

**MINUTES
BOX ELDER COUNTY COMMISSION
MAY 26, 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 **MAY 26, 2009**. The following members were present:

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

EXCUSED: Jay E. Hardy Commissioner

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
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

EXCUSED: Jay E. Hardy Commissioner

The prayer was offered by Chairman VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF MAY 19, 2009 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

Commissioner Jay Hardy was excused.

FOLLOW-UP BUSINESS**Eastern Box Elder Soil Conservation District**

Commissioner Shaffer said he received a phone call from the Eastern Box Elder County Soil Conservation District concerning lightning rods being placed in Western Box Elder County. They have been using some weather service data to do some research on mapping the areas that are struck most by lightning, and have a history of where the strikes hit. They will place the lightning rods in places that are most likely to be hit. This will help in retarding the fires on range land and forest areas in Box Elder County. This would alleviate strikes in areas that have been prone to be hit. This will help to eliminate major range land fires and help protect grazing land for ranchers in Western Box Elder County. He said they depend on the dry forage in the wintertime for their cattle. Fire fighting is a huge expense to the county and the state. Commissioner Shaffer said it is in the beginning stages. This group has received \$50,000 from the USDA through the NRCS. Commissioner Shaffer will also do some research with our county fire marshal as well as the state fire marshal to see if there is anything the county can do to help in the placement of these rods.

BRAG Meeting

Chairman VanDyke noted the Commissioners would be attending a BRAG meeting today.

Michelle Greene – Letter

Michelle Greene read the following letter regarding her application for a subdivision:

(See Attachment No. 2 – Letter.)

APPROVAL OF UTAH RETIREMENT SYSTEMS CONTRIBUTION RATES – PEGGY MADSEN

Personnel Director Peggy Madsen said each year we need to verify that Box Elder County is participating in the State Retirement System. Utah Retirement Systems fiscal year is July 1-June 30 and Box Elder County's is on a calendar year. Ms. Madsen said there are three changes: a rate increase in the non-contributory of .04%, a rate increase in the Public Safety of .73% and for the employees in the contributory system the employee will contribute 6% and the county will contribute 7.65%. The county also contributes 3% to the contributory and noncontributory employees.

Ms. Madsen said this year the Utah Retirement System has been auditing counties. She said they have audited Box Elder County, and they are very helpful. Personnel records must now be kept for 65 years.

MOTION: A motion was made by Commissioner Shaffer to approve the Utah Retirement Contribution rate and authorize the Chairman to sign. The motion was seconded by Chairman VanDyke and unanimously carried.

Personnel Director Peggy Madsen said one of the best benefits the County offers its employees is contributions into the Utah Retirement System. She said we are lucky to have this great benefit and expressed thanks to the Commissioners for allowing the county to continue.

BRIGHAM CITY ANIMAL CONTROL AGREEMENT – CHAIRMAN VANDYKE

MOTION: A motion was made by Commissioner Shaffer to accept the animal control agreement between Box Elder County and Brigham City Corporation and authorize the chair to sign. The motion was seconded by Chairman VanDyke and unanimously carried.

ACCESS GATE FOR WILLARD PEAK ROAD – BILL GILSON

Road Supervisor Bill Gilson asked the Commissioners to put a gate on the Willard Peak Road. This has come about from the stimulus funding the forest service has received from the federal government to facilitate road construction on the Willard Peak Road. This will take in some aspects of the road for road drainage, road base on the road in areas, brine on the road and also some concerns the forest service had as far as erosion mitigation on some areas of the road. He said by putting the gate in right now it will also facilitate construction. He said they are planning on working with the forest service on closing the road down Monday-Thursday for the construction to make it as safe as possible for the public. The road will be open Friday-Sunday for the recreationists. They are hoping to have the road gated this week and taking a D-8 and opening up the road and letting it dry out. To facilitate the bidding process the bidders will need to look at the road on the ground. They are hoping to have the bidding process done by the first of June and by the first of July they can start construction.

Bill Gilson said they will require the contractor to put down magnesium chloride for dust control so the dust will be held down. There will be two signs, one just before the Mantua City limits where a lot of recreationalists take their ATV's off and another sign near the gate. The signs will explain what is going on and when the road will be closed. They will try to keep the recreational activities specifically Friday-Sunday throughout the construction. The future as far as access management will be figured out between the County Commission, Road Department, Sheriff, plus Forest Service, Division of Wildlife and groups from the recreationalists and the private landowners. Mr. Gilson said you are looking at a seasonal closure sometime around November throughout the winter and into the spring to make sure that we do not have anyone going up on the road and getting stuck or falling off of the side of the mountain. The location of the gate will be one mile south of the Mantua City limits.

MOTION: A motion was made by Commissioner Shaffer to allow the Road Department to put an access gate across the Willard Peak Road to control and manage access to that area during the construction and also to manage access in the future for the management of that road and area. The motion was seconded by Chairman VanDyke and unanimously carried.

REPORT ON SPRING BUGS – ARTHUR DOUGLAS/LYLE NESSEN

This item was cancelled.

PRESENTATION AND DISCUSSION ON NORTH LEGACY HIGHWAY CORRIDOR – MATT RIFFKIN

Matt Riffkin said he is a consultant for Interplan. He then gave some background. He said back in 2001 a Davis and Weber County North Legacy Corridor Study was completed. In February 2007 there was a north legacy supplemental study done in Weber County. A public open house was held October 2007 and in the fall of 2008 a steering committee evaluated the corridor options. The preferred option is tying into Box Elder County at the Smith and Edwards Interchange. Mr. Riffkin said they are now sitting down with a lot of community groups and landowners. They want to do some long-term planning to avoid some potential problems.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 63818 thru 63929, 990260 thru 990268 in the amount of \$120,899.00. Claims 62986, 63241, 63319 and 62959 were voided.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF: Brenna Vaughn, separation, effective 05/18/2009
SHERIFF: Andrew Ewell, separation, effective 05/18/2009
REC/CLERK: Becky Elwood, compensation change, effective 05/15/2009

RECESS

The Commissioners took a recess at 9:55 a.m. and reconvened at 10:00 a.m.

PUBLIC HEARING/RE-ZONE IN SARDINE CANYON – COMMISSIONERS

(See Attachment No. 3 – Attendance List.)

Chairman VanDyke declared the public hearing regarding re-zoning in Sardine Canyon open at 10:00 a.m.

County Planner Tamara Wright said Dennis Nelson has petitioned to rezone his property from a MU-160 to MU-80. The purpose of the rezone is they own about 240 acres split between three brothers and Dennis Nelson wants to build a home. In order to get the bank to mortgage it, he needs to have 80 acres instead of 160 acres. The 80 acres will give them an equitable split. The property is located in the Sardine Canyon.

Chairman VanDyke opened the public hearing up to comments from those in attendance.

Dennis Nelson said they would not have rezoned this property if the mortgage would encumber the 160 acres. He said they have no plans to develop beyond the one house.

MOTION: A motion was made by Commissioner Shaffer to close the public hearing. The motion was seconded by Chairman VanDyke, and the public hearing was closed at 10:06 a.m.

Commissioner Shaffer said he has a concern that this property is very isolated and he is not in favor of stand-alone zoning, but the Commissioners did not receive any opposition to the rezone.

MOTION: A motion was made by Commissioner Shaffer to direct the planning and zoning staff to draft an ordinance to rezone 240 acres from a MU-160 to a MU-80 in the Sardine Canyon area. The motion was seconded by Chairman VanDyke and unanimously carried.

Chairman VanDyke mentioned that this property was adjacent to the county line.

ADJOURNMENT

A motion was made by Commissioner Shaffer to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 10:08 a.m.

ADOPTED AND APPROVED in regular session this 2nd day of June 2009.

Rich VanDyke, Chairman

Brian K. Shaffer, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk