

MINUTES
BOX ELDER COUNTY COMMISSION
MARCH 31, 2009

The regular session was called to order by Chairman VanDyke at 2:00 p.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 Hardy.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF MARCH 24, 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

EXECUTIVE SESSION

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

Strategy session to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms.

MOTION: At 2:06 p.m. a motion was made by Commissioner Shaffer to move into an executive session to discuss personnel issues and the purchase, exchange or lease of real property. The motion was seconded by Commissioner Hardy and unanimously carried.

MOTION: At 3:22 p.m. a motion was made by Commissioner Hardy to reconvene into regular commission meeting. Commissioner Shaffer seconded the motion, and regular commission meeting was reconvened.

Chairman VanDyke explained there was a discussion on personnel matters and the purchase, exchange, or lease of real property.

RECESS

The Commissioners took a recess at 3:23 p.m. and reconvened at 5:00 p.m.

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 3:30 p.m. on **MARCH 31, 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. CIP Presentation – Doug West
2. Agenda Review/Supporting Documents
3. Commissioners’ Correspondence
4. Staff Reports
5. Correspondence
6. Assignment Review

The work session adjourned at 4:59 p.m.

RELEASE CIP FUNDS – COMMISSIONER HARDY

MOTION: A motion was made by **Commissioner Hardy** to approve the 2009 capital projects which includes: \$400,000 courthouse renovation, public safety vehicles \$160,000, public safety building renovation \$40,000, software \$680,000, fairgrounds project 1 walkways west \$38,000, fairgrounds project 2 walkways east \$25,000, fairgrounds water truck \$10,000, recorder reprographics \$22,000, fire trucks \$117,000 for a total amount of \$1,492,000. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

MOTION: A motion was made by **Commissioner Hardy** to approve the 2009 Class B Road Fund which includes a chipper \$89,400, snow plows \$332,000, grader \$218,000, two pickup trucks \$60,000, heavy trailer \$10,000 for a total of \$709,400. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

MOTION: A motion was made by **Commissioner Hardy** to approve the 2009 CIP expenditures for the Municipal Service Fund which includes weed truck \$39,000, Kubota for weeds \$14,800, weed ATV sprayer \$7,100, Community Development Vehicles \$27,000 for a total amount of \$87,900. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

MOTION: A motion was made by Commissioner Hardy to approve the 2009 expenditures for the County Library (Bookmobile) Fund for a bookmobile in the amount of \$250,000. The motion was seconded by Commissioner Shaffer and unanimously carried.

(See Attachment No. 2 – 2009 Approved Capital Projects.)

USE OF COURTHOUSE GROUNDS FOR PEACH DAYS – MONICA HOLDAWAY

Monica Holdaway, Brigham City Chamber of Commerce Peach Days Director, asked the commission for permission to use the courthouse grounds for this year's Peach Day Celebration. She said they would like to use the parking lot for Main Street Food Vendors, county front lawn for the fruit display and bleachers for dignitaries, some of the lawn is used for booth displays as well as there is some entertainment that takes place after the parade.

Chairman VanDyke said people really like the county's flower beds, and noted the Chamber needs to make sure they are not destroyed. Ms. Holdaway noted that last year the flowers were fenced off, and they were completely protected. She will work with Donnie Tarver again this year.

MOTION: A motion was made by Commissioner Hardy to allow the courthouse grounds to be used for the 2009 Peach Days Celebration. The motion was seconded by Commissioner Shaffer and unanimously carried.

SET PUBLIC HEARING DATE/LEASE OF COUNTY PROPERTY TO U.S. PIPELINE – TAMARA WRIGHT/KEVIN HAMILTON

Director of Community Development Kevin Hamilton said a public hearing date needs to be set for the proposed lease of county-owned property on Hwy 13 in Bear River. He said U.S. Pipeline has approached the county to use the property for the Ruby Pipeline. Mr. Hamilton said a public hearing is needed, and then the request will go back to the Planning Commission for a conditional use permit.

MOTION: A motion was made by Commissioner Hardy to set the public hearing dated for leasing of county property to U.S. Pipeline on April 28 at 10:00 a.m. The motion was seconded by Commissioner Shaffer and unanimously carried.

Commissioner Hardy said the lease is for this year to hold as an option and next year will be leased for the 12 months the pipeline is being built. He stated this is a good deal for Box Elder County.

SET PUBLIC HEARING DATE/ROAD VACATE IN COLLINSTON – TAMARA WRIGHT/KEVIN HAMILTON

Director of Community Development Kevin Hamilton said the state redid the highway in Collinston last summer which left some segments of county road. These road segments need to be vacated, and asked the commissioners to set a public hearing date.

MOTION: A motion was made by Commissioner Shaffer to set a public hearing to vacate road segments in Collinston on May 5 at 10:00 a.m. The motion was seconded by Commissioner Shaffer and unanimously carried.

AMEND SIX-MONTH EXTENSION/HIGH COUNTRY ESTATES – TAMARA WRIGHT/KEVIN HAMILTON

Director of Community Development Kevin Hamilton said High Country Estates has requested a six-month extension on their subdivision in order to get all items completed. Mr. Hamilton said they can be granted one more extension for final plat approval and if everything is not complete, they will need to start over. The subdivision is located on the eastern border of Box Elder County and borders Cache County.

Alton Veibel stated he needed more time to work on the roads and install a pipe. He said because of the winter weather, he has been unable to complete everything. He will be able to complete everything within the next six months.

MOTION: A motion was made by Commissioner Hardy to extend the High Country Estates plat approval for six more months. The motion was seconded by Commissioner Shaffer and unanimously carried.

TOURISM TAX ADVISORY BOARD GRANT RECOMMENDATION – BOB DAVIS/JOAN HAMMER

Tourism Tax Advisory Board Chairman Bob Davis came before the commission asking for the annual request to approve funds for projects that were recommended by the Board. Mr. Davis highlighted some of the projects that have been funded in the past like the Grouse Creek Bowery and restrooms, Shoshone exhibit at the Brigham City Museum Gallery, rodeo bleachers for Honeyville City, radio system at Willard Bay State Park to advertise county events, and Fielding Town Park upgrades. He said there are many, many more. He said everyone is familiar with Fantasy at the Bay and all the good things that are taking place with the theatres and the arts. They have not only been great recipients, but very dutiful in taking the monies we have given them and responding the way we have asked them to and have reported back to Joan Hammer. Mr. Davis stated that Joan Hammer is the backbone to the board. She accepts and reviews the applicants and invites the board. Mr. Davis said there have been some changes to the Board. He introduced Jim Abel, JC Diner; Steve Atwood, Taco Time in Tremonton; Monica Holdaway, Brigham City Chamber; Nikki Anderson, Bear River Valley Chamber of Commerce; Commissioner Shaffer; Betsy Beneke, Bear River Bird Refuge; Rick Kent, Box Elder County Fairgrounds, and Tamara Zollinger from Holmgren Historic Farms. He said they are looking to fill a vacancy for someone to represent lodging.

Mr. Davis said one of the greatest boons by providing these grants is to increase the number of overnight stays, number of meals people eat in the county and try to refuel the monies that we use. He said they had about \$80,000 to spend this year with \$160,000 worth of requests. He said it was a difficult process of deciding and recommending which projects. Mr. Davis said they review the

projects with a fine-tooth comb and measure as best they know how as citizens of this county. They look to see which projects will promote tourism in the county and benefit the county and refuel the monies that come into this county. Each recipient does not just get the contribution, but they use their own funds to match the funds and sometimes more than match the monies.

Marshall Hemsleie said that Tour Le Cure is a cycling fund-raising event for the American Diabetes Association. He said they began this event in 2003 in Box Elder County and had 88 participants. In 2008 Box Elder County was the 9th largest Tour Le Cure in the nation. He said they had 1,030 cyclists. In 2009 they are on track to have 1,400 cyclists. This does not include the 250 volunteers and many sponsors. He said on June 13, four hundred cyclists and the other participants will be visiting the communities in Box Elder County filling hotel rooms, staying the evening, dining at Maddox and many of our other local diners. They will get to experience the amazing communities and attractions like the Golden Spike Monument, Bear River Bird Refuge and associate Box Elder County with the cause that affects them all, fighting diabetes. He said with funds from the Box Elder County Tourism monies, we are able to partner that with our own funds and also with their media partners like KJAZZ to use the funds in an extremely effective way. The growth they have seen from 2003 until now, with tourism monies can really expand this event to beyond 1,400 people. The largest cycling event in Utah has 3,300 cyclists and is held in Cache County. They are a 25-year-old event. Mr. Hemsleie said this will be their seventh year, and with the help of tourism we will be able to hit that at a much quicker rate. He extended an invitation to the commissioners to participate in the Tour De Cure as a way to do a healthy living activity.

Bob Haynie is an amateur radio operator. He volunteers his time all day Saturday to set up Ham Radio operators at each rest stop to communicate so if there are any problems, they can get help to the riders. This was the only cycling event in Utah to not have a medical emergency.

