

**MINUTES
BOX ELDER COUNTY COMMISSION
MAY 13, 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 **MAY 13, 2008**. The following members were present:

Jay E. Hardy	Chairman
Clark N. Davis	Commissioner
Rich VanDyke	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. Personnel Policy – Peggy Madsen
7. Travel & Recreation Atlas – Chad Montgomery
8. Macfarlane Fire Bill – Tom Bennett
9. Chevron Value Reduction – Tom Bennett
10. Bear River Water Canal Company – Tom Bennett
11. Tax Sale Properties Update and Removals – Tom Bennett

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
LuAnn Adams	Recorder/Clerk

The prayer was offered by Commissioner Davis.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF MAY 06, 2008 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY CHAIRMAN HARDY AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS

Deferral – Monte Munns

Commissioner Davis said Kevin Wright is requesting an additional four months for the payment of his property taxes

MOTION: A motion was made by Commissioner Davis to approve Kevin Wright's tax deferral from May 22 to September 22, 2008 giving the property owner an additional four months. The motion was seconded by Commissioner VanDyke and unanimously carried.

SHERMAN RICHINS SUBDIVISION – TAMARA WRIGHT

This item was cancelled.

DARLENE CALDWELL SUBDIVISION – TAMARA WRIGHT

Assistant County Planner Tamara Wright said the Darlene Caldwell one-lot subdivision is located at 1800 South Willard Peak Road.

MOTION: A motion was made by Commissioner Davis to approve the Darlene Caldwell one-lot subdivision, subject to review by the County Attorney. The motion was seconded by Commissioner VanDyke and unanimously carried.

Commissioner VanDyke would like to be notified when it is completed.

RICKY HANSEN SUBDIVISION – TAMARA WRIGHT

Assistant Planner Tamara Wright said the Ricky Hansen One-Lot Subdivision is located at approximately 11335 North 4400 West.

MOTION: A motion was made by Commissioner Davis to approve the Ricky Hansen One-Lot Subdivision, subject to the County Attorney's review. The motion was seconded by Commissioner VanDyke and unanimously carried.

PEGGY CHADWELL – UDOT LETTER – TAMARA WRIGHT

Assistant Planner Tamara Wright said Billy and Peggy Chadwell need a letter of support in order for them to obtain a UDOT permit.

MOTION: A motion was made by Commissioner Davis to approve a letter of support to UDOT for Bill and Peggy Chadwell for the construction of a service station west of Park Valley and authorize the Commissioners to sign the letter. The motion was seconded by Commissioner VanDyke and unanimously carried.

RUBY PIPELINE PRESENTATION – MIKE ZUHL/LOREN LOCHER

John Jermyn, Mike Zuhl, Loren Locher, Joe Currie and Robert Newberry came before the Commission with an update presentation on the Ruby Pipeline.

Loren Locher said they have completed survey work through Box Elder County and reported 133 landowners will be affected by the pipeline in Box Elder County. There are 111 landowners that granted permission to do a survey (83%); 7 landowners declined to let them survey (5%); 15 were unlocated. If you take the 15 out of the equation, there were 94% of the landowners that gave permission. Mr. Locher commended his project team in working with the landowners. He said there was good communication. The entire project team has worked diligently to identify issues. Box Elder County will receive approximately \$3.7 million dollars from taxes based on the cost of construction. The number will depreciate and decline over time. Mr. Locher said they have also been able to avoid all of the known mapped drain tiles shown on the proposed route. Joe Currie said moves were made to avoid the tiles. They propose to go under the drain tile systems if they run into any. He also said Ruby Pipeline is interested in cooperating with the County in obtaining the necessary permits. They will start the process at the end of the year.

County Planner Kevin Hamilton explained the County is in the process of amending their general plan.

John Jermyn said there are two proposed pump stations, one in Wyoming and one 50 miles north of Elko, Nevada. As there is growth two more pump stations are proposed, one near Kelton and the other in northwestern Nevada. They will use electric compression and purchase power from wind farms.

John Jermyn said they will cross faults. He said pipelines can do that. They cross faults all the time. The secret in the design is to not pin the pipeline down so it can move naturally with the fault. This is part of the basic design.

Commissioner Davis asked about the process in Cache County. Loren Locher said the process in Cache is building a trust. They have not begun survey work in Cache. Ruby Pipeline is just as committed in working with Cache as Box Elder County. They are now working with the county officials.

Commissioner Davis said he appreciates Ruby Pipeline coming to the Commissioners upfront.

Loren Locher said the next step will be environmental survey work and archeological survey work. They will periodically report back to the Commissioners.

BLM/WEED CONTROL CONTRACT - BILL GILSON/RICK KENT

Road Supervisor Bill Gilson presented the Commissioners with an amendment on the contract with BLM for weed control on some of the county roadways in the western part of the county. The original contract was for \$18,000. Mr. Gilson explained some of the money would go to the Cooperative Weed Management Area and funneled to the other entities. Mr. Gilson is requiring BLM to get a contract with the CWMA so they can be the money handlers. The amount to spray Box Elder County is \$8,500.

MOTION: A motion was made by Commissioner Davis to approve the amendment agreement with BLM that obligates Box Elder County a total contribution of \$18,000; \$8,500 to be paid by cash and the balance to be paid by in-kind contributions of labor and equipment. The motion was seconded by Commissioner VanDyke and unanimously carried.

County Weed Supervisor Rick Kent said they received a grant for \$5,000 for Goose Creek. He said they received \$15,000 in grants for grazing improvement programs, (\$5,000 of that for yellow star thistle and \$10,000 for knap weed in Park Valley). The county received a weed supervisor's grant for \$6,000 for Medusa-head rye and biological control on yellow star thistle. Mr. Kent said Representative Ronda Menlove got the Agriculture Appropriations Committee to approve a \$30,000 one-time appropriation for Box Elder County and Cache County to split for dyers woad and to fund the Dyers Woad Task Force. He said they were cut because the grazing improvement program grant that Bill got the year before for hoary-cress hasn't actually gone on the ground. He said the county is still at a plus for \$3,000.

Weed Supervisor Rick Kent said he would like to see an ordinance or some kind of gentleman's agreement with all of the gravel pits up and down the county that would require them to spray or Box Elder County would have some kind of an inspection before they haul gravel so we are not hauling noxious weeds up and down the county. Road Supervisor Bill Gilson suggested we have the County Weed Board make a recommendation that County Attorney Stephen Hadfield draft an ordinance.

The Commissioners advised Rick Kent to work with Mike Willardson, and thought the Weed Board's recommendation for an ordinance was a good idea.

County Road Supervisor Bill Gilson said regarding the Iowa String Road, we have three options that Jones and Associates through Earth Tech has mentioned in the report. He said right now he is working with Jones and Associates on putting some financial numbers to some of their options. He has also given Jones and Associates two of his options that he thinks fit our budget for the 1.1 mile section that is failing right now. He would like to get it up to a safety standard that will work. Mr. Gilson's options would be to go in with hot asphalt mix. He feels that would cost the county \$50,000 and would be a temporary fix. He said in about a year you would see failure on that section again. The other option is to come in and rotovate the top eight inches of the road and then come in and add aggregate and fill. He is working with Jones and Associates to come up with some profiles and load limits on his option. As soon as he gets these two options in and the facts and figures, he will email them to the Commissioners to take a look at and be able to proceed from there.

Commissioner VanDyke said it is essential the public be given the proper impression that we are looking into this and recognize that the road is causing some trouble.

County Road Supervisor Bill Gilson said the county has been in contact with UDOT, and they agree to give the county magnesium chloride to put on our county roads that will be used during the closure of SR30 on June 2. Mr. Gilson said they started yesterday magging the roads. The short divide is what they did first. He said right now they are looking at magging the short divide from the Cache County line all the way to SR13 and then they will mag the long-divide road to SR13 and also the Dairy Road. Mr. Gilson said right now they are preparing the roads to make them as safe as possible.

Weed Superintendent Rick Kent said the new weed building is finished, and they had an open house May 12th.

