

**MINUTES  
BOX ELDER COUNTY COMMISSION  
JULY 10, 2007**

The Board of County Commissioners of Box Elder County, Utah met in Regular Commission Meeting at the County Courthouse, 01 South Main Street in Brigham City, Utah at 8:00 a.m. on **JULY 10, 2007**. The following members were present:

Jay E. Hardy	Chairman
Clark N. Davis	Commissioner
Rich VanDyke	Commissioner
LuAnn Adams	Recorder/Clerk

Chairman Hardy called the meeting to order.

The prayer was offered by Chairman Davis.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF JUNE 26, 2007 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**EXECUTIVE SESSION**

- 1. STRATEGY 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.**
- 2. STRATEGY SESSION FOR "IMMINENT LITIGATION"**

**MOTION:** At 8:06 a.m. a motion was made by Commissioner Davis to move into an executive session to discuss the purchase, exchange or lease of real property and also imminent litigation. The motion was seconded by Commissioner VanDyke and the motion was unanimously carried.

**MOTION:** At 9:13 a.m. a motion was made by Commissioner VanDyke to reconvene into regular Commission Meeting. Commissioner Davis seconded the motion, and regular Commission Meeting was reconvened.

Chairman Hardy stated Brigham City representatives were in attendance and there was discussion on purchase, exchange or lease of real property. Chairman Hardy stated the Commissioners also discussed pending litigation.

### **CONSULTING SERVICES FOR RECORDER/CLERK'S OFFICE – LUANN ADAMS**

County Recorder/Clerk LuAnn Adams explained that Brice Lucas has worked for the Recorder/Clerk's Office as an intern for the past two years. She said GIS services are getting more and more in demand; municipalities and school districts are asking for help and most offices throughout the County are using GIS services. Ms. Adams said Attorney Hadfield and the Sheriff's Department has a demand for GIS as well as Bill Gilson, Superintendent of the Road Department, who has a big project coming up with the inventorying of roads and signs.

Ms. Adams said the agreement is to hire Mr. Lucas as a consultant to help with GIS thru the end of December. The County Attorney has reviewed the agreement and has given his approval.

**MOTION:** A motion was made by Commissioner Davis to approve the Consulting Services Agreement with Brice Lucas and authorized the chair to sign. The motion was seconded by Commissioner VanDyke and unanimously carried.

### **COUNTY HISTORY – LUANN ADAMS**

County Recorder/Clerk LuAnn Adams introduced staff members Marla Young and Chad Montgomery who have been working on a history of Box Elder County since last December. Ms. Young gave a presentation of the County History that is available on the Box Elder County Website. The presentation included the history of the County Courthouse, Townsite Histories, history of people who have served Box Elder County and the G.I. Statue.

The Commission commended the work put into this project.

### **REVISED INTERLOCAL AGREEMENT/MENTAL HEALTH AUTHORITY – STEPHEN HADFIELD/COMMISSIONERS**

**MOTION:** A motion was made by Commissioner Davis to approve the revised interlocal agreement with mental health authority on the recommendation of County Attorney Stephen Hadfield. The motion was seconded by Commissioner VanDyke and unanimously carried.

### **LETTER FROM STATE REGARDING COUNTY ROAD SHED AST RELEASE – COMMISSIONER DAVIS**

Commissioner Davis gave a background on a fuel spill in the County and the subsequent reporting to the State of Utah. The state came and evaluated whether the County had Department of Environmental Quality type issues. The County did some monitoring, and at one time it was

projected the clean up may cost as much as \$750,000. Commissioner Davis said the County continued to persist in getting the regulatory personnel from the state to see what was actually involved and do some on-site inspection. He said the scope of the reporting requirements was modified and asked Road Supervisor Bill Gilson to give the feed back on their determination.

Mr. Gilson stated in March the County started the original mitigation to the diesel spill. The County had Bio-West come in and at that same time, the main spill area was extracted, which was 3600 cubic yards of material, then taken to the landfill to have it dried and treated in the fashion that DEQ saw fit. He said the County filled in that space and put in four (4) test wells that were drilled by Bio-West. Bio-West also did the onsite inspection of the wells and was looking at the feasibility of going in and aerating the ground through these wells and pulling off the diesel vapors.

Mr. Gilson said DEQ came in almost a year ago and did some re-testing and figured from the mitigation the County had done at this time of removing that material, plus the soil permeability of that area not being the best to do the aeration, it would end in a waste of time and money. Mr. Gilson said from the subsequent tests done the diesel leakage that went thru that area was very minimal. He said he received a letter from Robert Herbert, Program Manager for Ground Water Protection for DEQ. Mr. Gilson said at this time the County has a clean bill of health.

*(See Attachment No. 2 – DEQ Letter.)*

Commissioner Davis complimented John Collom who was very persistent in making sure the County was in compliance and with trying to clean up the spill and contracting with Bio-West.

MOTION: A motion was made by Commissioner Davis to accept the report from Robert Herbert, Program Manager for Ground Water Protection for DEQ and to make it matter of public record by attachment to the minutes of July 10, 2007. The motion was seconded by Commissioner Van Dyke and unanimously carried.

### **PUBLIC HEARING – POSSIBLE ADOPTION OF A TEMPORARY ORDINANCE FOR PENDING ORDINANCES – COMMISSIONERS**

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

*(See Attachment No. 3 – Attendance List.)*

County Planner Kevin Hamilton said there has been consideration of what the County could do to protect against some of the development pressures being received when the Planning Office is in a time of trying to create new ordinances to manage the growth in the County. He said that he and County Attorney Stephen Hadfield have put together an ordinance which allows the County to require people to comply with the conditions of ordinances that are pending. Mr. Hamilton said in order to adopt a change to regular land use ordinances it takes quite a bit of time. There is a process of 3-4 months and during that time several applications may be received that would not comply. He

stated this ordinance would allow the County for the next six (6) months to require persons bringing in applications to meet the requirements of ordinances currently being worked on.

Chairman Hardy opened the meeting up to those in attendance for comment. There were no comments.

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

MOTION: A motion was made by Commissioner Davis to adopt Ordinance 294 a temporary land use regulation ordinance for pending ordinances. The motion was seconded by Commissioner VanDyke and unanimously carried.

**SPECIAL BILLING AGREEMENT/UTAH 911 GRANT FOR PHASE II 911 UPGRADE – SHERIFF YEATES**

MOTION: A motion was made by Commissioner Davis to approve the Special Billing Agreement for the Utah 911 Grant in the amount of \$150,000 for the current period and authorize the chair to sign. The motion was seconded by Commissioner VanDyke and unanimously carried.

Commissioner VanDyke was excused from the meeting

**TRANSPORATION CORRIDOR – LICENSE FEE – LYLE MCMILLAN/UDOT**

County Planner Kevin Hamilton introduced Lyle McMillan, Director of Right-of-Way and Property Development from the Utah Department of Transportation. Mr. McMillan gave a power point presentation regarding Corridor Preservation in Utah.

**WARRANT REGISTER**

The Warrant Register was signed and the following claims were approved for payment: Claim 51260 thru 51351, 990018 thru 990028, 990030 thru 990032 in the amount of \$60,269.22. Claim 51163 thru 51259, 20070629 in the amount of \$635,368.71.

**PERSONNEL ACTIONS – COMMISSIONERS**

- AUDITOR: Rachel Baugh, separation, effective 07/06/2007
- AUDITOR: Carol Duncan, separation, effective 07/06/2007
- JUSTICE COURT: Larraine Riser, new hire, effective 07/09/2007
- SHERIFF: Bradley Nelson, compensation change, effective 06/28/2007
- SHERIFF: Paul Tittensor, compensation change, effective 07/12/2007

**OTHER BUSINESS**

Chairman Hardy stated there is a “no burn restriction” throughout the state and county. This went into effect July 4<sup>th</sup>. He said there are fires burning all over the state. Chairman Hardy made mention for the public to be very careful to get through the fire season without adding more cost and damage to Box Elder County.

**ADJOURNMENT**

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

**ADOPTED AND APPROVED** in regular session this 31<sup>st</sup> day of 2007.

---

Jay E. Hardy, Chairman

---

Clark N. Davis, Commissioner

---

Rich VanDyke, Commissioner

ATTEST:

---

LuAnn Adams, Recorder/Clerk