Joan Hammer said tourism is clean revenue for our county; that is what makes this program have such an impact. It is generated in our county; it stays in our county. The potential is enormous to create more and more revenue. We really can have an impact on communities and organizations that otherwise might not be able to further the cause of tourism.

Commissioner Shaffer said he has sat on the committee, and it has been a great experience and an eye opener that the money gets returned back to the community in an effort to better the community.

MOTION: A motion was made by Commissioner Shaffer to accept the TTAB grant applications as presented and approve the request presented. The motion was seconded by Commissioner Hardy and unanimously carried.

(See Attachment No.3 – 2009 TTAB Grant Application.)

Bob Valentine extended a very sincere thank you to the Commissioners and the Tourism Board for funding the project at the Bird Refuge a few years ago. He said a little over 10 years ago they embarked on a project to rebuild a visitor's center at the refuge. Mr. Valentine said we accomplished that with great support from the county and also from Brigham City. He said there have been a lot of

people visiting the center over the last couple of years. Under the direction of Al Trout the Bird Refuge has produced a film on the story of the Bear River Refuge and why it is so important not only to the wildlife resources but the economic value to the community and the local environment. The film's cost was approximately \$250,000. The funds were raised by the Friends of the Refuge to develop and produce the film. There is over 80 hours of filming that has been recorded. The first 30-minute documentary will be shown at the refuge on a regular basis, and there will also be copies available for sale. They are planning a premier of the film. Mr. Peter Coyote is the narrator, and they are trying to have him at the premier. They are planning the premier for the middle of June. There will be many VIP's throughout the state and nation that have been of help in creating the visitor's center. He said it will be a huge affair. They are expecting 30,000-50,000 people coming to Brigham City to witness this film. He said part of the funds that were approved this year through the tourism grant will be spent on this activity. Mr. Valentine said it is something they are very, very proud of and excited about. He said it is going to be a spectacular event, and invited the commissioners to participate with them.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 62820 thru 62959, 990238 thru 990247 in the amount of \$626,780.63. Claims 54692, 55395, 54699, 56181, 56384, 56506, 56511, 57105, 57200, 58086, 58180, 58689, 58829, 58995, 59953, 59697, 59964, 59967, 60221, 60648, 61072 and 61172 were voided.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF:	Brody Wells, compensation change, effective 03/03/2009
SHERIFF:	Brenna M. Vaughn, compensation change, effective 03/24/2009
COUNTY LIBRARY:	Spring Martin, separation, effective 03/19/2009
COUNTY LIBRARY:	JoAnna Yardley, new hire, effective 03/16/2009
COUNTY LIBRARY:	Hunter Barrus, separation, effective 03/16/2009
WEED DEPT:	Jack Mieure, re-hire, effective 03/16/2009
WEED DEPT:	Terry Harrison, re-hire, effective 03/16/2009
ATTORNEY:	Loren D. Henry, compensation change, effective 03/15/2009
FAIRGROUNDS:	Barry Johansen, re-hire, effective 03/25/2009

RECESS

The Commissioners took a recess at 5:45 p.m. and reconvened at 6:30 p.m.

PUBLIC COMMENT FORUM FOR LANDFILL OPTIONS – COMMISSIONERS

(See Attachment No. 4 – Attendance List.)

Chairman VanDyke welcomed everyone and outlined the guidelines for the public comments. He said the reason for the meeting is that NURLA has requested a statement from the Box Elder County

Commissioners to express their intent for the future of our Little Mountain Landfill. The purpose of the meeting is to offer the public an explanation of the landfill options that are available to Box Elder County and to gather public input and comments about those options.

NURLA is comprised of the following entities: Cache/Logan, Wasatch Integrated (Davis & Morgan Counties) Weber County, Box Elder County. Wasatch Integrated owns ground in Whites Valley. Chairman VanDyke said that site has previously been permitted as a landfill. That permit has expired, and they will have to go through the permitting process again from the state on down to the county. There was a study done that outlined 5-6 different sites within the county as potential regional landfill sites. NURLA's second choice for a regional landfill site is White's Valley. Box Elder County has clearly stated that we do not support a landfill at White's Valley.

