

**MINUTES  
BOX ELDER COUNTY COMMISSION  
FEBRUARY 09, 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 **FEBRUARY 09, 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. Forest Service Contract – Sheriff Yeates
7. Selection of Independent Audit Firm/2009 Audit – Tom Bennett

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 FEBRUARY 02, 2010 WERE APPROVED ON A MOTION BY COMMISSIONER HARDY, SECONDED BY COMMISSIONER SHAFFER AND UNANIMOUSLY CARRIED WITH THE FOLLOWING CHANGE: UNDER RV PARK PROPOSAL THE STATEMENT BY COMMISSIONER HARDY NEEDS TO READ “ THE ONLY THING THEY DO AFTER WORK IS SLEEP.**

**AGENDA: ATTACHMENT NO. 1**

**FOLLOW-UP BUSINESS - COMMISSIONERS****RV Stalls at Fairgrounds – Commissioner Hardy**

Commissioner Hardy said the Road Department is working on putting fill in at the fairgrounds. He said it does not look like we will need to put as much materials in as originally estimated, and the cost should come in less.

**Open House for A.C. Christensen– Commissioner Hardy**

Commissioner Hardy said A.C. Christensen, who spent 3 ½ years as a prisoner of war during World War II, will be having an open house to celebrate his 90<sup>th</sup> birthday on Saturday, February 20 at the Elwood Church. Commissioner Hardy said he has been a great individual for the community and he has served our country and is a great patriot. He was instrumental in putting the Veteran's Memorial together in Tremonton City.

**SELECTION OF INDEPENDENT AUDIT FIRM/2009 AUDIT – TOM BENNETT**

Chairman VanDyke said Box Elder County has had an opportunity to submit bids for the independent audit. The bids were reviewed by the Audit Committee which consists of the County Assessor, County Treasurer, County Auditor and a non-voting representative from the County Commission. He said the objective of the committee was to put out an RFP. The county received six proposals from local accounting firms and firms from Logan, Ogden and Salt Lake. Bids were opened last week and reviewed.

County Auditor Tom Bennett said every year the county receives a management report from the independent auditor which outlines findings. The main function of this Audit Committee has been to discuss how the county will address things found in the audit. He said a request for proposal was put out for an independent auditor. The county was able to put the bid out because there have been some significant improvements in the auditor's office, and they are doing their own bookkeeping. The Audit Committee reviewed the proposal, but there was not a unanimous consensus.

Commissioner Shaffer said there was not a consensus for the top firm, but everyone agreed on the second choice.

**MOTION:** A motion was made by Commissioner Shaffer to accept Wiggins & Company's proposal for the auditing of Box Elder County. The motion was seconded by Commissioner Hardy and unanimously carried.

Chairman VanDyke said all members of the committee voted for their top two choices and all three members had Wiggins & Company in their top two choices.

**CANAL ROAD AGREEMENT – COMMISSIONER HARDY**

Commissioner Hardy said he and the Road Department made a verbal agreement with Ben Hunsaker that the county would maintain the borders of the canal on a roadway. The canal company does not want the county to participate and does not want the county on their property. Because of how the canal company felt, the Commissioners will not move forward on the agreement with Ben Hunsaker.

### **U.S. PIPELINE CONTRACT – COMMISSIONERS**

County Attorney Stephen Hadfield said this is an agreement between the county and U.S. Pipeline regarding the construction of 50 RV spaces at the fairgrounds to be utilized by the U.S. Pipeline employees working on the Ruby Pipeline. He said the county was provided with an agreement that needed some work and he is in the process of revising the agreement. He said there were some questions on what the county was going to charge, whether it should be a per-day fee or a per month fee. It has now been decided that the best way is a per-day fee. The agreement will guarantee payment for 10,500 site days between May and December. Anything the county brings in under the 10,500 site days, U.S. Pipeline will pay to the county in exchange for us agreeing to allow their employees to use the spaces. There were some issues to work through such as if the spaces do not all fill up, can the county lease them to other people. If we get money from other people besides the employees of U.S. Pipeline, does that count towards the 10,500 R.V. sites days? The county's understanding is that it does. U.S. Pipeline is guaranteeing Box Elder County will get payment for 10,500 site days no matter who it comes from during that period. Attorney Hadfield will complete the agreement, submit it to U.S. Pipeline and the final contract will come before the Commissioners for approval.

### **REQUEST FOR PROVISIONAL FUNDING FOR 911 SERVICE – JIM BUCHANAN**

Jim Buchanan, Advisory Board for Dispatch, said four years ago working with Sheriff Yeates and the Utah Department of Public Safety they upgraded our 911 answering system and consolidated dispatch. As part of the agreement, they received three-year maintenance on the equipment by Qwest. He said we are now in the fourth year, and over the last several months there has been an outstanding bill of \$17,124.03 that has not been paid. The Dispatch Advisory Board met and decided to approach the State 911 Committee and ask for a grant to cover the bill. The basis of the grant was because the amount of money that is collected as a county, which includes the cities money, does not equal the cost of what it takes to run the 911 portion of dispatch. Two weeks ago the State 911 Committee granted Box Elder County \$17,124.03. As the overseer of dispatch, the county will have to issue a check and then the county will be reimbursed from the state.

Commissioner Shaffer appreciates the group going to bat to get a grant to cover the bill. He said we have come up with a good solution to cover the cost, and he appreciates the hard work.

County Auditor Tom Bennett said the money can come out of the Public Safety Fund and when there is a reimbursement, it can go right back into the Public Safety Fund.

MOTION: A motion was made by Commissioner Hardy to go ahead and allow the auditor to pay this bill out of the Public Safety Fund for the sum of \$17,124.03 and to make sure it is tracked so the reimbursement can be put back into the proper fund. The motion was seconded by Commissioner Shaffer and unanimously carried.

### **AMENDED SUBDIVISION IMPROVEMENT AGREEMENT #2010-06 – TAMARA WRIGHT**

County Planner Tamara Wright said when the original Subdivision Improvement Agreement was recorded for Valley View Estates Phase II Subdivision, there were several errors. She presented an amended subdivision improvement agreement to the Commissioners for their approval.

MOTION: A motion was made by Commissioner Shaffer to accept amended subdivision improvement agreement #2010-06 and authorize the chair to sign the agreement. The motion was seconded by Commissioner Hardy and unanimously carried.

### **JENNIFER SCHOW SUBDIVISION – TAMARA WRIGHT**

County Planner Tamara Wright said the Jennifer Schow Subdivision is a one-lot subdivision located in the Plymouth unzoned area at 17286 N Hwy 13. All the signatures have been obtained and the Planning Commission recommends approval.

MOTION: A motion was made by Commissioner Shaffer to accept the Jennifer Schow Subdivision for final approval and authorize Chairman VanDyke to sign the plat. The motion was seconded by Commissioner Hardy and unanimously carried.

### **CHANGE IN COUNTY MEETING SCHEDULE – REBECCA DILG**

Administrative Assistant Rebecca Dilg said at the end of 2009 a public notice was published stating the Capital Improvement Project Committee would be held the 1<sup>st</sup> Thursday of every month. She informed the Commissioners they will be meeting on the 2<sup>nd</sup> Thursday of the month at 6:00 p.m. Ms. Dilg noted because the committee can only make recommendations, the public notice does not need to be changed. She just wanted to let the Commissioners know.

### **REAFFIRMATION OF AGREEMENT ON PROMONTORY ROAD #2010-07 – SCOTT SANDALL**

Scott Sandall said it has come to his attention there was a section of county road that was traded in an agreement between his family and the county in the 1960's and the county cannot find any records of this transaction. He said this needs to be clarified and cleared up while some of the people that were involved in the meeting are still alive.

Attorney Stephen Hadfield said the county has looked everywhere, but an actual agreement cannot be found. He said the maps indicate there must have been an agreement; otherwise, there would not have been changes in the road.

Road Supervisor Bill Gilson said there was a verbal agreement between the county road supervisor, a Commissioner and Wayne and Dallas Sandall. Mr. Gilson was speaking with Denton Beecher, the previous surveyor for Box Elder County, who said he did remember, to some degree, of having a discussion with Ray Adams about the realignment and switching of the right-of-way. He said there was a change in maintenance; it was lowered to a D Road and the county did not maintain it as much as they did before. He said if the county vacated the right-of-way, it was not done legally at the time; it should have gone through a public hearing and an agreement recorded. He said to do it legally it should be vacated and recorded.

Scott Sandall said his family tells the story that they exchanged a piece of land for the road adjustment. The maps indicated the road extended up the section line to the section corner and then turned to the west and hooked into the now existing road which is Sunset Pass Road. The county came to his family and wanted to take out the two 90 degree turns that were involved in that road. The county agreed to make them sweeping turns and his family would give a right-of-way to the west in exchange for the right-of-way that went straight to the north and straight west. When that happened the Sandalls began to farm the east-west section of that road. The remnants are barely visible by some gravel that is there. They had to continue to keep the north-south side of that road because it was an access for the additional farms that were along the road. There was another landowner who was a mile to the east that still needed to access his property and Richard Petersen owned property and he also needed access. The north-south roadway stayed in existence in a private right-of-way situation. He said that was his family's understanding. He said a couple of years ago the new owner, Randy Moulding, and himself came to an agreement that they needed to put a new gate there because he was now going to pasture the land and needed something to keep the cattle in. That is when the Sandalls became aware they needed to clear this issue up. The Sandall Family always felt that was a private right-of-way, but never had checked the county maps to see that it was still included as a county road.

Commissioner Hardy said when the agreement was made and the road was moved, the prior landowners needed access up to their property.

Scott Sandall said there was another landowner who has since been purchased out. There are now two landowners: Scott Sandall and Randy Moulding. They are the only landowners that are involved in any section or any access through this 3/8 mile of road. The east-west section of what was the right-of-way is gone. It was farmed over and planted back into grass.

County Attorney Hadfield said from what he has seen on the maps, he is comfortable that there was an agreement because the travel path of the road was changed about the time they are saying the agreement was made. Attorney Hadfield feels there is evidence that there was an agreement made.

He said the next question is how do we implement that agreement. Denton Beecher said you can't vacate a road without going through the vacation process.

Scott Sandall said he would like to formally petition to vacate that section of road.

### **REQUESTING EXTENSION FOR PAYING TAXES – MERLYNNE WOODLAND**

This item was cancelled.

### **PROPERTY TAX DEFERMENT – NEIL AND IRENE RUTHVEN**

Irene Ruthven said she and her husband are behind in taxes because she has been really ill. She has had to spend \$8,300 a month on medications which has put her into remission. She is now off the medication. She said her medical bills have been very expensive, and she has had a lot of tests. She asked somebody at the courthouse how soon the taxes need to be paid before your house goes to a tax sale, and the answer she received was 10 years. She later found out it was five years. She presented paperwork showing her earnings. She told the Commissioners she could pay \$500.00 a month and would like to extend payments until September.

**MOTION:** A motion was made by Commissioner Hardy to allow deferment on tax parcel 05-051-0031 in the name of Ruthven until October 1 with an agreement to pay on a monthly basis and subject to meeting the requirements of the state statute. The motion was seconded by Commissioner Shaffer and unanimously carried.

### **FENCE/GATE ISSUE ON BAMBERGER – COMMISSIONERS**

County Attorney Stephen Hadfield said some time ago the Commissioners were approached by Bruce Evans indicating he would like to use the Bamberger right-of-way to get his livestock from one place to another and that a fence had been placed over the right-of-way that did not allow him to do so. He said there was a gate there, but it is a smaller gate than was historically there. The county wrote a letter to the owner of the property indicating he needed to make provision for a large gate. The County did get a letter back indicating that is not what historically has been done on the property. The property owner said historically the right-of-way has been fenced without gates.

**MOTION:** A motion was made by Commissioner Hardy that all fences crossing the Bamberger right-of-way shall have a legal fence with a 16' wide gate, and at such time is required to have access, other gates should be treated this way. The motion was seconded by Commissioner Shaffer and unanimously carried.

### **WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 68239 through 68375, 201003 in the amount of \$470,635.87. Claims 67805 and 68005 were voided.

**PERSONNEL ACTIONS – COMMISSIONERS**

BUILDING INSPECTION: Andre Pommier, compensation change, effective 02/09/2010

**ADJOURNMENT**

A motion was made by Commissioner Shaffer to adjourn. Commissioner Hardy seconded the motion, and the meeting adjourned at 10:53 a.m.

**ADOPTED AND APPROVED** in regular session this 16<sup>th</sup> day of February 2010.

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Rich VanDyke, Chairman

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Jay E. Hardy, Commissioner

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Brian K. Shaffer, 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. Department of Air Quality Presentation – Stacy Adams

The Administrative/Operational Session adjourned at 12:05 p.m.