

**MINUTES  
BOX ELDER COUNTY COMMISSION  
JUNE 02, 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 **JUNE 02, 2009**. The following members were present:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
Diane Fuhriman	Deputy Recorder/Clerk

EXCUSED: 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. Ordinance Prohibiting Outdoor Smoking at County Facilities – Stephen Hadfield
7. Appointment of Fair Board President – Commissioner Shaffer
8. Gun Range Final Agreement – Bill Gilson
9. Discussion of Swine Flu & Visitation at the Jail – Sheriff Yeates/Commander Huthman

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
Diane Fuhriman	Deputy Recorder/Clerk

EXCUSED: LuAnn Adams Recorder/Clerk

The prayer was offered by Commissioner Hardy.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF MAY 26, 2009 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY CHAIRMAN VANDYKE AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1****FOLLOW-UP BUSINESS****WIR Conference – Commissioner Hardy**

Commissioner Hardy reported on the WIR Conference he attended. He participated in a tour of a wind farm. He said wind farms are not as efficient as the public has been led to believe. A two megawatt generation facility only generates electricity when the wind is above 11 m.p.h., if the wind gets over 50 m.p.h. the fan blades shut down or it destroys itself. The ultimate output is about 28-32 m.p.h. The total operational time is about 30%; when the efficiency from only 11 m.p.h. is added, the wind efficiency falls down to where the total operational time is about 15% of the total.

Commissioner Hardy said that today energy production has changed where 17% now comes from other sources such as wind generation, solar power, and hydro-electric plants which are all green energy.

Commissioner Hardy also went to a facility that runs water from the Pendleton River thru an osmosis cleaning plant. He said they had a two million dollar grant to put in solar power to run the facility, but there is no way to pay back the infrastructure on the \$2M dollars when they generate 50 kilowatts per hour that runs the plant.

Commissioner Hardy reported that 40% of carbon emission is created when a forest burns; 60% of the carbon is given off through the decay of the forest after the fire burns. In 1991 the forest service spent 13% of the total budget on fighting forest fires; in 2008 the forest service spent 52% of the total budget because of the fire build up in those areas.

Commissioner Hardy said Cap and Trade will be the largest tax increase in history. Taxes will increase on cars to force the public to drive smaller cars, but man-made gas emission accounts for only 5.53% of the total emission of all gasses excluding vapor. He said with vapor added to naturally occurring gas emissions, the man made emission becomes less than 1% of all the carbon emissions.

Commissioner Hardy said Cap and Trade and the worldwide organization that sets the emission standard, excluded third world countries but took all the developed countries, and said we want to cut back emission by 20% by 2020. As the developed countries cut back, the third world countries such as China and India are putting out more carbons than we are cutting back. He said worldwide emission is coming out of China more than any other country because when communities in the United States don't want a coal fired plant, they move it to China or India where there is no requirement of any carbon credits or emissions regulations. Commissioner Hardy said there has got to be a lot of changes made in carbon credits because all we're doing is moving them from one country to another.

Commissioner Hardy said he garnered a lot of important things from the convention.

**Utah Division of Water Resources – Commissioner Shaffer**

Commissioner Shaffer said the Utah Division of Water Resources has begun a study for a Bear River Pipeline Project that will implement the Bear River Development Act and is put in place to deliver water from a proposed reservoir near the Washakie site by the Portage and Plymouth areas. The proposed reservoir will deliver water to Box Elder, Cache, Weber, Davis and Salt Lake Counties. He said the DWR is beginning a study from Honeyville north, to put in place corridors for pipelines to deliver water thru that area. Commissioner Shaffer said much of the water supply from the project may not be needed for at least 20 years; however, the DWR believes it is important to identify preferred routes for conveyance facilities now as part of the project planning.

**Emergency Management Seminar – Commissioner Shaffer**

Commissioner Shaffer attended an Emergency Management Seminar in Tremonton. He said they plan for any incident that may occur due to earthquakes or bio-terrorism. The conservancy district is putting in place plans that will protect the pipeline in the event there is a break, so the water can be put back in service as quickly as possible. He said Box Elder County has been required to do NIMS training to be prepared to be able to communicate with other organizations in case there is a major catastrophe in the area so that all these entities can come together quickly and get the community put back together as quickly as possible.

**APPOINTMENT OF FAIR BOARD PRESIDENT – COMMISSIONER SHAFFER**

Commissioner Shaffer said it has become necessary to appoint a new fair board president. He thanked Rick Kent for his service and dedication. It is not a very glamorous job and requires a lot of hard work behind the scenes. He said it takes a great effort to make a county fair come off in a fashion as well as the Box Elder County Fair.

Chairman VanDyke also expressed his appreciation of Rick Kent. He said as Commissioner over the fair for the last 3 years, he has found Mr. Kent to be a very dedicated fair board president and is in full agreement that this is a monstrous job.

Commissioner Shaffer then thanked Suzanne Rees for accepting the undaunting responsibility of fair board president. He has full confidence and gives her his full support as a Commissioner that we together as a team can make the Box Elder County Fair an event that will be just as spectacular as ever.

**MOTION:** A motion was made by Commissioner Shaffer to appoint Suzanne Rees as the 2009 Box Elder County Fair Board President. The motion was seconded by Commissioner Hardy and unanimously carried.

Chairman Hardy said the fair is a lot of work but the experience will be rewarding because of the people of Box Elder County and the support Mrs. Rees will receive as president.

**NOXIOUS WEED POLICY CHANGES – RICK KENT**

This item was cancelled.

**REPORT ON SPRING BUGS – ARTHUR DOUGLAS/LYLE NESSEN**

Arthur Douglas, Lyle Nessen and Leon Kotter reported to the Commissioners on the Black Grass Beetle. Mr. Nessen thanked the Commissioners for their cooperation and showed photographs of the differences of the sprayed and unsprayed areas. Approximately 9000 acres were sprayed in the valley and 4000 acres in Promontory and surrounding areas.

Mr. Nessen would like the county to take care of the bugs on the right-of-ways. Commissioner Hardy said it was his understanding the Road Department will share in the cost of the spraying.

Arthur Douglas said he appreciated the help the Sherriff's Office gave with closing the road by Thiokol while the spraying was done.

Arthur Douglas said thru lobbying efforts the black grass bug was listed on the invasive species list which made them eligible for APHIS funding. Box Elder County was the first county that did any spraying within their parameters. He said the black grass bug has moved into the Preston, Idaho area but Idaho did not apply for funding or lobby for it to be placed on the invasive species list.

Mr. Douglas believes this is a pest that can be controlled if we continue to bring all efforts together.

**GUN RANGE FINAL AGREEMENT – BILL GILSON**

Alan Smart, Wildlife Federation and Road Supervisor Bill Gilson presented an agreement between Box Elder County and the Wildlife Federation for the gun range. Mr. Gilson said the agreement is designed to utilize some of the county's property on the Bothwell gravel pit location as a multi-use facility. One of the things the agreement protects is the county's interest for gravel production and gravel use.

**MOTION:** A motion was made by Commissioner Hardy to accept the use agreement with the Wildlife Federation and allow the chair to sign. The motion was seconded by Commissioner Shaffer and unanimously carried.

**RIGHT-OF-WAY ACCESS ACROSS OLD BAMBERGER ROAD – BRUCE EVANS**

Landowner Bruce Evans owns approximately 300 acres in Harper Ward and runs cows on the land every spring and fall. Mr. Evans said the Old Bamberger Grade was deeded to Box Elder County in 1972. There have been gates on the east/west fences for years that everyone just accesses. The county has never restricted any use of the gates and grade in the past.

Mr. Evans stated his neighbor went in last summer and re-fenced; instead of putting a 20 ft. gate back in, he put a 3 ft. gate on his north and south side which restricted us from moving cows which we have traditionally done for years and years back and forth across the grade. Mr. Evans would like to petition the county for the right to put the 20 ft. gate back in.

MOTION: A motion was made by Commissioner Shaffer to have County Attorney Stephen Hadfield review the information provided by Mr. Evans and bring back a recommendation to the Commission next week. The motion was seconded by Commissioner Hardy and unanimously carried.

### **SARDINE RE-ZONE ORDINANCE #313 – KEVIN HAMILTON**

MOTION: A motion was made by Commissioner Shaffer to accept Ordinance #313 as proposed by the Planning Commission re-zoning property in Mantua and authorize the chair to sign. The motion was seconded by Commissioner Hardy and unanimously carried.

### **HABITAT MANAGEMENT PLANS FOR WILDLIFE MANAGEMENT AREAS – PAM KRAMER**

Pam Kramer, Randy Berger, Val Bachman and Scott Walker from the Division of Wildlife Resources came before the Commissioners to present updated Wildlife Management Area Plans.

Pam Kramer gave a power point presentation review of the nine Wildlife Management Area Plans, seven of which need County Commission approval.

*(See Attachment No. 2 – Power Point Presentation.)*

MOTION: A motion was made by Commissioner Hardy to accept the document presented by the Division of Wildlife Resources pending County Attorney review. The motion was seconded by Commissioner Shaffer and unanimously carried.

### **DEVELOP A FIVE-YEAR CAPITAL FACILITIES PLAN – SHIRLENE LARSEN/JAY HARDY**

Shirlene Larsen, CIP Building Committee, said as they met as a committee, the first priority of the chair was to have a better feel for an overall plan for the county. The committee feels like they do not have a full picture of all the facilities that may be out there in five years. She said this is where we started from with the process of reviewing capital improvement plans and trying to get everyone on a five year page, not to come in at the start of the year and say we want to do this now but instead think thru now what the county will need as facilities five years out. Ms. Larsen said the quick way to accomplish this is to have each commissioner meet with the departments they oversee and determine the facilities needed in the next five years. A second option would be to have a professional study done.

MOTION: A motion was made by Commissioner Hardy to allow Committee Member Shirlene Larsen and County Auditor Tom Bennett to gather information to put together RFP's. The motion was seconded by Commissioner Shaffer and unanimously carried.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 63930 through 64043, 990269-990270, 2009011 in the amount of \$305,581.99. Claims 63437 and 62939 were voided.

**EXECUTIVE SESSION**

MOTION: At 11:30 a.m. a motion as made by Commissioner Hardy to move into an executive 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 and pending litigation. The motion was seconded by Commissioner Shaffer and unanimously carried.

MOTION: At 11:45 a.m. a motion was made by Commissioner Shaffer to reconvene into regular Commission Meeting. Commissioner Hardy seconded the motion, and regular Commission Meeting was reconvened.

Chairman Vandyke explained that there was discussion regarding the purchase of real property and litigation in the executive session.

MOTION: A motion was made by Commissioner Hardy to direct Building Official/Physical Facilities Manager Donnie Tarver to move forward with the cost estimations. The motion was seconded by Commissioner Shaffer and unanimously carried.

**ADJOURNMENT**

A motion was made by Commissioner Shaffer to adjourn. Commissioner Hardy seconded the motion, and the meeting adjourned at 11:55 a.m.

**ADOPTED AND APPROVED** in regular session this 9th day of June 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:

**POLICIES – PEGGY MADSEN**

**HIRING PROCEDURES – PEGGY MADSEN**

The Administrative/Operational Session adjourned at 12:35 p.m.