Why do out-of-county entities want to bring their garbage here? Box Elder County has vast areas of undeveloped available ground. The out-of-county entities do not. The out-of-county entities have some waste disposal concerns. Box Elder County does not. Can the county stop them from coming here? Not necessarily, but we can have a say as to where they go. There is a possibility of implementing a flow control ordinance which has ramifications. The county could look into the possibility of establishing a waste corridor which also has ramifications. There is another control method which is the most powerful. That is economics and site location. Chairman VanDyke explained part of the end consumer waste cost is something called a waste disposal fee (total fee paid by hauler for waste disposal). The waste disposal fee is comprised of a landfill tipping fee (landfill operating cost to process waste), landfill host fee (revenue-generating fee commonly charged by landfills), transfer station fee in the areas where there is a transfer station (transfer station operation costs to process waste), waste hauler transportation costs (haulers cost to pickup waste and deliver to the disposal site). The actual fuel costs are determined by big oil companies and fuel surcharges are a discretionary charge by a hauler, transportation mileage (fixed distance from the waste pickup to disposal site). In some municipalities there is also a municipal waste charge to consumers for waste pickup service. All of those elements are what comprises the end consumer's curbside waste disposal cost. Transportation mileage is a significant element of waste disposal costs. Box Elder County has two permitted landfill sites in the county: Little Mountain which is owned by Box Elder County and Promontory. Chairman VanDyke stated we do not have any proposals or agreements for leasing Little Mountain to NURLA or any other entity. The Promontory site is owned by the Northwestern Band of the Shoshone Tribe. Box Elder County does not and has not agreed to any proposals to partner with the tribe.

Chairman VanDyke explained the mileages.

Roundtrip Mileage From:	To: Little Mountain	To: Promontory
Cache County	68.8596	178.2390
Wasatch Integrated	108.8314	93.7700
Weber Transfer Station	77.9296	66.0286
Box Elder County	33.4688	104.1686

Chairman VanDyke said what about Wasatch going to White's Valley. The Promontory site is closer. What about Cache going to White's Valley. Little Mountain is still closer by four miles which is an average operating cost of \$360,000.

There has been some talk of the Shoshone Tribe announcing the components of their business that they intend on putting together at the Promontory site: (1) Sale of ballast for railroad construction and maintenance (2) Construction of a landfill at Promontory with access by rail and at some point by truck. (3) Construction of a waste-to-energy facility that would utilize any of the landfill waste that is brought to the Promontory site. There has also been some discussion of an additional waste-to-energy facility placed at Little Mountain which would utilize the existing landfill waste at that landfill as well as consume the incoming waste at that landfill. The ultimate result would be a reduction of the footprint at the Little Mountain Site. The Little Mountain Landfill footprint will be reduced ensuring the life-span of our landfill for generations. The Promontory site is out-of-sight and out-of-mind.

Chairman VanDyke said we were elected to represent the people, and we are here to listen to your comments.

Pauline Moen has lived in Box Elder County for 85 years. She thinks we should look at our future 50 years from now. What will our landfill look like? She said it will be full, and we will be looking for another place to put a landfill. She said we had two landfills west of Brigham City that have been filled up and we had to eliminate them. The traffic bothers Ms. Moen. She said 1100 South is a very dangerous intersection. Sardine Canyon is one of the most dangerous canyons in the western counties. There are more accidents on I-15 from Hot Springs to the south up to Tremonton to the north. She thinks the traffic would be horrendous. She does not think we can handle any more traffic and hope everybody will consider this. She said 50 years is not a long time. It does pass quickly, and we have to look to the future for the grandchildren, great grandchildren and posterity.

LouAnn Christensen, Mayor of Brigham City, thanked the County Commission for taking input on this very controversial issue. She said even though the voters have removed NURLA as an option, she would encourage the continuation of partnerships whether it is through interlocal agreements with other counties or the Shoshone Tribe. She likes the potential of a partnership at the Little Mountain Site with the Shoshone Tribe. This gives us a voice as far as a future and opens the opportunity for potential purchase of power for Brigham City. It is a big plus for Brigham City. She said right now they purchase 73% of their power from Rocky Mountain Power and another 11% from WAPA and Brigham City generates a small percentage of that. She said being able to purchase power is certainly a positive thing for Brigham City. She said Tyler Pugsley, Brigham City's Deputy Public Works Director, did some research and says after conversations with Weber County Transfer Station, he found it would cost Brigham City \$30.00 per ton which is \$3.75 more per ton and \$26,000 more a year in tipping fees than Brigham City is currently paying. In addition it is estimated that it would increase fuel consumption for our garbage trucks. This would increase their tipping fees by at least \$30,000 per year. Her concern is keeping the costs as low as possible. She said any time privatization takes place without competition, costs increase. Insuring the landfill at Little Mountain is healthy, and they can compete with other landfills. It insures our citizens have the

lowest costs and service. She has faith in the commission that they will be able to do what is necessary to research this and make the best decision to keep these concerns that she has in mind.

Blake Fonesbeck, Brigham City, has 17 years experience dealing with landfills and garbage collection. He has worked at different entities and has learned that you have to keep that competition available. If the private industry has no competition then they have you. He was in Illinois where they lost their local landfill. It was purchased by a private company. They owned both the landfills that they had the ability to take their garbage to, and the cost went up significantly. So much so, that they petitioned the governor and forced the company to sell the landfill because they had a monopoly. He said the rates were a burden to them. Mr. Fonesbeck said our whole goal is to keep the cost low to our citizens. He hopes the commissioners will make decisions that will keep the competition around and be able to keep the landfill at Little Mountain viable.

Mike Devine, Chief Operation Officer for the Shoshone Tribe, confirms they were able to buy the Promontory Landfill and wonders why they didn't win the NURLA competition. He said there were a lot of things said about the Promontory site that were not true like access, causeway, and permitting. They have not had any problem with any of those things. In terms of competition they have won over 100 federal contracts over the last two years including on the private side a request for proposal for power for the Southern California Power Authorities. They were the first company that they awarded to. That is what led to over \$4 billion in power purchase agreements including their Geo Thermo Project by Honeyville. That is a 96 megawatt plant. Because of these efficiencies they are able to make Promontory a much more profitable operation because of their advantages. In 2005 Congress passed the Indian Energy Act as part of the Energy Policy Act of 2005 that gave them billions in grants and guarantees and the ability to partner with counties like Box Elder. They are already working with Southern California Public Power Authorities, Riverside, and Anaheim and have already done power purchase agreements with them. He believes this is the best value over time. He said what they are doing with the government is helping them make their renewable portfolio standards which is 20% by 2015. The way they do that is by these plants—waste-to-rail, biomass. They picked them after 1 ½ years. Of all the entities that competed, they won. He said we are taking those same efficiencies to the County, and they are gratified that they are even considering looking at their projects and thinks that by doing a project at Little Mountain, the footprint will not get bigger, it will be reduced. They would love to make it disappear because that is a sacred place for the Tribe. That is the only way they could affect that. They would have loved to not see it happen there. He said Promontory has a 365 million ton capacity and could take all of the waste from the Wasatch Front for 100 years. He said with the renewable plant, it won't get bigger. It won't be an eternal landfill. The Tribe thinks this is good for the county and all the people that want to send their trash over here. There is no reason this should be the trash depository for Northern Utah.

Kris Powers, Brigham City, thanked the commissioners for giving the public the opportunity to express themselves on issues related. She realizes this is not a poll, and just because comments might be overwhelmingly one way or another, it doesn't mean the commissioners are bound to vote the way the public comments. This is not a socialist government. Speaking for herself, she voted them into public office based on trust. She trusts they will make the decision that is in the best interest for our county based on research and fact and not based upon a few grumblings. She said we have a

natural resource that other counties do not have called open space. Other entities are looking at us because we have this open space, and we are close enough to them that it would make sense for them financially to bring their garbage into our county. Likewise, it would benefit our county in many ways to accept their garbage if it is done correctly. She knows that citizens vetoed the NURLA proposal in November but that doesn't mean we don't have a garbage issue. She said we still need to find the most beneficial way to handle our garbage and possibly garbage of others in a way that is financially sound for our county. She has tried to find out as much information as possible about the process the Shoshone Indians will be doing at their site in Promontory, and it appears they are definitely on the right track for now and for the future of our society. To be able to take garbage and turn it into energy is almost beyond comprehension for most of us. She has grandkids and most of those in this room do too. She wants them to have clean air, clean water, beautiful land and lots of energy they can afford to pay for when they are grown. She assumes you want that too. She said the Shoshones are going to help make that happen. If the Shoshones were to extend an invitation to Box Elder County to be a part of their process, she would strongly encourage the commissioners to do their homework. She thinks this could be a win-win situation for everyone involved. The majority of the garbage would be transported by rail and not by road. They will have Federal money to help take care of the roads being used, no hazardous waste, no smell, no rats and no pests. Our landfill could potentially last forever! And best of all, we could make some much needed money. She said wouldn't it be great for the county to have enough money to be able to afford to help the school district who now has to cut another \$5.4 million from their budget this year? How about more money for building and maintaining our roads, or more money for public safety? She read in the paper that the Sheriff's Department is losing state money which means they must make cuts somewhere and the first place is training. She for one would like to feel safe in her community and wants there to be money available to make that happen. She encouraged the commissioners to break off from NURLA but work with counties on an individual basis in a way that will benefit the county long-term. She would rather have the commissioners negotiate contracts that minimize the number of landfills in Box Elder and partner up with an entity that really has something to offer for our future. She said we as citizens need to give the commissioners the ability to do this. She thanked the commissioners for the job they are doing. She would not want to walk in their shoes, but every now and then she might want to bend their ear!

