was seconded by Commissioner Shaffer and unanimously carried.

**CASSIA BOOKMOBILE CONTRACT #09-14**

Personnel Director Peggy Madsen said she has talked with Brad Rhodes, and they have updated the contract between Cassia County and the county library. County Attorney Hadfield has reviewed the contract and made some changes so Box Elder County will be in compliance with interlocal agreements. Ms. Madsen said it has been a good, workable situation.

Commissioner Shaffer said the area that our bookmobile serves is a little corner of Idaho known as Almo. The community has asked for the service which is funded by residents. He said they have a fund raiser, and our services are greatly appreciated out there. The bookmobile is already in the area and doesn't go out of the way. Brad Rhodes has figured the cost of providing the service for 110 hours is what they will receive this year.

MOTION: A motion was made by Commissioner Shaffer that we accept and sign the bookmobile contract between Cassia County and Box Elder County and allow the chair to sign the contract. The motion was seconded by Commissioner VanDyke and unanimously carried.

Commissioner VanDyke commented that this is money coming into the county, not going out.

Commissioner Hardy said the bookmobile goes out there, and this pays for the trip home. It is an isolated area. Children that are in Utah are educated in Idaho, they provide garbage services in Idaho and we have an interlocal agreement with roads. He said it is a dual exchange of services. Idaho Transit Authority also sends a bus for senior citizens to Snowville.

**FOREST SERVICE MAINTENANCE AGREEMENT/WILLARD PEAK ROAD – BILL GILSON**

Chip Sibbersen said under the American Recovery and Investment Act, they have a project working with Road Supervisor Bill Gilson to refurbish portions of the Willard Mountain Road and Devil's Gate Road to bring them up to standards, and to provide drains, gates and barrier rocks.

Kevin Bourne said early on they started hearing rumors of the stimulus package. In December the Forest Service was proactive in putting together lists of projects. This was one of the projects that got lumped into the other projects, and they were successful in getting these projects funded. They have put together a project agreement that indicates how they will execute some of the deliverables and time tables for the work to be done on the Willard Mountain Road and the Devil's Gate Road.

Chip Sibbersen said the idea is to take the money from the federal government and transfer it to the county. He presented a draft copy for the county's review. They need to proceed quite rapidly to get any comments and get the content sheet filled in and then this money will be turned over to the county to do work in-house or hire contractors to do portions of the work.

Attorney Hadfield has a few questions. Cost was one of the questions.

Bill Gilson said the county will not bear the extra costs. The county could possibly do a lot of the work, but the merits of the recovery would be better served to put this work out to bid and use some of the private construction companies. He feels this meets the merits of the stimulus better than the county trying to do all of the work and keep the money to itself. He said when the county puts it out to bid and sees what is coming in, the county will not bear any extra expense above the \$500,000 that the stimulus grant is funded.

Commissioner Hardy is concerned about the stipulation of no overtime to the county. Bill Gilson said what would be fair is approximately a 16% overhead charge for the county to handle and run the money through the county.

**MOTION:** A motion was made by Commissioner Hardy to put this item back on the agenda next week and have Bill Gilson and Steve Hadfield restructure the contract. The motion was seconded by Commissioner Shaffer and unanimously carried.

**LETTER OF SUPPORT/BEAR RIVER BIRD REFUGE – BOB BARRETT**

Bob Barrett, Manager of the Bear River Bird Refuge, and Betsy Beneke, Outdoor Recreation Planner, came before the commission to request a letter of support. Mr. Barrett said they have been involved in acquisition for the refuge since 1928 when the refuge was established. He said they went through a planning process that redefined the refuge boundary in 1992. They have been pursuing willing seller acquisitions since that time. Recently they have been working with several Non-Government Organizations (NGO's) to bridge a funding gap for these acquisitions. They have been working to recognize how important the Bear River Migratory Bird Refuge is in the system and are very excited to acquire 706 acres. That acquisition would allow them to go through the planning phases to look at developing public use hunting, fishing, interpretive work, environmental education and bird watching. Mr. Barrett said it is a bonus for the community. They also look for opportunities for land management like grazing. They asked the commissioners for a letter of support for the effort they are doing with the NGO and also the services dealing with the North American Water Fowl Commission. Mr. Barrett said water rights are tied to the land so water is acquired with the property. They will be acquiring five separate water rights.

Commissioner Shaffer wants to be protective of the water. He wanted to make sure water was already there, and they would not be acquiring any new water.

Bob Barrett assured the Commissioners it should not impact water.

**MOTION:** A motion was made by Commissioner Shaffer to sign a letter of support to apply for securing grants for the Bear River Migratory Bird Refuge. The motion was seconded by Commissioner Hardy and unanimously carried.

Bob Barrett said they are working on Phase II of the Forest Street Project. It is a \$15M project. They are looking at starting it in August of this year. They are wrapping up Phase I which is a little over three miles, and Phase II is a little over eight miles. The road project allows them to have a lot more water on the refuge. They are almost done completing a film about the refuge and will be adding eight seasonal positions. The Bear River Migratory Bird Refuge is trying to bring in as many dollars as possible.

**LETTER REQUESTING SRS MONEY GO INTO MINERAL LEASE SSD – TOM BENNETT, CHAIRMAN VANDYKE**

This item was canceled.

**CIP BUILDING COMMITTEE APPOINTMENTS – COMMISSIONERS**

**MOTION:** A motion was made by Commissioner Hardy to appoint the following to the CIP Building Committee: Zions Bank Public Finance, Jon Thompson, Shirlene Larsen, Donnie Tarver and Commissioner Hardy. The motion was seconded by Commissioner Shaffer and unanimously carried.

Commissioner Shaffer said it is very important that we give the committee a direction of where the commission wants them to go instead of having a building committee out there doing what they want. He is losing enthusiasm about moving forward with building projects unless we find stimulus money. He said there is a need to be very conservative approaching the subject of a new building. Commissioner Shaffer stated again that the commission needs to give the committee direct goals.

Commissioner Hardy said this committee isn't put in place to start looking at buildings. It is put in place to do long-range planning. He said the purpose is planning and setting money aside to make it happen.

### **PUBLIC HEARING/PARK VALLEY FIRE DISTRICT – COMMISSIONERS**

*(See Attachment No. 2 – Attendance List.)*

Chairman VanDyke declared the public hearing regarding CDBG money for the Park Valley Fire District open at 10:00 a.m. This is the second public hearing for the CDBG Program.

Chairman VanDyke stated this hearing was called to allow all citizens to provide input concerning the project that was awarded under the 2009 CDBG Program. The county has amended its capital investment plan and decided to apply for funds on behalf of the Park Valley Fire District.

Chairman VanDyke introduced Dale Carter from the Park Valley Fire District. Chairman VanDyke explained the application was successful in the regional rating and ranking process for the Park Valley Fire District. The Park Valley Fire District has been awarded \$100,000 towards building a new fire station.

Dale Carter said they have outgrown their old building. They have more equipment than they have room to house it in. They have three trucks they have to drain in the winter because there is no place to keep them, and that is why they applied for the grant. Mr. Carter said Brian Carver from BRAG has helped and the district appreciates his efforts. He also thanked the county for sponsoring the project. He said it has been a group effort.

Commissioner VanDyke asked for any comments, questions and concerns from those in attendance. There were no comments.

Commissioner Shaffer complimented the folks in the Park Valley community for trying to make a better community by providing more water storage to be better prepared for a fire in the wintertime. He said these individuals put their own time and efforts towards this project, and it is community volunteerism at its best that accomplishes projects like this. Commissioner Shaffer said we are a better county because of it.

Chairman VanDyke said copies of the capital investment plan are available if anyone would like a copy.

**COLLINSTON/BEAVER DAM ROAD VACATE – KEVIN HAMILTON/TAMARA WRIGHT**

Director of Community Development Kevin Hamilton said a section of 400 West in the Beaver Dam area has been abandoned and replaced. He is here asking the Commissioners to direct the Planning Commission to vacate two of the segments of the road.

**MOTION:** A motion was made by Commissioner Shaffer to submit an application to the Planning and Zoning Commission to vacate certain sections of road along 400 West in Beaver Dam. The motion was seconded by Commissioner Hardy and unanimously carried.

**USE OF COURTHOUSE GROUNDS/HERITAGE ARTS FESTIVAL – PAUL LARSEN/JOLENE CROCKETT**

Paul Larsen said every year Brigham City hosts the Brigham City Heritage Arts Festival. This year the festival is scheduled for June 13 and as in past years Brigham City is asking to use the courthouse and grounds for functions of the festival. The theme this year is Golden Spike. It is the Spike's 140<sup>th</sup> Anniversary. Brigham City has some good things lined up. John McEuen will be here as well as the Union Pacific Railroad. They anticipate 3,000 people attending the festival.

Commissioner VanDyke said as a business owner in downtown Brigham City, this is one of the better events to benefit the community.

Commissioner Shaffer said Brigham City has a reputation of putting on a good party. Commissioner Shaffer said the courthouse has gone through an extensive renovation and would like to hold an open house for the courthouse in conjunction with the festival. The county thought it would be a great opportunity to showcase the courthouse. The county would have volunteers throughout the courthouse.

Paul Larsen said the open house would be fine, and it would draw additional people.

**MOTION:** A motion was made by Commissioner Shaffer to allow the Heritage Arts Festival to use the courthouse and grounds in conjunction with the courthouse open house on June 13. The motion was seconded by Commissioner Hardy and unanimously carried.

**COMMUTER RAIL STATION AT 200 SOUTH – LOUANN CHRISTENSEN**

Mayor LouAnn Christensen said Brigham City is here to give some information on the commuter rail station on 200 South 800 West. She feels we need that as a county we need to work together. The concern she has with the division between our communities is it sends a message to UTA that we are not unified in bringing in commuter rail, and it may delay commuter rail coming to our county. With the expansion we have north of the county, with all of the P & G potential and other business potential, it would be a shame to be shortsighted and not be united in this decision. She said Brigham City has come to give information on why the 200 South location was chosen as the best location for

commuter rail. She said back in 2003 the UTA Task Force with members from Perry and Willard took a look into the UTA Bus Transportation and several studies were done and they came up with a plan. There is where Brigham City got the flex bus route. In 2005 a Commuter Rail Task Force was formed and Perry and Willard were invited to sit on the task force, and they came to many of these meetings. A grant was received from Congressman Rob Bishop's office for \$225,000 to study the 1100 South location and West Forest Street to determine which would be the best location. They determined West Forest would not work because of the curvature of the lines, and they would have to move it 1000 feet south. Mayor Christensen said the UTA has purchased land on 200 South from the School District to build a park and ride lot. There has been a lot of work to this point. There have been discussions with Cache Valley Transit District on bringing buses over to the 200 South location. Brigham City feels like West Forest is the gateway into Brigham City. She said there is so much potential for growth and building. Brigham City has a plan for transit-oriented development on the West Forest location. She presented the Commissioners with a letter from the developer of the Upland Square Project. There are 73 acres in Brigham City. The developer said as owners of the Upland Square Project, we understand that under the current development agreement with Brigham City that a UTA Commuter Rail Station is not a permitted use. It has never been our intent to construct a transportation-oriented development and we therefore entered into a Development Agreement providing such. They are presently moving forward with the project without a Commuter Rail Station as part of their plan.

Mayor Christensen said they have support from the businesses. She presented a letter of support from Gem supporting the 200 South location. Brigham City also has promised letters from Vulcraft, Nucor, Wal-Mart Distribution and ATK.

Commissioner Hardy said this is our connection to Box Elder County, and hopefully it will go to Tremonton and Cache Valley. We need to work together to make it happen.

Commissioner Shaffer said he is excited for commuter rail to come, and Brigham City has made a lot of efforts. He hates to do anything that would delay commuter rail from coming to Box Elder County.

Paul Larsen presented the following power point: *(See Attachment No. 3 – Front Runner Station 200 South/800 West.)*

Commissioner Hardy said with all the work Brigham City has done, he does not believe that developers should drive decisions.

**MOTION:** A motion was made by Commissioner Hardy that Box Elder County support Brigham City in their endeavors of a rail station and bringing mass transit to the 200 South location. The motion was seconded by Commissioner Shaffer and unanimously carried.

Commissioner Shaffer said after seeing Brigham City's presentation, a lot of effort and well thought out planning has been done. He is excited for commuter rail to come to Box Elder County, and he

will do everything he can to make it possible. He feels supporting Brigham City is the right choice at this time.

Commissioner VanDyke commented his concern about commuter rail within the county is that it is regional concern. It is something that will develop as the future develops. He said running the risk of not having the access to the commuter rail in the southern part of the county, has caused him a lot of concern because the South Willard area is growing at a high rate of speed.

### **LETTER TO NURLA – COMMISSIONER HARDY**

**MOTION:** A motion was made by Commissioner Hardy that County Commission Meeting on March 24 be held at the County Road Shed at 5:00 p.m. with a comment period from the public regarding taking waste from NURLA members at 6:30 p.m. and that County Commission Meeting on March 31 be held in the County Commission Chambers at 5:00 p.m. and an open comment period at 6:30 p.m. The motion was seconded by Commissioner Shaffer and unanimously carried.

### **2009 CADASTRAL GRANT – CHAD MONTGOMERY**

Deputy Recorder Chad Montgomery presented the commissioners with a yearly contract for cadastral grant funding. He said the cadastral grant supports things such as parcel editions and GPS work. The state has offered funds every year, but because of budget cuts in the state, the county will only be receiving \$6,240. Mr. Montgomery said the focus this year is the Bear River Valley. This is where there is the greatest need for control. As part of the contract Mr. Montgomery noted the county has some prerequisites. One is to require the counties to provide the state with county parcel data and section data.

**MOTION:** A motion was made by Commissioner Shaffer to approve the 2009 Cadastral Grant and allowed the grant to be signed. The motion was seconded by Commissioner Hardy and unanimously carried.

### **WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 62418 thru 62519, 990236, 990237 in the amount of \$305,561.26. Claims 62520 thru 62682 in the amount of \$138,420.94.

### **PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF:	Cordell Thompson, compensation change, effective 03/16/2009
SHERIFF:	Suzanne Mitchem, compensation change, effective 03/08/2009
SHERIFF:	Ralph Bennett, compensation change, effective 03/21/2009
EXTENSION SERVICE:	Emily Ida Nelson, new hire, effective 03/02/2009
COUNTY LIBRARY:	Jason Warner, new hire, effective 03/04/2009

ROAD DEPARTMENT: Mick Udy, compensation change, effective 03/15/2009  
ROAD DEPARTMENT: Dennis Nelson, compensation change, effective 03/15/2009  
SURVEYOR: Brice Lucas, rehire, effective 02/18/2009  
SURVEYOR: Elgin Moore, compensation/status change, effective 03/16/2009

**OTHER BUSINESS****EPA Update – Scott Ericson**

Scott Ericson, Northern Utah Director to Congressman Bishop's Office, said the Utah delegation has been a little bit frustrated with PM to.2.5 decision that the EPA made. He said a delegation met in Washington, D.C. this morning with a conference call with the Utah Division of Environmental Quality. Both Senators were present as well as Congressman Bishop and the EPA Staff. There were three parts of the meeting. The state staff spoke first and talked about their concerns over the EPA's conclusions. They pointed out the lack of data and asked for clarification and justification on why they were doing what they had decided. The delegation then spoke. Senator Hatch said it didn't make any sense to him why they were making their decision especially when they are not going to read the data in Tooele or Box Elder Counties until after it stated that they are out of compliance. Senator Bennett started arguing that including the rural counties will do nothing to solve the pollution problem. He made the point that once they are included, nothing will change in these areas. We will just lose the funding that is associated with it. Congressman Bishop spoke and told the EPA that they interpreted the data incorrectly. He was passionate. The delegation is 100% behind keeping Box Elder County out of the nonattainment area. The EPA had five people there, but only two spoke. The director, who signed the letter putting Box Elder County in the nonattainment area, defended her position by saying the science and evidence is there to include Tooele and Box Elder. She cited wind patterns and pollution coming from cars and production companies like ATK and Nucor. Congressman Bishop jumped in and talked about the line around the populated areas of Tooele and Box Elder County and not including the west part of the county. He said you can't use that argument if you are not going to include Nucor way up by Plymouth and ATK out in Promontory because they are outside the area. Congressman Bishop asked them to clarify why they used annual data rather than seasonal data because it is different. To both of his questions, they did not respond.

Scott Ericson said at this point the meeting ended and the EPA said we are going to stick to our decision, and you will have to deal with it. Senator Hatch asked them to reconsider Utah's concerns and change their decision. The meeting ended, and they walked out. The delegation is going to do another delegation letter to the EPA expressing their concerns. They are fully supportive of trying to keep Box Elder County out of the nonattainment area.

Scott Ericson assured the Commissioners they are making progress, and hope it works but there is no guarantee that it will.

**ADJOURNMENT**

A motion was made by Commissioner VanDyke to adjourn. Commissioner Hardy seconded the motion, and the meeting adjourned at 11:54 a.m.

**ADOPTED AND APPROVED** in regular session this 24<sup>th</sup> day of March 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:

**PERSONNEL ITEMS – PEGGY MADSEN**

The Administrative/Operational Session adjourned at 12:03 p.m.