

MINUTES
BOX ELDER COUNTY COMMISSION
OCTOBER 07, 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 **OCTOBER 07, 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

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 VanDyke.

AGENDA: ATTACHMENT NO. 1

LEASE RENEWAL FOR AGRICULTURE OFFICE – LORNA RAVENBERG

Administrative Assistant Lorna Ravenberg presented a lease renewal contract to the Commissioners with the State of Utah Agriculture Department for office space for the agriculture inspectors. She said it is a yearly renewal, and there are no changes to the contract.

MOTION: A motion was made by Commissioner Davis to approve the annual agriculture inspector's lease contract. The motion was seconded by Commissioner VanDyke and unanimously carried.

APPOINTMENT OF TRUSTEES TO BRWCD BOARD – VONEENE JORGENSEN

This item was cancelled.

DOMESTIC VIOLENCE PREVENTION MONTH & PROCLAMATION – ANNETTE MCFARLANE

Annette McFarlane said they are before the Commission on behalf of the community because the domestic violence shelter is for Box Elder County, and October is National Domestic Violence Awareness Month. Staff members responded to 3,646 crisis calls. They served 318 women, 342 children and 8 males who were impacted by domestic violence and child abuse. Advocates assisted with 153 protective orders and stalking injunctions. Staff members gave hundreds of referrals for additional services. Advocacy was provided in the Justice Court. They sheltered 151 women and 114 children for a total of 1,512 bed days. The shelter provides clients with food during their stay and on occasion after their shelter stay. The on-site counselor completed 569 follow-ups or group counseling sessions. There are eight-week life skills classes for female clients and others referred by community agencies. There are young mom support groups. They provided transitional housing (rent subsidies) for 218 women and children for 6,615 days. Educational outreach presentations were given to nearly 10,000 students in grades K-12. There were education outreach presentations for students and adult community groups. The shelter has partnered with local church-run thrift shops to provide clothing and household needs. The staff members accept donations of food and new clothing, blankets, personal and household items. She said all services are free.

It was mentioned that the sexual abuse problem is growing. They are grateful for the town's support and asked the Commissioners for some financial help.

The following proclamation was read: (*See Attachment No. 2 – Proclamation.*)

MOTION: A motion was made by Commissioner VanDyke to acknowledge October as Domestic Violence Awareness Month. The motion was seconded by Commissioner Davis and unanimously carried.

GATE REQUEST – RANDY MOULDING

Chairman Hardy said we are here to try to work out a road issue. He said we have a real problem in Box Elder County today. The county does not get roads back once they are gone. He told Mr. Moulding that by putting a gate on the road he took out a cattle guard. Once a cattle guard is installed in Box Elder County's right-of-way, it becomes property of Box Elder County. He did compliment Mr. Moulding on his wonderful gate, but said the road is a D road and it cannot be gated.

Randy Moulding said he was told by John Collom, County Road Superintendent, that the middle part never was a D Road. Mr. Moulding said he is not here to argue about that. He said the south end was always gated; it never did have a cattle guard. The north end always had a cattle guard. Mr.

Moulding said he is proud of what he has and wants to keep his cows in. He said he has fenced miles and miles. The one end never had a cattle guard; historically, it was gated.

Chairman Hardy said if all the people and ranchers were like Randy Moulding, we wouldn't have to worry about an issue called "Fence In and Fence Out". Mr. Moulding takes care of the problem himself.

Tom Perkins, Road Foreman, said the only time a road is allowed to be gated, is when it is vacated; otherwise, they leave it open with a cattle guard because of liability issues.

Commissioner VanDyke said he recently returned from a UAC meeting and maintenance of roads is a very big issue throughout the state. Public access is an issue that is alive and well and probably won't go away.

Randy Moulding said he is here today on the gate issue. He does not want to go into trying to close the road off. He said that was not his intention. The cattle guard on the north was full. It hasn't been functional for years. There was never one on the south. He runs livestock, and he needed a way to keep the cattle in. Mr. Moulding was told a county road could be gated, but could not be locked.

Chairman Hardy heard that it could be done, but the only way to do it is to come and ask for permission, and that didn't happen either. He said now the gates are there, but the county policy is to put cattle guards in instead.

Mr. Moulding will work with Tom Perkins and put cattle guards at both ends. He said the only reason he took the cattle guard out was because it had the name of Charlie Petersen, previous landowner, on it. He figured Mr. Petersen owned it since his name was on it.

RESOLUTION 08-19 AMENDING THE GENERAL PLAN TO INCLUDE THE POPULUS TO BEN LOMOND POWER LINE CORRIDOR AND APPROVAL OF A CONDITIONAL USE PERMIT FOR THE ROCKY MOUNTAIN POWER, POWER LINE RIGHT-OF-WAY – KEVIN HAMILTON

This item was cancelled.

OCTOBER 7, 2008 BOX ELDER COUNTY REDEVELOPMENT AGENCY AND BOX ELDER COUNTY COMMISSION MEETINGS:

- 1. Convene JOINTLY as the Box Elder County Commission and the Box Elder County Redevelopment Agency.**

Cody Deeter said he attended a meeting with the Olene Walker Housing Loan Fund Board, and they voted unanimously to approve the 20% waiver with the stipulation that going forward the county will use the funds they currently have out in the two RDA's (Wal-Mart and Agri-Business Park) towards

a housing plan. They will come up and help Kevin Hamilton flush out and make an in-depth plan. The additional request from them was in the future, if there ever is an impact fee ordinance put into place and if there is ever low income housing needs, those impact fees for a developer who would be putting in low income housing would be waived.

Kevin Hamilton said he will go through a planning process with BRAG and see if there is more the county can be doing to accommodate the under \$17,000 households.

Cody Deeter said the purpose for the public hearing is to get comments on the amended project area plan and the amended project area budget. He said they were adopted earlier this year. The project area plan outlines what is going to happen within the project area; how we are going to administer the area and what the plan development looks like, why did we create it. It outlines the boundaries and discusses what parcels are in and what parcels are out of the area. The project area budget is the mechanism to fund the plan. It allows us to collect tax increment and details how it is spent. The purpose of the public hearing is to make comment on the plan and budget and make recommended changes if there are any.

County Attorney Steve Hadfield said there have been several changes made to the participation agreement, but he is okay with the last draft.

Public Hearing on the Amended Economic Development Project Area Plan and Amended Economic Development Project Area Budget for the Box Elder County Economic Development Project Area #2008-01.

(See Attachment No. 3 – Attendance List.)

County Commission Chairman Jay Hardy and Redevelopment Agency Chairman Clark Davis opened the joint public hearing up at 10:00 a.m. They said the purpose of the public hearing is to receive comment on the following:

- a. Public comment on the Amended Economic Development Project Area Plan for the Box Elder County Economic Development Project Area #2008-01 and whether it should be revised, approved, or rejected; and
- b. Public comment on the Amended Economic Development Project Area Budget for the Box Elder County Economic Development Project Area #2008-01 and whether it should be revised, approved, or rejected.

There were no comments from the public.

Closing of Public Hearing

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

was closed at 10:05 a.m.

Agency Resolution (Resolution No. 08-06), *Passing Upon and Overruling Objections to the Amended Economic Development Project Area Plan for the Box Elder County Economic Development Project Area #2008-01 Except Insofar as Such Objections Are the Basis for Modifications of the Amended Plan.*

MOTION: A motion was made by Vice Chairman VanDyke to pass Resolution No. 08-06. The motion was seconded by Member Hardy and unanimously carried.

Agency Resolution (Resolution No. 08-07), *Approving and Adopting the Amended Economic Development Project Area Plan for the Box Elder County Economic Development Project Area #2008-01(the "Project Area") as the Official Economic Development Project Area Plan for the Project Area.*

MOTION: A motion was made by Member Hardy to pass Resolution No. 08-07. The motion was seconded by Vice Chairman VanDyke and unanimously carried.

Agency Resolution (Resolution No. 08-08), *Passing Upon and Overruling Objections to the Amended Economic Development Project Area Budget for the Box Elder County Economic Development Project Area #2008-01 Except Insofar as Such Objections Are the Basis for Modifications of the Amended Budget.*

MOTION: A motion was made by Vice Chairman VanDyke to pass Resolution No. 08-08. The motion was seconded by Member Hardy and unanimously carried.

Agency Resolution (Resolution No. 08-09), *Approving and Adopting the Amended Economic Development Project Area Budget for the Box Elder County Economic Development Project Area #2008-01(the "Project Area") as the Official Economic Development Project Area Budget for the Project Area.*

MOTION: A motion was made by Vice Chairman VanDyke to pass Resolution No. 08-09. The motion was seconded by Member Hardy and unanimously carried.

Agency Resolution (Resolution No. 08-10), *Appointing a Taxing Entity Committee Member to the Box Elder County Economic Development Project Area #2008-01 Taxing Entity Committee in Lieu of Taxing Entity Appointment.*

MOTION: A motion was made by Vice Chairman VanDyke to pass Resolution No. 08-10. The motion was seconded by Member Hardy and unanimously carried.

Agency Resolution (Resolution No. 08-11), *Approving an Amended and Restated Interlocal Agreement between the Agency and Brigham City, Utah, and a Participation Agreement between the Agency and The Procter & Gamble Paper Products Company.*

MOTION: A motion was made by Member Hardy to pass Resolution No. 08-11 as discussed and presented. The motion was seconded by Vice Chairman VanDyke and unanimously carried.

County Commission Resolution (Resolution No. 08-20), *Making and Memorializing a Determination that Certain Publicly Owned Infrastructure and Improvements Installed Outside the Box Elder County Economic Development Project Area #2008-01(the "Project Area") in Accordance with the Amended Project Area Plan and Amended Project Area Budget will Benefit the Project Area and Consenting to the Use of Tax Increment for the Same.*

MOTION: A motion was made by Commissioner Davis to pass Resolution No. 08-20. The motion was seconded by Commissioner VanDyke and unanimously carried.

County Commission Ordinance (Ordinance No. 306), *Adopting the Economic Development Project Area Plan, as Approved by the Box Elder County Redevelopment Agency, as the Official Economic Development Project Area Plan for the Box Elder County Economic Development Project Area #2008-01, and Directing that the Required Notice of the Adoption Be Given as Required by Statute.*

MOTION: A motion was made by Commissioner Davis to adopt Ordinance No. 306. The motion was seconded by Commissioner VanDyke and unanimously carried.

Adjournment of RDA Meeting

MOTION: A motion was made by Vice Chairman VanDyke to adjourn. The motion was seconded by Member Hardy and unanimously carried. The Redevelopment Agency Meeting adjourned at 10:20 a.m.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 59675 thru 59755 in the amount of \$294,151.11. Claim 59251 was voided.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF: Daniel Todd Hurd, compensation change, effective 09/07/2008
SHERIFF: Brenna Marie Vaughn, compensation change, effective 09/28/2008

EXECUTIVE SESSION

1. DISCUSSION OF CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

MOTION: At 10:55 a.m. a motion was made by Commissioner VanDyke to move into an executive session to discuss personnel issues. The motion was seconded by Commissioner Davis and the motion was unanimously carried.

MOTION: At 11:26 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 personnel matters were discussed during the executive session.

ADJOURNMENT

A motion was made by Commissioner VanDyke to adjourn. Commissioner Davis seconded the motion, and the meeting adjourned at 11:27 a.m.

ADOPTED AND APPROVED in regular session this 14th day of October 2008.

Jay E. Hardy, Chairman
Member, Redevelopment Agency

Clark N. Davis, Commissioner
Chair, Redevelopment Agency

Rich VanDyke, Commissioner
Vice Chair, Redevelopment Agency

ATTEST:

LuAnn Adams, Recorder/Clerk
Secretary, Redevelopment Agency