

MINUTES
BOX ELDER COUNTY COMMISSION
SEPTEMBER 18, 2007

The Board of County Commissioners of Box Elder County, Utah met in Commission Meeting at the County Courthouse, 01 South Main Street in Brigham City, Utah at 8:00 a.m. on **SEPTEMBER 18, 2007**. Chairman Hardy called the meeting to order, and the following members were present:

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

The Executive Session was cancelled so the Commissioners took a recess until 9:00 a.m.

The prayer was offered by Commissioner VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 11, 2007 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS

Washington D.C. Trip – Commissioner VanDyke

Commissioner VanDyke said he was invited by the coalition of Rural Schools and Forestry, a sister organization to PILT, to go back to Washington D.C. to lobby Senators and Congress people primarily from the western United States to get the PILT bill out of committee to be addressed by the House Ways and Means and Finance Committee. There were 180 people in this coalition wearing green shirts, and they broke up into teams and the teams were from different areas throughout the country. There was representation from the Western and Southern states and anywhere that the timber industry has had a big financial impact on their economy. Commissioner VanDyke's team, which was lead by Lobbyist Robert Weidner, had representatives from Idaho, Nevada and Utah. They had the opportunity to meet with the senators and congressmen from those areas. He said it was a two-day ordeal and rather lengthy meetings with each office. Commissioner VanDyke was told by the president of the coalition that the coalition had made an immense impression on all of the senators and representatives that had been met with and that between now and the end of the year there is going to be an ongoing presence there. Commissioner VanDyke is very confident that by the end of the month this bill will come out of committee. Commissioner VanDyke said the trip was

very inspirational and it was little or no cost to the county because the coalition paid an amount toward the expenses of the trip. He felt it was a good thing for Box Elder County and Utah.

ELWOOD DRAINAGE DISTRICT – CHAIRMAN HARDY

This item was cancelled.

PETITION FOR CREATION OF A SPECIAL SERVICE DISTRICT – KEVIN HAMILTON

Gil Olguin, Chairman of OCS Capital Group LLC and Olguin Fisher LLC, is representing a group of investors and developers that were born and raised in Box Elder County. He said up to this point they have purchased a 627 acre parcel located in Thatcher. They have spent over \$3m in Box Elder County. The group has retained Mr. Olguin and his services to prepare the documentation for planning a community development of this size. He said a project this large will go into the millions.

The group has submitted a petition to have the Commissioners approve the creation of a special service district. He said if and when the Commission approves the petition, they will start investing many more dollars into the PUD. He said they are looking at building single residential family dwellings, multiple family dwelling and a neighborhood shopping mall and in addition they are looking at setting aside some land for a temple and building facilities for substations, a community center, youth center and senior center.

Mr. Olguin asked the Commissioners to approve the petition for the creation of the service district so they won't burden any other taxpayers in the area. The entire burden will be placed on the taxpayers within the service district. They will incur all costs. They will work with the County Attorney and County Planner in drafting a resolution, and they will seek approval every step of the way in the development of this project. The reason they are asking for the service district now is that there will be a lot of money spent and investors are not willing to spend that kind of money without first knowing that a district has been drafted. It would be a gamble to spend another couple of million and then not have a district approved. Mr. Olguin feels they have the investors and the money to proceed with the development. The only thing lacking is the special service district. There would be around 1,000 dwellings and all services would be paid for by the development. They would enter into interlocal agreements with the County for things like fire, ambulance and police coverage.

Commissioner Davis feels this is a land use issue. He said the Commission is excited with the group's interest in Box Elder County and excited about them bringing in new development. He said the proper procedure is to refer this petition to the Planning Commission. The Planning Commission has been successful in developing some community plans. He said the Planning Commission will need to review the proposal from the developers and make sure it is compatible with the community plan before they go forth with the creation of a special service district to help a single landowner. It is his recommendation that this be treated as a land-use item and referred to the Planning Commission, and they be involved in the development of a community plan that incorporates this area and that there be appropriate public hearings.

County Planner Kevin Hamilton said when the special service district in South Willard was created it was designed to support all the community. He feels we should go through the process of creating a formal community plan and then address the issue of the special service district to accommodate the creation of facilities and improvements of the area.

Mr. Olguin said in the purchase of the property they have paid for half of the property upfront and have a short fuse to pay for the remaining balance of the property. He said in order to invest in the additional \$2.4M they need to do feasibility and marketing studies. He said because of the short fuse they need to do it under the umbrella of a special service district.

MOTION: A motion was made by **Commissioner Davis** if the petitioner decides to go ahead with this project that it be referred to the Planning Commission and that sufficient funds be appropriated to engage in a community plan to incorporate the project area and that the Commission evaluate whether there is community support after the long-range planning concept has been implemented for the creation of a special service district and that the Commission re-evaluates that following the completion of the community planning process. The motion was seconded by **Commissioner VanDyke** and unanimously carried.

The Commissioners told the group they appreciated their investment and interest in the County, and they would like to see the group continue to invest in the County. The Commissioners want to make sure this makes sense long-term, not only for our residents but for other developers. They are exercising due diligence on their part as a Commission.

ZONING FEES – KEVIN HAMILTON

County Planner Kevin Hamilton presented the Commissioners with a resolution amending the Planning Department’s fee schedule. He reviewed the new fees.

MOTION: A motion was made by **Commissioner Davis** to approve Resolution 07-13, a resolution amending the Planning Department Fee Schedule. The motion was seconded by **Commissioner VanDyke** and unanimously carried.

(Attachment No. 2 – Resolution 07-13)

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claim 52559 thru 52730 in the amount of \$361,919.52. Claim 52164 was voided.

PERSONNEL ACTIONS – COMMISSIONERS

COUNTY ATTY: Cindy Lorrigan, compensation change, effective 09/05/2007

PUBLIC HEARING/CDBG GRANT APPLICATIONS - COMMISSIONERS

(See Attachment No. 3 – Attendance List.)

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

Commissioner Davis said this is a public hearing to receive any CDBG grants or questions regarding applications, and it is a requirement to hold a public hearing before the proposals can be submitted.

County Planner Kevin Hamilton said the next step in the process is to attend some grant training.

Chairman Hardy asked if there was any public comment. There was none.

MOTION: A motion was made by Commissioner Davis to close the public hearing. The motion was seconded by Commissioner VanDyke and the public hearing was closed at 10:07 a.m.

ADJOURNMENT

A motion was made by Commissioner VanDyke to adjourn. Commissioner Davis seconded the motion, and the meeting adjourned at 10:10 a.m.

ADOPTED AND APPROVED in regular session this 25th day of September 2007.

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. Business License Fees – LuAnn Adams/Diane Fuhriman
2. Farm Bureau Presentation – Monte Munns
3. Progress Report – Doug West
4. Budget Preparation

The Administrative/Operational Session adjourned at 12:13 p.m.