

**MINUTES
BOX ELDER COUNTY COMMISSION
APRIL 08, 2008**

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 **APRIL 08, 2008**. The following members were present:

Jay E. Hardy	Chairman
Clark N. Davis	Commissioner
Rich VanDyke	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

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

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

Jay E. Hardy	Chairman
Clark N. Davis	Commissioner
Rich VanDyke	Commissioner
Diane Fuhriman	Deputy Recorder/Clerk

EXCUSED: LuAnn Adams Recorder/Clerk

The prayer was offered by Commissioner VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF APRIL 01, 2008 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS

Chairman Hardy had a draft from the Council of Mayors which adopted recommendations for alignment on alternate routes for Rocky Mountain Power. George Humbert and Steve Rush from Rocky Mountain Power were in attendance and gave an update on their meeting with Willard and Perry Mayors.

Steve Rush said one of the things they wanted to accomplish was to listen. We wanted to make sure we understood what the mayors and community members have been saying, so we visited three sites in Willard. The first site was on the west side of I-15. Mr. Rush said one of the discussion items among various communities is why Rocky Mountain Power isn't on the left side when there is already a line there. He said there is a line on one side of the road that is 345KV; the other side is 138KV line. One of Rocky Mountain Power's major siting criteria is to separate 345KV lines.

Steve Rush said they went further south into Willard to a site recommended along the railroad, inside the right-of-way. He said there was some misunderstanding among community members because the overhead lines inside the railroad right-of-way belong to the railroad, not to Rocky Mountain Power.

The third site visited was the east bench. Mr. Rush said questions were raised about the affect the power lines would have on the water tanks and metering. Mr. Rush explained there is similar equipment at all of the substations and there will be no adverse impact. He said they will be west of the water tank.

Chairman Hardy said a COG meeting is scheduled April 21st and invited Mr. Humbert and Mr. Rush to attend.

COMMUNITY LLC SUBDIVISION – TAMARA WRIGHT

County Planners Tamara Wright and Kevin Hamilton asked the Commission to set a date for a public hearing regarding re-zoning property in Park Valley to allow a service station.

MOTION: A motion was made by Commissioner Davis to set a public hearing for the Community LLC re-zoning in Park Valley for April 29, 2008 at 10:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

LITTLE MOUNTAIN SUBDIVISION – TAMARA WRIGHT

County Planners Tamara Wright and Kevin Hamilton asked for final approval of the Little Mountain Subdivision. The Planning Commission recommends final approval.

MOTION: A motion was made by Commissioner Davis for final approval by the County Commission for the Little Mountain Subdivision and authorizes the chair to sign. The motion was seconded by Commissioner VanDyke and unanimously carried.

AMEND GENERAL PLAN FOR WEST BRIGHAM CITY – KEVIN HAMILTON

County Planner Kevin Hamilton introduced landowners Dee and Wayne Hardy and stated they are before the Commission to explore options for re-zoning in the West Brigham City area. Mr. Hamilton said in 2004 when the general plan for West Corinne was created, an area on the east side of the Bear River was included in that plan.

Dee Hardy said when the West Corinne Community Plan was being developed, he was asked to be on the advisory committee to represent East Corinne. Mr. Hardy said he had accepted a call to go to India in April; he informed the committee he would not be able to attend the March 25th meeting, but made it clear he was against zoning anything more than a half-acre. Mr. Hardy said when the advisory committee submitted their zoning recommendations to the planning commission, East Corinne was not represented.

Commissioner Davis explained at that time there were several areas in the county that were un-zoned. County Planner Garth Day identified Bothwell, West Corinne and included Dee Hardy's property in West Brigham and South Willard. He said every location and process was different and the people that participated in the dialogue had a large influence on the eventual zoning. In the West Corinne dialogue, property owners recognized they could market their property better if it were zoned half-acre rather than A-20. Commissioner Davis said it was noted then that the plan can be amended; it was a first step, not a final draft.

Commissioner Davis said the West Corinne Community Plan was adopted and then incorporated into the general plan, the same as the Bothwell and South Willard plans. He advised revisiting the West Corinne Community Plan with Brigham City and Bear River City participating in amending that plan, and then incorporating it in to the general plan.

Commissioner Davis directed Kevin Hamilton to have the Planning Commission make the necessary arrangements to begin the process.

RESOLUTION/CENTRAL BOX ELDER FIRE SPECIAL SERVICE DISTRICT – COMMISSIONERS

Attorney Eric Johnson, Smith Hartvigsen, said a public hearing was held in January proposing the creation of a Special Service District to provide fire services. He said not much has changed since then and provided the Commissioners with a map showing the revisions to the proposed boundaries. Mr. Johnson said the prior boundaries clipped into Tremonton, and Tremonton does not want to be a part of this district. They have looked at Tremonton's annexation policy declaration and drew the new boundaries around Tremonton and also the areas that are within the policy declaration. He said this resolution is re-proposing the establishment of the Central Box Elder County Fire Special Service District providing the same services as before.

Mr. Johnson has spoken with the Mayors involved and would like to have a more intense public information campaign which would include calling another formal public hearing.

Elwood Mayor Lynn Hardy said another meeting is scheduled for April 16th in Bear River City. He said there has been a serious campaign in each city to notify the public to attend. There will be a power point presentation which will provide a lot of good information. The Farm Bureau has also requested the presentation be shown at their meeting later this month. Mayor Hardy said Deweyville sent invitations to citizens of Collinston to the presentation and had a good turn-out. He thinks the citizens felt more comfortable after the discussion.

Commissioner Davis thinks the invitations in the community have been well received. He said in prior discussions with Bear River City there was confusion over structural vs. wildland fire protection. Commissioner Davis said the Sheriff's Office and Fire Marshal voiced concern over these communities being interested in wildland fire suppression when in fact that is not the case. The communities are still interested in contracting with Box Elder County with the interlocal agreements already in place, to provide that kind of protection. He said their primary interest is in structural fires.

Mayor Hardy commented there should be no change to the way it has been handled before. He said the county furnishes fire trucks to Corinne and Honeyville and none of the communities want to move away from that particular fire protection.

Bear River City Mayor Neil Nelson said there has been concern this is being done for ulterior motives. Our number one motive is for protection for the people that are within this district. Mayor Nelson contacted his insurance company and was told his fire insurance will go down \$200.00 a year because he will be closer to a fire station if either Corinne or Honeyville responds rather than if Tremonton responds. He noted Tremonton has served us well and takes nothing away from them. Our plan is to provide another fire station between Elwood and Bear River City and also in the Deweyville area which would cover some areas with quicker response.

Eric Johnson suggested the date of May 13, 2008 at 10:00 a.m. to hold the public hearing.

MOTION: A motion was made by Commissioner Davis to adopt Resolution #08-07 re-proposing the establishment of a Central Box Elder Fire Special Service District providing notice of intent and inviting public comment and to set a public hearing for May 13th at 10:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

RESOLUTION/MAJESTIC MOUNTAIN SPECIAL SERVICE DISTRICT-
COMMISSIONERS

Eric Johnson, Smith Hartvigsen said there was some question about some of the signed petitions included in the resolution. Mr. Johnson clarified that even though they are in the same format as the petitions, approximately forty-three (43) were just supporters of the project.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 80404, 56378 thru 56491 in the amount of \$193,691.51. Claims 36452, 37191, 40516, 40644, 41225, 41228, 41482, 41887, 42374, 42396, 42978, 43531, 45286, 45467, 45628, 45875, 46017, 46019, 46028, 46174, 46331, 46695, 46908, 47108, 47275, 48283, 48413, 48421, 48740, 49551, 50456, 50465, 50487, 50769, 50853, 51255, 51352, 51456, 52250, 52431, 52434, 52733, 52740, 52947, 52948, 53209 were voided.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF: Jared Loosli, compensation change, effective 03/09/2008
SHERIFF: Rickey C. Loveland, compensation change, effective 03/24/2008
TREASURER: Coleen Bay, compensation change, effective 04/22/2008
ITS: Nathan Hammer, compensation change, effective 04/08/2008
ROAD DEPT: L. Kim Richins, compensation change, effective 04/19/2008
ROAD DEPT: A. William Kimber, compensation change, effective 04/02/2008
WEED DEPT: Nicholas Esplin, re-hire, effective 03/31/2008
WEED DEPT: Lynn K. Esplin, new hire, effective 04/14/2008

PUBLIC HEARING/MACKLEY RE-ZONE – COMMISSIONERS

Chairman Hardy declared the public hearing open at 10:00 a.m.

(See Attachment No. 2 – Attendance List.)

County Planner Kevin Hamilton said he had a request to re-zone property west of the freeway from A-20 to 5-Acre zoning. The Planning Commission found the general plan did not support that request and recommend denial.

Chairman Hardy asked if there were any comments from those in attendance. There were no comments.

MOTION: A motion was made by Commissioner Davis to close the public hearing at 10:10 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried

MOTION: A motion was made by Commissioner Davis to deny the petition for the re-zone consistent with the general plan and the South Willard Community Plan and support the Planning Commission's recommendation to deny the re-zone based upon these findings. The motion was seconded by Commissioner VanDyke and unanimously carried.

OTHER BUSINESS

Attorney Eric Johnson, Smith Hartvigsen, said in the 1990's the Bear River Water Conservancy District issued five (5) series of bonds. He said the actual issuer of the bonds was Box Elder County and Box Elder County subleased to the Bear River Water Conservancy District. Mr. Johnson explained that Zions Bank was set as the trustee on each of those bonds and over the life of the bonds the annual fee will amount to approximately \$120,000. The conservancy district has spoken to the lender on four (4) of the bonds and the lenders no longer see a need or requirement for a trustee. Mr. Johnson said if the documents were re-written to exclude the trustee that would save the district the \$120,000 in fees.

Commissioner Davis said to refer this to the county financial advisor Jon Bronson from Zions Bank and asked County Auditor Tom Bennett to follow up with Mr. Bronson.

ADJOURNMENT

A motion was made by Commissioner Davis to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 11:20 a.m.

ADOPTED AND APPROVED in regular session this 22nd day of April 2008.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk

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

1. UDOT/Iowa String Road

The Administrative/Operational Session adjourned at 11:50 a.m.