Ed Tugaw, Brigham City, said Kris Powers couldn't have said it better. The way he sees it and understands it is we are going to be indebted to the Shoshone Tribe. He said it sounds like Box Elder County will benefit financially by partnering at Little Mountain for our own waste, and we will eventually end up with an empty garbage dump. The smart thing for Cache County is to bring their waste over, and we charge a tipping fee. The other entities could end up at Promontory and their garbage could also end up in energy being used by California and maybe someday it would generate some energy to be used here. Mr. Tugaw recommended to the commissioners that they look at getting out of NURLA and doing what we need to do for Box Elder County and let those other entities figure out if they want to come and play with us or if they want to go play someplace else. He does not think it is our job to take care of them. He said let's look after Box Elder County and what is best for us. Between you and the Shoshone people and the other entities of NURLA, he has great trust the commissioners will protect the citizens of Box Elder all the way.

Merlene Norman, Corinne, said since they closed the school in Corinne their kids are bused to Bear River City and since they reopened the school in Corinne they bus the kids from Garland down to Corinne School. She said if there are more trucks and semi-trucks after P & G gets started, they will have to watch out for safety. She would also like to know how the agency that wants to lease Little Mountain can override our vote on the ballot.

Voneene Jorgensen, general manager of the Bear River Water Conservancy District, expressed appreciation to the commission for allowing the public an opportunity to be able to speak on this issue. She is appreciative of the presentation that was given that gives information and the facts on the issue. Bear River Water Conservancy District Board has not officially taken a position on the issues of the landfill, but they are aware of the issues. Their concern has always been and their stewardship has always been to protect the quality of the water. The district would support an effort to work cooperatively with all the parties and all the sides of the issues to come together to find a workable solution that would be in the best interest of all of the residents of the county. The district has always supported the County Commissioners as our elected officials in the county. Their deepest concern is that our water in the Bothwell pocket is protected from the impacts that might be probable if a landfill were put in the Whites Valley. She is here to request that the County Commissioners would look at all of the options and make a decision that is in the best interest, keeping in mind to always consider the quality of our water. Whites Valley is the principle recharge area of our big wells out in the Bothwell pocket. There are five other communities that have culinary water systems there, and Whites Valley will recharge those areas. BRWCD has a major concern that if these other counties do not have other options that Whites Valley would be a probable site to come to and our water would be impacted. From what she knows and has been told, landfills can be designed and constructed and inspected, and can be built to the requirements of the state and built to safeguard water and other land. The state would have a very difficult time denying a permit if they followed all the requirements. It is very crucial that we support our commissioners and protect our water out in the Bothwell pocket.

Jay Stevens, west of Bear River City in the county, said one of the main thoroughfares to get to the Box Elder County Landfill goes by his house and a number of other people's houses. Last summer because of what is going on with P&G, it was a mighty busy road. It is a two lane highway. He has a real concern about utilizing those roads. He has been in meetings before, and it has been said that the primary route would be to go down the Iowa String and west to the county landfill. Garbage trucks and everything else like that go to Honeyville on the freeway and over the viaduct and right down 6400 North. If you get this much traffic, you have traffic fighting P&G (600 trucks per day) on the Iowa String and every feeder road into it if you get that much traffic. He thinks we need to keep that in mind when we make decisions on the county landfill. Right now it doesn't appear too bad. A lot of trucks and cars are running back and forth to P&G. Last year it was busy all the time from 6:00 a.m. to 9:00 p.m. He appreciates the things the commissioners have to do and take under consideration. He has heard some very good comments here tonight. The traffic bothers him along with a lot of other things.

Bruce Leonard, Brigham City and formerly from Bear River City, said in the early 80's a young civil engineer came into his office and approached him about doing work on our airport. He was with an engineering company but broke off from that company and picked a spot in Central Utah that had rail service and very limited precipitation, and he created a landfill in Sunnyside, Utah. That person you have all seen on T.V. His name is Steve Cramer, and he is promoting Energy Solutions and is a very wealthy individual. His point is the waste industry is a very wealthy industry. He would like to see the county remain in that to help benefit the citizens of Box Elder County along with the cities. He said if we are forced to take our waste stream to other entities or go into privatization, it is going to be a big expense on our citizens. He said over the years the county has struggled with landfill issues. He commended Commissioner Hardy because he was instrumental in siting the Little Mountain Site. He came down to Ed Garrison's office at ATK to put him at ease with the traffic congestion on Hwy 53. When Ed Garrison was at ease, ATK backed off of their concerns, and that permitting process was able to go forward. He thinks we should expand the waste opportunities in this county. He would like to see us get industry in here that would help us recycle so our citizens can have curbside recycling. He thinks there is a whole world of opportunities out there. If the County Commission needs assistance, he thinks you could select a coalition alliance or task force with a cross-section and a handful of people in this county to help put the proposal together to take back to NURLA. He is glad they talked about who NURLA is comprised of, because in talking to people around the city they were becoming synonymous with Al-Qaida.

Bonnie Germer, Brigham City, would personally like to see Box Elder County withdraw from NURLA. She would like to see us have a chance to partner with the Shoshone Indians and Box Elder County be in charge rather than have NURLA being in charge. We deserve the right to be our own county rather than partner with NURLA. She still has a bad feeling about NURLA because they did try to sue us. We kicked their butt, but they did try to sue us and they spent a lot of our money doing that and she does have a bad taste in her mouth about NURLA.

Timothy O'Shaughnessy, resident of Bear River, said he never wanted the landfill to be expanded. He does not want it now and in the future to be expanded. What is interesting is that from the Commission Chambers you can see Little Mountain. Diesel fumes will be visible from here during normal business hours. He made a little printout for Proposition 2 that shows what Little Mountain looks like right now with a landfill (one-county landfill) and what he thinks it would look like with a five-county landfill. The pictures were taken from actual landfill sites. He said with all the increased truck traffic for servicing five counties, it will get more brown and gray.

Kim Weese, Bear River City, believes we should withdraw from NURLA. She said when Little Mountain was opened and proposed to the residents out there, they never envisioned five counties would dump over there. They were sold a bill of goods based on the level of traffic and who the landfill would service. She is worried about the carbon footprint and being earth friendly and what it would do bringing in truck traffic and the flow into Little Mountain vs. partnering with the Shoshones.

Ron Germer, Brigham City, said he is listening to what he has heard tonight; he is having a hard time finding any fault with this deal. He said it looks like if we partner with the Shoshone at both Promontory and Little Mountain, it will be a win-win all the way down. We are going to reduce the size of the footprint at both places over time. If we choose to partner with Cache or at least let Cache come to Little Mountain, it is not going to be a great increase on the traffic in that area, but it is going to help do what we want to do at Little Mountain and if we can produce power or if we reduce the footprint, it will help having Cache with us. He cannot see any downside to the things that we have talked about tonight. He said it sounds good, and we appreciate your diligence to work on this.

Reese Jensen, Brigham City, said he appreciates the opportunity to open this up for public comments. He thinks the commissioners are on the right track. He has been very interested and has sat in a lot of these debates as it pertains to the landfill. He is not here to advocate one way or another, but he does feel strongly in a couple of areas. He thinks first of all that it is a given that the county is going to grow. Consequently the volume of waste will increase also. The problems are only going to get worse. One of the problems is an emotional issue. It is tough to deal with it, but it definitely is not going to go away. As county commissioners, it is one of those difficult problems that you have to step up and deal with. He said with the fact that it is not going to go away, it is extremely important that you have a plan in place. Part of the responsibilities of an elected official is to be able to plan ahead and work these issues before they become a real problem while you still have time to work it. He would strongly encourage the commissioners to keep all of their options open and do not be too quick to close any options just yet until you have had a chance to thoroughly evaluate every option that is on the table, until you are in a position to make an educated and informed decision one way or another. He thinks sometimes when we start feeling public pressure, we feel pressure to make quick decisions, and those quick decisions aren't necessarily the best positions. His suggestion would be to keep those options open until you have had a chance to study them thoroughly. He feels strongly also that there is a real potential to turn that money pit, the money pit of the county that we pump money into. He said not only are we filling it with waste, we are in effect filling it with money and the cost that it takes to run that. He thinks we would be foolish indeed not to look at the option of turning that waste into energy and actually creating revenue out at that landfill that would offset the costs. He said that is what we are looking at as citizens is to look at ways to reduce our taxes, and here is an opportunity to actually generate revenue from that landfill and do away with the money pit that is out there right now. It is a necessary evil, but that is where we are at right now. He said please keep your options open and do not yield to the public pressure too quickly and explore all of your options. He has every confidence that the commissioners will make the right decisions. He puts total trust in the commissioners' decision whatever that might be.

Kit Crozier lives about five miles from the landfill. The old landfill that is in Bothwell Park, he and his father had many commission meetings with it that they fought and battled and said it is no good. He does not want it there. We don't want it in Whites Valley either, absolutely not in Whites Valley. They ended up putting it on Little Mountain. He is only five miles from it. Brother Rupp is closer than that and so is Mr. John. It is in my backyard, and we have said no. I don't know how many times we have to say no. Another thing that is not proven is how much power it will make; however, if you guys are going to decide, I would just as soon that you decide with the Shoshone Indians and not go with NUTRA. He said if it was in your backyard, you would be doing what I am doing, the

same thing with Mr. Rupp and Mr. John. He said if we have to decide, then we better decide with the Shoshone Indians and not your NUTRA.

Richard Barnett, Brigham City, is a little disappointed in the NURLA vote, not for the reasons that a lot of people would think. He said as he read through our options and choices, it looked to him and was mostly concerned about the cost. He felt that the option was reducing the cost and providing savings to the people of Brigham City and the residents of Box Elder County. He said if we move in another direction and we pull out of NURLA, he feels it is going to happen. We will have to pay more in tipping fees, which is a tax increase for all of us and one that we don't really get a choice on. He thinks as the commissioners go through their decisions that this is one of the things you look at. NURLA is an opportunity to split and share our costs. Whether it is good or bad is mainly the concern of the people in the group. He said we can make some good decisions and as you go along if you keep in mind those costs and try and keep them down, especially in this economy right now. It will be a major concern for people and something we do not want to see go up.

David John lives two miles from the landfill. He hears about the prices and worries about holding garbage costs down and saving the cities. He does not think people stop and realize what it is going to cost the county in roads to maintain them. P&G has demolished the road out there now. With the traffic they put on, the trucks will run every road possible, and as they tear up another two-lane road, they will move to the next one. He said just saving the cost on the garbage costs, isn't the big item. He said you will have so many roads torn up. The truckers will all move to the best road and the easiest one. P&G's road will have so much traffic that they will hammer the other roads.

Don Tuft, Brigham City, wants to commend the commissioners for the work they do for us. Your responsibility is not easy. One will never live long enough to be able to satisfy all of the people, but he thinks it is not inappropriate to remind the commissioners that you serve at the pleasure of the people that elected you. Since it is impossible to satisfy everyone, it is important that you endeavor to respect the desire of the majority and let that be your guide. In the past he has attended many commission meetings as related to certain programs where he just as well should have stayed away. Decisions were already made, public input had no bearing. People sometimes don't have to say anything. Their words are expressed in the looks on their face and this is a sad situation. Tonight he feels the commissioners have provided everyone with a listening ear, and he commends them for that. He said we have spent a lot of time tonight talking about costs. There is one thing that we have not said very much about. That is health. He then referred to an article in the March 18, 2009 Standard-Examiner entitled, Box Elder Wants Air To Stand On Its Own. He read the first paragraph in the article. He then encouraged Scott Ericson to expand on the article. He asked where the big majority of the pollution comes from. He said can't you just see it floating out the tailpipes of all the trucks that are pounding up the highways. He said this is something you need to take into consideration.

Scott Ericson said that is a totally separate issue than the landfill issue. That has to deal with particulate matter 2.5 in the air. The EPA is trying to include Box Elder County with Salt Lake, Weber and Davis Counties in that distinction of being a nonattainment county and having bad air. He said not because they did any tests in Box Elder County, but because they did tests in Pocatello,

Idaho and at the Salt Lake Airport and decided that we should fit in there as well. We don't contribute to the air pollution problem like Salt Lake, Davis and Weber do, but they are trying to lump us in. Congressman Bishop, Senator Hatch and Senator Bennett are doing everything they can to take Box Elder County off of that list. He said on the landfill issue, the word that has not been mentioned tonight is control. For the county to maintain some control over where landfills are cited, who comes to the landfills, what type of garbage is brought; he thinks it is a key element for cities and residents to maintain the ability to come and petition the county commissioners and to let them know our concerns and say, we do not want radio-active waste coming to our county. We do not want this kind of waste coming. We do not want it in Whites Valley. He said we have the opportunity of having some ownership of the landfill through the county to be able to petition the county and have some say in what happens with it. He is for allowing other counties to come and partnering with the Shoshone Indians as long as we have some control over that in a partnership way. He thinks the more garbage that we have, the better benefit it is to the county as long as we have some control over it.

MOTION: A motion was made by Commissioner Shaffer to close the public comment period. The motion was seconded by Commissioner Hardy and the public comment period was closed at 7:38 p.m.

ADJOURNMENT

A motion was made by Commissioner Shaffer to adjourn. Commissioner Hardy seconded the motion, and the meeting adjourned at 7:39 p.m.

ADOPTED AND APPROVED in regular session this 7th day of April 2009.

Rich VanDyke, Chairman

Jay E. Hardy, Commissioner

Brian K. Shaffer, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk

