

**MINUTES  
BOX ELDER COUNTY COMMISSION  
JUNE 24, 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 **JUNE 24, 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 JUNE 17, 2008 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER DAVIS AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**345 KV TRANSMISSION LINES – STEVE RUSH**

This item was cancelled.

**SET PUBLIC HEARING DATE/UTILITY LINE INSTALLATION – KEVIN HAMILTON**

County Planner Kevin Hamilton said a date needs to be set for a public hearing regarding the large scale utility line installation ordinance. The Planning Commission recommended approval with a few minor changes; one of those being that they be allowed to go thru the conditional use and the general plan adoption processes concurrently. Mr. Hamilton said after 120 days, if a project has not been approved, there is state statute allowing them to go to the state utilities citing board. He said if the processes are not run concurrently, this will go beyond the 120-day time restraint.

**MOTION:** A motion was made by Commissioner Davis to set a public hearing for July 15 at 10:00 to review the pending ordinance for utility corridors. The motion was seconded by Commissioner VanDyke and unanimously carried.

Mr. Hamilton said county residents feel they should have some say in where utility corridors would be. He said the new ordinance requires them to approach the county with an application to amend the county's general plan to identify where the corridor is, whether it is a natural gas line, an electric line or fiber optic. It also gives the county a little more flexibility in saying yes or no to certain projects. Mr. Hamilton said during that time, a conditional use permit can be applied for where the technical issues are addressed. He said the general plan addresses more political issues.

Commissioner Davis said the Commissioners have been pressured both ways on the pending ordinance, both to drag it out and to accelerate it. The county is 2-1/2 months into the process. He said it is going to happen within a three month time frame and will go forward from there. Commissioner Davis said the Planning Commission took it up for two months in a row. Kevin Hamilton and County Attorney Stephen Hadfield have worked together and reviewed the scope of projects they think would qualify and then reviewed those projects with the County Commission as well. He said quite a bit of work has gone into adopting this utility corridor ordinance.

Commissioner Davis said the county has been advised by Attorney Hadfield that once a pending ordinance has been adopted, any applications having been filed during that ensuing six-month period are subject to the pending ordinance once it has been adopted. He said regardless of when the application was filed, if the pending ordinance is in place before that application is filed, the application becomes subject to the pending ordinance.

Commissioner Davis gave an update on recent activities. He said last Wednesday the Commissioners had a meeting before the Public Utilities and Technology Interim Committee. There were five senators and ten representatives in attendance. Senator Knudson introduced the Commissioners who then made a presentation to the legislative committee requesting Rocky Mountain Power visit and negotiate with the Council of Governments in an effort to try and resolve preferential routing of the utility lines through Box Elder County. Commissioner Davis said we felt

excluded from the process and hadn't had much local input. Rich Walje, President of Rocky Mountain Power, told Commissioner Davis they recognized the process was flawed and had failed and that there was not sufficient local input. Senator Walker made a motion that tasked Rocky Mountain Power with the responsibility of meeting with the Council of Governments to review the transmission line routing through the county and report back to the legislative committee by August.

Chairman Hardy has scheduled a COG meeting this evening. In preparation for the meeting, Rich Walje came and met with Chairman Hardy, the mayors of Willard, Brigham City and Elwood and a representative from Tremonton in an effort to begin the process of dialogue. Commissioner Davis said we feel this is an opportunity for movement and for public involvement.

Commissioner VanDyke said we don't want to leave anyone with the impression that we are overly optimistic but it was a very positive meeting and thinks it will progress from here.

Chairman Hardy said they have put in a lot of hours behind the scenes being pro-active for the citizens of Box Elder County. He said the Commissioners are representing the people of Box Elder County the best we can and have been working diligently with Rocky Mountain Power as a county and as a mayors association trying to resolve this issue.

#### **TRANSFER OF MONEY TO RDA INTERIM ACCOUNT/P&G COSTS – KEVIN HAMILTON**

County Planner Kevin Hamilton said there have been discussions in the past about the need to cover some of the costs of the Procter & Gamble/RDA Economic Development Area project. He said there are some bills that need to be paid and the thinking is the county would lend the RDA fund the money to cover some of those bills and to assist with some of the soft engineering costs.

Commissioner Davis said County Attorney Stephen Hadfield has been involved in reviewing this process. Part of his concern is making sure the county is fairly compensated for the utilization of the money and that the county has a contractual relationship that will not last beyond the budget cycle which is December 31<sup>st</sup>. Commissioner Davis said the reason for establishing this isn't just for county purposes; Brigham City Corporation is incurring a lot of engineering and front-end costs on the project before the final funding mechanism is in place with state grants and loans. Brigham City approached the county stating the only revenue source will be the tax increment money coming back in to the county and felt it appropriate for the county to loan the city money on an interim basis to front end some of those costs. Commissioner Davis said it may also work similar to a credit line where the county doesn't necessarily transfer money until there is an actual expenditure.

Chairman Hardy directed Tom Bennett and Kevin Hamilton to work with Commissioner Davis to work out the details on the transfer and report back to the Commission.

**DISCUSSION AG PARK AMENDMENT – KEVIN HAMILTON**

County Planner Kevin Hamilton and real estate agent Stephanie Tugaw explained to the Commissioners that the trust company is asking to have the sewer and storm drains amended to Lot 01 of the Agri-Business Park. Ms. Tugaw said when the lot line was changed and moved further north, no one realized the sewer and storm drains had been eliminated.

Commissioner Davis stated for the record he has a conflict of interest because he represents Bear River Co-Op as an independent auditor.

Chairman Hardy directed Mr. Hamilton and Ms. Tugaw to bring an engineer's bid to the Commission and schedule a meeting to negotiate responsibility of the costs.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 57673 thru 57779 in the amount of \$123,723.04. Claim 57630 was voided.

**PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF:	Michael London, compensation change, effective 05/06/2008
SHERIFF:	Andrew Ewell, compensation change, effective 05/21/2008
SHERIFF:	Paulene Duran, compensation change, effective 06/17/2008
SHERIFF:	Brandon Fuller, compensation change, effective 06/17/2008
SHERIFF:	Bradley Nelson, compensation change, effective 06/22/2008
WEED DEPT:	Kevin Fukui, re-hire, effective 06/09/2008
ROAD DEPT:	Frank Musil, new hire, effective 06/16/2008
COUNTY LIBRARY:	Robert Roylance, new hire, effective 06/16/2008
FIRE DEPT:	Shawn L. Jensen, re-hire, effective 06/02/2008
FIRE DEPT:	Dustin R. Richards, re-hire effective 06/01/2008
FIRE DEPT:	Blair N. Westergard, re-hire, effective 06/02/2008

**ADJOURNMENT**

A motion was made by Commissioner Davis to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 9:50 a.m.

**ADOPTED AND APPROVED** in regular session this 1st day of July 2008.

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Jay E. Hardy, Chairman

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Clark N. Davis, Commissioner

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Rich VanDyke, Commissioner

ATTEST:

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LuAnn Adams, Recorder/Clerk

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

1. Personnel Items - Peggy Madsen

The Administrative/Operational Session adjourned at 11:00 a.m.