SPECIAL SERVICE DISTRICT APPOINTMENTS/RESOLUTION #08-06 – LUANN ADAMS

MOTION: A motion was made by Commissioner Davis to adopt Resolution No. 08-06, a resolution appointing and re-appointing members to special service districts in Box Elder County. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 2 – Resolution #08-06.)

PUBLIC HEARING/CENTRAL BOX ELDER COUNTY FIRE SPECIAL SERVICE DISTRICT – COMMISSIONERS

(See Attachment No. 3 – Attendance List.)

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

Elwood Mayor Lynn Hardy said the Mayors and City Councils went back and talked to their citizens. They spent quite a bit of time inviting some other communities to come on board. For different reasons, they chose not to. He said eventually they may come on line. They had a concerted effort to notify people of the process and had a number of meetings in each of the communities. They also met with Farm Bureau leaders. They advertised and sent newsletters to every town. On April 16 they had a large meeting in Bear River City and invited everyone to attend. They had a fair turn out and answered questions. By the end of the meeting Mayor Hardy said he felt like everyone was pretty well satisfied.

Eric Johnson said there are some questions on if the district is created, what the cost would be to operate the district. Mr. Johnson said Honeyville sets up a budget of \$20.00 a person for operation and \$20.00 a person for maintenance and capital improvements. There are about 4,800 people in the

district. They estimate the charge would be \$40.00-\$50.00. About three-fourths of the people are in the incorporated communities and about one-fourth is in the unincorporated.

Chairman Hardy asked for any comments from the public.

Councilwoman Sheri Goring said Deweyville is in favor of the district.

Mayor Hardy said they tried very hard to notify people. He said they are proposing two fire stations. He said the people felt their costs will be lower and hopefully they will have more protection by having facilities closer.

Chairman Hardy said a fire department is like buying insurance; it is something you need but hope you don't have to use.

Corinne Fire Chief Mike Murray said he did quite a lot of research. There are 30+ fire districts in the state of Utah. He met with a few people in the districts and asked them if they could go back to a city fire department instead of a district would they. Not one of them said yes. Mr. Murray said from the operations side, he sees many pluses.

MOTION: A motion was made by Commissioner Davis to close the public hearing. The motion was seconded by Commissioner VanDyke, and the public hearing closed at 10:42 a.m.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 56962 thru 57078 in the amount of \$93,181.84.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF: Tracie Bond, compensation change, effective 05/06/2008
SHERIFF: Aaron J. Boyce, compensation change, effective 04/22/2008

ASSIGNMENT REVIEW – COMMISSIONERS

The Commissioners reviewed their assignments.

RECESS

The Commissioners took a recess at 10:55 a.m. and reconvened at 11:05 a.m.

EXECUTIVE SESSION

1. Strategy session for “imminent” litigation

MOTION: At 11:06 a.m. a motion was made by Commissioner VanDyke to move into an executive session to discuss imminent litigation. The motion was seconded by Commissioner Davis and the motion was unanimously carried.

MOTION: At 11:58 a.m. a motion was made by Commissioner Davis to reconvene into regular Commission Meeting. Commissioner VanDyke seconded the motion, and regular Commission Meeting was reconvened.

Chairman Hardy explained that imminent litigation was discussed during the executive session.

OTHER BUSINESS**Cancellation of May 20th Commission Meeting**

MOTION: A motion was made by Commissioner VanDyke to cancel Commission Meeting on May 20th. The motion was seconded by Commissioner Davis and unanimously carried.

The Commissioners will be attending a WIR Conference in St. George.

Approval of Tax Sale List – Commissioners

Commissioner Davis said the County Auditor informed the Commission that 23 parcels were removed from the tax sale. There were 23 parcels that have been paid and about 50 are going to the tax sale.

MOTION: A motion was made by Commissioner Davis to approve the recommended list for the Tax Sale as presented by the County Auditor. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 4 – Tax Sale List.)

ADJOURNMENT

A motion was made by Commissioner Davis to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 11:59 a.m.

ADOPTED AND APPROVED in regular session this 27th day of May 2008.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk