

**MINUTES
BOX ELDER COUNTY COMMISSION
JANUARY 19, 2010**

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 **JANUARY 19, 2010**. The following members were present:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	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. Proposal for New Road on 3400 West – Bill Gilson
7. Recorder/Clerk's Office – LuAnn Adams

The Administrative/Operational Session adjourned at 8:59 a.m.

The regular session was called to order by Chairman VanDyke at 9:00 a.m. with the following members present, constituting a quorum:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

The prayer was offered by Chairman VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF JANUARY 12, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSIENSS**Association of Mayor's Meeting**

Commissioner Hardy will attend the Mayor's meeting on January 20th.

Non-Attainment Area

Chairman VanDyke mentioned a lawsuit was filed in the 10th circuit court of appeals and also the federal court in Washington, D.C. in opposition to the EPA's ruling. Box Elder County along with Tooele County and ATK are taking a position in opposition to the EPA non-attainment designation.

PROPOSAL FOR NEW ROAD ON 3400 WEST – BILL GILSON

Road Supervisor Bill Gilson said the new road they are looking at developing is a road they are calling 3400 West and 2900 North. This road will be used to access property next to the Bear River. He said one of the issues at hand is they want to get rid of a river road access at approximately 3400 North because there are safety problems. Over the last 25 years there have been two individuals killed on the road. Mr. Gilson said they are having a problem maintaining the road because the Bear River just keeps on creeping in and eroding the edge of the road and taking it out. They have looked at going in and doing some repairs with some large rip rap, but the problem is in the spring you might see that go down the river. Mr. Gilson would like to build a new road coming in from the 2600 North Road. It runs north through four landowners in the area: Newell Norman, Lynn Barker, Grant Thompson and Riva Nelson. All of the landowners have agreed to dedicate a right-of-way which will be a 66-foot right-of-way. They have a proposed 33-foot right-of-way heading west on approximately 2900 North. One of the other issues they are looking at is the Walk-In Access Program by DWR. All the landowners involved have agreed to do the fishing and most have also agreed to do the hunting. All of the river frontage will be put into the Walk-In Access Program so the public will be able to utilize these lands for fishing and the hunting.

Dave Rich, DWR, said with the Walk-In Access Program private property is located to allow sportsmen access for hunting and fishing rights. They lease the property and pay an annual fee for rights to access their property for hunting and fishing. The DWR will be responsible for signing in to get onto the property. There will be a Kiosk, and the public will be required to sign in and register. Mr. Rich said it has been a win-win situation for the sportsmen and the whole fishing and hunting community has benefited from the walk-in access as well as the private landowners. In areas like Howell, Tremonton and Peterson they have eliminated a lot of problems by putting private property in the Walk-In Access Program. The landowners do not have the poaching and littering issues. He said there is somebody looking over your property and watching your property. The people are more respectful. He feels it would be a win-win situation for all of the residents of Box Elder County if they could get that much ground tied up into a Walk-In Access Program.

Bill Gilson said one thing they will be asking for on the dedication is that the landowners make an obligation to allow fishing access as long as the road is maintained and the area is accessible. If in the spring it becomes an issue with tearing up the road, they will have to close the access down during the spring and winter. Any time this road is accessible, the public would be allowed to fish the river front. The only other obligation is the landowners would be required to try the walk-in access for three years before they make a decision to take their land out. He said the cost of the road would be approximately \$18,000-\$20,000. The money is in the budget. Mr. Gilson is asking to make this new road to get rid of a dangerous existing road. Mr. Gilson said over the next few years it will be tough for the landowners to keep farming these grounds because of the safety aspect.

Commissioner Shaffer pointed out that a portion of the ground could be wet lands.

MOTION: A motion was made by Commissioner Hardy to do the studies and move forward on the dedication of the road to be built and called 3400 West and go through the NRCS to look into the mitigation factor. The motion was seconded by Commissioner Shaffer and unanimously carried.

Commissioner Shaffer said this is a win-win situation, not only for the landowners in the area, but for the residents of our county being able to have an opportunity, in a climate where they don't have the accessibility, for sportsman activities like hunting and fishing. This will provide that opportunity for anyone who wants to access the river and also with the responsibility of the Walk-In Access Program give them the ability to hunt the area. He feels it is wise on the landowners' part because it gives the residents of our county a bit of ownership in the county and they will respect the land for doing so.

Commissioner Hardy also thinks it is a good move.

Chairman VanDyke mentioned that he wants to make sure the agreements come across the County Attorney's Office.

CIP APPOINTMENT – COMMISSIONER HARDY

Commissioner Hardy read a biography on Darwin Nielsen and recommended Mr. Nielsen sit on the CIP Committee.

MOTION: A motion was made by Commissioner Hardy to appoint Darwin Nielsen as the fifth member on the CIP Committee. The motion was seconded by Commissioner Shaffer and unanimously carried.

APPOINTMENT OF BRWCD BOARD MEMBERS – VONEENE JORGENSEN

Voneene Jorgensen, General Manager, said two appointments have expired: Reese Jensen, representing Brigham City, and LaRall Thompson representing Penrose, Thatcher and Bothwell. Ms. Jorgensen said Brigham City sent a letter recommending Bruce Christensen, and she received letters from Scott Newman and LaRall Thompson.

MOTION: A motion was made by Commissioner Shaffer to appoint Bruce Christensen and re-appoint LaRall Thompson to the Bear River Water Conservancy Board for a four-year term. The motion was seconded by Commissioner Hardy and unanimously carried.

SET PUBLIC HEARING/AGRICULTURE LEASE – COMMISSIONERS

Commissioner Hardy said before we can lease agriculture property, the lease comes before the County Commission and a public hearing needs to be held. Commissioner Hardy said last week the surplus ordinance was amended which allows the leasing of agriculture property to bypass the Planning Commission.

Chairman VanDyke said one of the sticking points is the declaring of surplus property. He said we are not really getting rid of the property; just leasing it. Chairman VanDyke said the process was streamlined.

MOTION: A motion was made by Commissioner Hardy to set a public hearing regarding an agriculture lease for February 16 at 10:00 a.m. The motion was seconded by Commissioner Shaffer and unanimously carried.

USU EXTENSION COOPERATIVE AGREEMENT – MIKE PACE

Extension Agent Mike Pace presented the USU Extension Cooperative Agreement between USU Extension and Box Elder County for renewal.

MOTION: A motion was made by Commissioner Shaffer to accept the standard cooperative agreement between Utah State University and Box Elder County for extension and educational work and approve the chair to sign the agreement. The motion was seconded by Commissioner Hardy and unanimously carried.

Commissioner Shaffer said he recently attended a briefing with the Extension Office last week, and he was impressed by the amount of young people and adult volunteers that the extension reaches in our county each year. He said 800 youth are involved in 4-H Programs and that is 800 kids that are not going to be landing in jail because they have objectives and goals that lead them away from those types of activities. He feels it is a great service that is provided to our county.

Chairman VanDyke said it is a positive impact for our county to have the youth involved in these projects. He said it is pretty impressive when you get that many youth together. He said transgression of the law was significantly lower with this group as compared to outside of these youth.

RESOLUTION DESIGNATING THE SPECIAL SERVICE DISTRICT OF SOUTH WILLARD BAY MUNICIPAL SERVICES, BOX ELDER COUNTY, UTAH ASSESSMENT AREA NO. 2008-1 AND AUTHORIZING THE CONSTRUCTION OF CERTAIN SEWER IMPROVEMENTS THEREIN, AND RELATED MATTERS.

Attorney Eric Johnson said back in December 2008 the Commission adopted a resolution giving notice of intention to create an assessment area. He said this is an opt-in assessment area where only property owners that wanted to be assessed are part of the assessment area. There are three property owners in this assessment area: Randy Marriott, Jack B. Parson and Valley View. Attorney Johnson said this assessment was to upsize the sewer lines running through Willard so in the future it will cost these property owners less to connect to that sewer system. He said it is not extending sewer lines into the South Willard Special Service District; it is only expanding the lines going from Willard to the treatment facility. Before the Commission took any action, they made each of the property owners sign a waiver and consent agreeing to be assessed and be part of this assessment area. The Special Service District went out and got an appraisal on those properties. It showed almost 20-1 coverage for the cost of the upgrades. The cost of the improvements will be just a little over one-half million dollars. The properties appraised at a little over \$10M. The law requires 3-1 coverage in order to proceed. Attorney Johnson said the resolution you are considering was prepared back in 2008 and was attached to the waiver and consent. He said you are designating the Special Assessment Area. He said we will record a lien on the properties and impose a special assessment for only the properties that opted-in.

Commissioner Shaffer said that area has plenty of septic tanks and this will reduce the need, and he thinks it is a great move.

MOTION: A motion was made by Commissioner Shaffer to adopt Resolution No. 10-01 and approve the chair to sign. The motion was seconded by Commissioner Hardy and unanimously carried.

(See Attachment No. 2 - Resolution No. 10-01.)

Attorney Johnson said Clark Davis was designated as the secretary and wondered if the Commission is ready to designate another secretary.

MOTION: A motion was made by Commissioner Hardy to appoint Commissioner Shaffer as secretary to the South Willard Special Service District. The motion was seconded by Chairman VanDyke and unanimously carried.

VALLEY VIEW ESTATES – TAMARA WRIGHT

Director of Community Development Kevin Hamilton said the Valley View Estates Subdivision came before the Commissioners in mid-December for final approval. At that time there were concerns expressed about the road. This item was tabled in order to have a traffic study to review the access and that has been accomplished. The engineers reviewed the access and said because the traffic volume from the subdivision would be low, it meets traffic safety standards. The guarantee to insure improvements is in the amount of \$184,335.

County Attorney Stephen Hadfield said the traffic study did indicate the subdivision met the standards, but there were things that could be done to improve the road. The developer did everything they needed to, but the county will look at taking more safety precautions. Attorney Hadfield said one recommendation might be to put in a small curve.

MOTION: A motion was made by Commissioner Hardy to approve Valley View Estates Phase II Subdivision and allow the chair to sign the plat. The motion was seconded by Commissioner Shaffer and unanimously carried.

Danny MacFarlane, engineer for the developers, asked if the traffic study looked at the future phases.

Attorney Hadfield said the traffic study looked at the volume with 32 lots taken into consideration.

3970 NORTH STREET CHURCH SUBDIVISION – TAMARA WRIGHT

Director of Community Development Kevin Hamilton said 3970 North Street Church Subdivision is a one-lot subdivision in Harper Ward. He said they are building a street in order to access a church house. This new street will also allow other properties to connect. He said that is the reason for the road on the north end. The final guarantee is in the amount of \$363,366.36.

MOTION: A motion was made by Commissioner Shaffer that the Commission approve the 3970 North Street Subdivision and allow the Chair to sign. The motion was seconded by Commissioner Hardy and unanimously carried.

RECESS

The Commissioners took a recess at 9:50 a.m. because the power went out, and Commission Meeting was not able to reconvene until 10:30 a.m. because the officials were getting equipment to record the meeting and also getting a laptop in place to do the minutes.

PUBLIC HEARING/PRE-DISASTER MITIGATION PLAN – COMMISSIONERS

(See Attachment No. 3 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:30 a.m.

Director of Community Development Kevin Hamilton said there is a requirement by the federal government to have a pre-disaster mitigation plan before Box Elder County can collect funds if there is a disaster. The pre-disaster mitigation plan will be adopted as part of the county's general plan; it places specific requirements to prepare for disasters and makes recommendations of things to do.

Chairman VanDyke asked if there were any comments. There were none.

MOTION: A motion was made by Commissioner Shaffer to close the public hearing. The motion was seconded by Commissioner Hardy and unanimously carried. The public hearing was closed at 10:32 a.m.

PUBLIC HEARING/ADDITION OF SOLID WASTE SERVICES /GROUSE CREEK SPECIAL SERVICE DISTRICT – COMMISSIONERS

(See Attachment No. 4 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:30 a.m.

Director of Community Development Kevin Hamilton said Grouse Creek has two special service districts. Grouse Creek is a small community, and it is difficult to find people to serve on both districts. They want to consolidate the two special service districts into one to cut down on the administration. The same people can serve on one board.

Attorney Eric Johnson said once the recreation district has solid waste powers, then the solid waste district will be dissolved.

Chairman VanDyke asked for comments.

Sam Blanthorn, Grouse Creek, asked where the solid waste district is a fee and the special service district is a tax levy how does that work by joining them.

Eric Johnson said you will be giving one of the districts both powers so you don't have two special service district boards. There will still be a tax for the recreation district and the district will also be able to charge a tipping fee for the solid waste. He said before the solid waste district is dissolved, there will need to be an agreement talking about rolling the funds.

MOTION: A motion was made by Commissioner Shaffer to close the public hearing. The motion was seconded by Commissioner Hardy and the public hearing was closed at 10:38 a.m.

LETTER OF SUPPORT CONSERVATION RESERVE PROGRAM – TODD BLACK

Commissioner Shaffer read the following letter from Todd Black:

(See Attachment No. 5 – Letter.)

Carl Roberts commented that because of the CRP seed mix, deer now winter in some of the fields which keep them off of the highways. He feels CRP helps with safety to the public. He said in conjunction with the CRP Seeding Program and the special service district building terraces, diversions, dykes and debris basins on the highly erodible ground, they have been catching water for the wildlife to drink.

MOTION: A motion was made by Commissioner Shaffer to postpone until the Commissioners get a better explanation from the Agriculture Commissioner. The motion was seconded by Commissioner Hardy and unanimously carried.

WILLARD/PERRY WASTE TREATMENT – TYSON KNUDSEN, SCOTT ARCHIBALD

Landfill Supervisor Gina Allen said Tyson Knudsen is the engineer for the Willard/Perry Waste Treatment, and they want to bring treated sludge to the county landfill. Mr. Knudsen needs a letter stating the county landfill will accept the treated sludge from the treatment facility.

MOTION: A motion was made by Commissioner Hardy to allow a letter to be sent stating that Box Elder County will receive treated sludge waste that is generated from the Perry/Willard Waste Treatment. The motion was seconded by Commissioner Shaffer and unanimously carried.

PROCLAMATION/FEBRUARY – DATING VIOLENCE AWARENESS MONTH – SHAUNA BARFUSS

Shauna Barfuss said she is currently working with the New Help Crisis Center as the Education Director. She is working with Utah Department of Health Violence and Injury Prevention Program. She goes into schools and works with the community teaching healthy relationships. Ms. Barfuss said they have been asked to make February Dating Violence Awareness Month. She feels this is an important cause. She said one in three youth experience some sort of violence, physical, sexual, emotional or verbal in their dating years. She believes in bringing awareness to the issue so those that are currently victims of dating violence will realize they are not alone; there is a way out and there is help and hope. The Center feels bringing this issue to a greater awareness next month will attribute to healthier relationships in Box Elder County.

New Help Crisis Center Director Annette MacFarlane read the following proclamation:

(See Attachment No. 6 – Proclamation.)

Ms. MacFarlane said she has seen a progression starting with bullying in the elementary schools, dating violence in teen years and domestic violence after marriage. Whenever we can put something into place to break that progressive pattern of abuse, it benefits the entire community. She said dating violence is like domestic violence. It can only exist if people allow it to.

Commissioner Shaffer said earlier we talked about the 4-H Program and the benefits that we receive from the young people in a good, positive way. He feels anything we can do to reach out to our young people at an early age to give them positive reinforcement and positive ideas and attitudes towards life is a worthy cause.

MOTION: A motion was made by Commissioner Shaffer to support and sign the proclamation declaring February as dating violence awareness month. The motion was seconded by Commissioner Hardy and unanimously carried.

Annette MacFarlane said Box Elder County's education program is the starship of the state program. She said with the cooperation of the Box Elder School District they start in kindergarten teaching about body safety and healthy relationships and what you should and should not accept in a dating relationship. She said last year Shauna and her assistant reached 14,000 students in the district.

ASSET MANAGEMENT, AUDIT PREPARATION, MCEWAN CONTRACT – TOM BENNETT

County Auditor Tom Bennett said he has budgeted for the services of Alan McEwan Jr. He presented a contract for consulting services for Mr. McEwan to assist the auditor in preparing the financial statements. He said one of the areas of concern this year from the independent auditor is asset management. Mr. Bennett is trying to get it tied up and under control. He said each week Alan McEwan will give a weekly update where he is at and the hours. Mr. Bennett is planning to do most of the work via telephone and email. Lee Beverly and Tom Bennett will be the primary creators, and they will use Mr. McEwan as a consultant for clarification on things that he did last year and numbers he put together. The Auditor's Office is trying to extract all of the data in preparation for the new Tyler Program.

Commissioner Shaffer would like Mr. Bennett to rely heavier on his staff. He said the auditor's office has great people that can accomplish these things.

MOTION: A motion was made by Commissioner Shaffer to not renew Alan McEwan's contract and to use the staff to their greatest abilities. The motion was seconded by Commissioner Hardy and unanimously carried.

Chairman VanDyke said these are tough times, and there was an extensive amount of money spent last year for the use of Mr. McEwan's help. The education was beneficial to the auditor's

office, but he is in agreement that the staff is very qualified. He said there is an accountant in the auditor's office and Chairman VanDyke would like to see Lee Beverly used to his fullest capacity.

DISCUSSION/UTILIZATION OF COURTHOUSE/JOB RESPONSIBILITIES – DEANNA HARDY

Deanna Hardy said she was discouraged that the justice court issue came up again. She said it was brought up on a website that a lot of people knew nothing about. She did know about it, and said there were not a lot of people on the site. Ms. Hardy is disappointed that there was not a public meeting held so that as a community everyone could give their thoughts and ideas on ways to solve the justice court issue. She said the public needs to be represented and feels they were not represented on this issue.

Deanna Hardy was an employee at the juvenile court, and feels there are a lot of things that can be done instead of building another building. She said after the building is completed you have to put more money out to maintain another public building. She cannot understand how the county can be out of space when six governmental entities are no longer in the building: District Court, Juvenile Court, Bear River Health Department, Hospice, Driver's License Division and the Extension Service have moved to Utah State. Ms. Hardy said Commissioner Shaffer took her on a tour; it helped her to see a lot of things. She said there are many things we can do by getting together with the city and state. She said we could have one council room. The county could have their meetings in the evening so it is easier for people to attend. She said we need to get together as a community and work out our problems. She said why not get together and share buildings instead of growing and growing. The people have to pay more taxes and people are just tired of government taking our money. She said give the money back to the people. When Ms. Hardy was on a tour of the building, she saw a lot of space around. The only tight space was the justice court personnel. The secretaries are crammed. She asked if there wasn't something that could be done to the court room, and was told they couldn't do anything because the courthouse has a historical designation. She said there have been a lot of things that have been done internally to this building. She feels our ancestors would be upset with us. She suggested we work together instead of being separate organizations.

Ms. Hardy is upset that a metal detector has been purchased but has not been installed. She knows there is room at the district court. They are not using the court room five days a week. She said there are things you can do internally at the district court to accommodate the county. She also cannot understand why Judge Christensen schedules everyone to come to court at the same time. Ms. Hardy then pointed to the county's budget and indicated that all elected officials salaries were too high.

Ms. Hardy said there are a lot of things we can do to help the citizens keep their money instead of letting the government do whatever they want. She believes in taking care of things, but she questions some of the tables, chairs and desks that were purchased with the recent remodel. She

said we need to remember the people because they are struggling. She said another layoff is happening at Thiokol.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 67933 through 68009 in the amount of \$104,440.97.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF’S DEPT: Elizabeth Thompson, compensation change, effective 01/07/2010

ADJOURNMENT

A motion was made by Commissioner Hardy to adjourn. Commissioner Shaffer seconded the motion, and the meeting adjourned at 11:50 a.m.

ADOPTED AND APPROVED in regular session this 26th day of January 2010.

Rich VanDyke, Chairman

Jay E. Hardy, Commissioner

Brian K. Shaffer, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk