

**MINUTES
BOX ELDER COUNTY COMMISSION
MARCH 23, 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 **MARCH 23, 2010**. The following members were present:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
Diane Fuhriman	Deputy Recorder/Clerk

EXCUSED: 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. Fair – Monte Munns
7. Noxious Weed Fund – Bill Gilson, Rick Kent, Dave Hallinan

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
Diane Fuhriman	Deputy Recorder/Clerk

EXCUSED: LuAnn Adams Recorder/Clerk

The prayer was offered by Chairman VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF MARCH 16, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER HARDY, SECONDED BY COMMISSIONER SHAFFER AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS - COMMISSIONERS**EPA Designation**

Commissioner Hardy said the EPA has forced Box Elder County to be designated as a non-attainment area on air quality. Box Elder County is filing a lawsuit against the EPA, and for a fee of \$13,682, has hired attorneys Parsons, Behle & Latimer from Salt Lake City. He said the attorneys have filed suit in the 10th Circuit Court in Denver and Washington D.C.

Commissioner Shaffer said if this designation is not stopped, the state would have to do a state implementation program. He was in a meeting last week where they talked about dust control, which means anytime the soil is disturbed on a ¼ acre or more, it has to be watered down. The designation would have some great implications on construction and development in the county. There would be testing on car emissions which would cost approximately \$45 per car. He said they also discussed agriculture burning, gravel pits and business that create dust in the air and the effects the dust control regulations would have on them. Commissioner Shaffer said the county is doing all they can to stop the designation.

Chairman VanDyke said we are certainly not opposed to clean air but there have been numerous studies done by private companies within the county that indicate a completely different scenario than the EPA's.

Commissioner Shaffer commented there has not been one incident where Box Elder County has been out of compliance with the 2.5PM air quality rating, but since the county is a neighbor to someone who does, we were drawn into that designation.

MOTION: A motion was made by **Commissioner Shaffer** to set a cap of \$13,682 to Parsons, Behle and Latimer for the lawsuit pending with the EPA. The motion was seconded by **Commissioner Hardy** and unanimously carried.

Bookmobile – Commissioner Shaffer

Commissioner Shaffer reported the library system of Box Elder County received a new bookmobile to replace the old bookmobile that was out of service. He said the new bookmobile came in under budget by \$25,000. The trailer is expected to last 30 years and the truck that pulls it has a 10 year life expectancy. Commissioner Shaffer said it will be a wonderful addition to the library system and encouraged everyone to patronize the bookmobile.

FOREST SERVICE AGREEMENT – COMMISSIONER HARDY

Commissioner Hardy said the Sheriff's Department had a contract with the Forest Service but they were not being reimbursed at the same rate as other counties. He said Sheriff Yeates decided not to renew the contract and this document will de-obligate the Sheriff's Department from the prior contract.

MOTION: A motion was made by **Commissioner Hardy** to allow the chair to sign the agreement with the Forest Service subject to the verification on the referencing contracts. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

VALLEY VIEW ESTATES PHASE 01/RELEASE FINAL ESCROW FUNDS – TAMARA WRIGHT

County Planner Tamara Wright said Brian Rose came in to create a subdivision in 2006. The subdivision was subject to certain improvements and an escrow agreement was entered into for those improvements. Mr. Rose has now completed the improvements to Valley View Estates Phase 01 and has requested a release of the remaining escrow funds.

Ms. Wright then read the letter she drafted to America First Credit Union requesting the release of funds and asked the chair to sign. *(See Attachment No. 2 - Letter.)*

MOTION: A motion was made by **Commissioner Shaffer** to release the escrow funds for Valley View Estates Phase 01 and authorize the chair to sign the letter. The motion was seconded by **Commissioner Hardy** and unanimously carried.

ORDINANCE #328/TEXT AMENDMENT – TAMARA WRIGHT

MOTION: A motion was by **Commissioner Hardy** to approve Ordinance #328 to bring the existing definitions into compliance with land use definitions contained in Utah State Code. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

(See Attachment No. 3 – Ordinance #328.)

ORDINANCE #329/MSW ZONE –TAMARA WRIGHT

MOTION: A motion was made by **Commissioner Shaffer** to approve Ordinance #329 with the added gravel & rock quarries permitted uses subject to conditions and requirements in the landfill & land excavation overlay. The motion was seconded by **Commissioner Hardy** and unanimously carried.

(See Attachment No. 4 – Ordinance #329.)

ORDINANCE #330/COUNTY ROAD STANDARDS – TAMARA WRIGHT

MOTION: A motion was made by **Commissioner Hardy** to approve Ordinance #330 for minimum standards on county roads. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

(See Attachment No. 5 – Ordinance #330.)

ORDINANCE #331/TAX SALE – TOM BENNETT

County Auditor Tom Bennett said per Utah Code the county needs to have an ordinance in place that states the county's tax sale procedures. Mr. Bennett said this ordinance clarifies the bidding procedure and that fees will be charged at the time of the sale and that within three weeks of the tax sale only cash or certified funds will be accepted.

MOTION: A motion was made by **Commissioner Shaffer** to adopt Ordinance #331 enacting procedures for the tax sale and assessing administrative costs to delinquent properties. The motion was seconded by **Commissioner Hardy** and unanimously carried.

(See Attachment No.6 – Ordinance #331.)

INDEPENDENT AUDITOR CONTRACT – TOM BENNETT

This item was cancelled.

SIGN ALTIUS GROUP SERVICE AGREEMENT – PEGGY MADSEN

Personnel Director Peggy Madsen said there are no real changes to the group agreement other than legislation was passed that all insurance companies treat mental health the same as all other medical illnesses.

MOTION: A motion was made by **Commissioner Shaffer** to accept the Altius Group Service Agreement and allow the chair to sign. The motion was seconded by **Commissioner Hardy** and unanimously carried.

EWP FUNDING FOR HANSEL VALLEY WATERSHED DISTRICT & NRCS CONTRACT – JEFF SCHICK

NRCS District Conservationist Jeff Schick and Bronson Smart came to the Commission table to answer questions and discuss EWP funding appropriated to help repair the flood damage to District No. 1 and the Hansel Valley Watershed District.

Commissioner Shaffer said it had been presented to the county that the 25% cost share may be able to be funded through the disposal of sediment.

Landfill Director Gina Allen reviewed her findings on the cost estimates for disposal of soil excavated from the project. *(See Attachment No. 7 – Disposal Cost for Soil.)*

Commissioner Shaffer said there is another option of stockpiling the material at the gravel pit in Bothwell and incorporating it into road base at a future time.

Commissioner Shaffer said there have been issues with who should be responsible for the contract. He said it has always been the county's opinion these special service districts are in place and have been given an opportunity to fund themselves and to maintain operation and maintenance of the project for 40+ years. He said the cooperative agreements have always named the county as the sponsor of the contract and the feeling is mutual that if the contract is signed, it needs to be signed with the service districts.

Attorney Eric Johnson reviewed a statement he prepared rendering opinion on the legal status and powers of Box Elder County Special Service District #1. (See Attachment No. 8 – Statement of Legal Status.)

Commissioner Shaffer said whether the service district enters into the contract or whether the county enters into the contract, one major concern is the contract states "the plan developed by NRCS is acceptable to the county; the county is responsible 100% for expense of operation and maintenance upon completion of the project". Commissioner Shaffer said the Commission has never seen what would be required in the operation and maintenance plan. The County Commission would be remiss in signing without knowing what the expenses are and having them outlined.

There was further discussion between representatives of NRCS and the special service districts regarding details of the contract.

MOTION: A motion was made by **Commissioner Shaffer** to table the signing of the agreement with NRCS until such time we have an acceptable agreement by the two service districts, NRCS and the road department. The motion was seconded by **Commissioner Hardy** and unanimously carried.

Chairman VanDyke said this is a project that we take an extreme interest in, and it sounds like we have begun to hammer out some of the details. He appreciates all the effort that has been made here.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 68940 through 69117, 2010006 in the amount of \$829,821.57.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF DEPT:	Jonathan C. Whitely, separation, effective 03/18/2010
SHERIFF DEPT:	Paula H. Anderson, new-hire, effective 03/22/2010
BOOKMOBILE:	Sharon Zundel, compensation change, effective 03/17/2010
BOOKMOBILE:	Philip M. Lee, compensation change, effective 03/17/2010
BOOKMOBILE:	Bradley J. Rhodes, compensation change, effective 03/17/2010

ADJOURNMENT

A motion was made by **Commissioner Hardy** to adjourn. **Commissioner Shaffer** seconded the motion, and the meeting adjourned at 10:33 a.m.

ADOPTED AND APPROVED in regular session this 30th day of March 2010.



Rich VanDyke, Chairman



Jay E. Hardy, Commissioner



Brian K. Shaffer, Commissioner



ATTEST:



LuAnn Adams, Recorder/Clerk

BOX ELDER COUNTY RECORDER/CLERK
Box Elder County Courthouse
01 South Main Street
Brigham City, Utah 84302

NOTICE and AGENDA

Public Notice is hereby given that the Box Elder County Board of County Commissioners will hold an **Administrative/Operational Session** commencing at **8:00 a.m.** and a regular **Commission Meeting** commencing at **9:00 a.m. TUESDAY, MARCH 23, 2010** in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.

Administrative/Operational Session

***8:00 a.m.**

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports – Agenda Related
4. Correspondence
5. Assignment Review

***8:20 a.m.**

6. Fair – Monte Munns
7. Noxious Weed Fund – Bill Gilson, Rick Kent, Dave Hallinan

- *9:00 – 9:05** Call to Order: Chairman VanDyke
Invocation: Chairman VanDyke
Approval of Minutes of March 16, 2010
- *9:05 – 9:10** Follow-Up Business
- *9:10 – 9:15** Forest Service Agreement – Commissioner Hardy
- *9:15 – 9:20** Valley View Estates Phase 01/Release Final Escrow Funds – Tamara Wright
- *9:20 – 9:25** Ordinance #328/Text Amendment – Tamara Wright
- *9:25 – 9:30** Ordinance #329/MSW Zone – Tamara Wright
- *9:30 – 9:35** Ordinance #330/ County Road Standards – Tamara Wright

- *9:35 – 9:40 Ordinance #331/Tax Sale – Tom Bennett
- *9:40 – 9:45 Independent Auditor Contract – Tom Bennett
- *9:45 – 9:50 Sign Altius Group Service Agreement – Peggy Madsen
- *9:50 – 10:00 EWP Funding for Hansel Valley Watershed District & NRCS Contract –
Jeff Schick
- *10:00 – 10:05 Warrant Register & Personnel Actions – Commissioners
- *10:05 – 10:10 Assignment Review – Commissioners

Adjournment

These assigned times may vary depending on length of discussion, cancellation of scheduled agenda items or agenda alteration. Therefore, the times are estimates of the agenda items to be discussed. If you have any interest in any topic, you need to be in attendance at 9:00 a.m.

Prepared and posted this 18th day of March 2010.

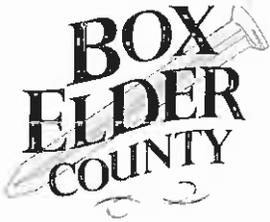
Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 18th day of March 2010.



LuAnn Adams
Recorder/Clerk

NOTE: Please turn off or silence cell phones and pagers during public meetings

This facility is wheel chair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made three (3) working days prior to this meeting. Please contact the Commission Secretary's office at 734-3347 or FAX 734-2038 for information or assistance.



March 23, 2010

America First Credit Union
4646 South 1500 West, Ste 140
Riverdale, UT 84405

Fax: 801 827-8625

RE: Valley View Estates Subdivision ph. 1,
Mr. Brian Rose

Dear Joanna,

Please be informed that Mr. Rose has submitted a request for a release of escrow funds for the above mentioned subdivision.

The County has reviewed the request and conducted a final field inspection of improvements that have been installed and has determined that the funds being held in escrow can be released. Accordingly, you are authorized to release all funds held in escrow in connection with the above subdivision including all principal and interest.

Per your request, I have attached the original Escrow Agreement.

Dated this 23rd day of March, 2010.

A handwritten signature in black ink, appearing to read "Rich VanDyke". The signature is written in a cursive, flowing style.

Rich VanDyke, Chair
Box Elder County Commission

/tlw
Enclosure

ESCROW AGREEMENT

THIS AGREEMENT made and entered into by and between **NTR Services LLC**, hereinafter referred to as the Subdivider's, **America First Federal Credit Union**, hereinafter referred to as the Escrow Agent, and **Box Elder County**, hereinafter referred to as the County.

WITNESSETH:

WHEREAS, the Subdivider's have filed with Box Elder County their application and other documents for a subdivision in Box Elder Count, Utah, known as **Valley View Estates**, and

WHEREAS, it is the desire of the Subdivider's to comply with Section 3.5.2.1.2 of the Box Elder Land Use Management and Development Code, 17 February, 1993, and in lieu of the actual installation of the improvements required by the ordinance, to deposit in escrow with the Escrow Agent an amount of money equal to the cost of said improvements as estimated by the Subdivider's engineer and approved by the County Surveyor for the installation of said improvements within two years from the approval of the Final Plat and Subdivision.

NOW THEREFORE, in consideration of the premises, the parties hereto agree with each other as follows, to-wit:

1. That the subdivider has deposited with the Escrow Agent the Sum of **\$109,947.42**, being the amount estimated by the Subdivider's engineer to cover the costs of the improvements (*with 10% held for guarantee, for a period of one year.*) required by the Subdividers for **Valley View Estates** and in compliance with the Box Elder County Land Use Management and Development Code, 17 February, 1993.
2. That the Escrow Agent will hold said funds in escrow conditioned upon the installation of said improvements in said subdivision during a period of two years from the approval of the Final Plat and Subdivision by Box Elder County.
3. It is mutually understood and agreed that in the event the Subdividers default or fail or neglect to satisfactorily install said required improvements within two years from the date of approval of the Final Plat, the Board of County Commissioners of Box Elder County, Utah may declare said escrow deposit forfeited, and may install or cause the required improvements to be installed, using the proceeds from the collection of said escrow deposit to defray the expenses thereof.
4. The Escrow Agent further agrees not to release any part of said escrow funds until it has received from the Box Elder Count Commissioners a written release of said escrow deposit.

5. It is understood and agreed that an executed copy of this Escrow Agreement shall be filed with the Box Elder County Clerk in compliance with Chapter three (3) of said Code.

IN WITNESS WHEREOF, the Subdivider's and Escrow Agent have caused this agreement to be executed in triplicate this 25th day of July, 2006.

SUBDIVIDERS

BANK

AMERICA FIRST CREDIT UNION
P.O. BOX 9330, 1344 W. 4875 SO.
OGDEN, UTAH 84403-0100

By: *Juliana Keller* BUSINESS ACCOUNT SERVICES, MANAGER
Bank Officer/Escrow Agent

ATTEST:

APPROVED:
BOX ELDER COUNTY COMMISSIONERS

By: _____
CHAIRMAN

Box Elder County Attorney

ORDINANCE NO. 328

AN ORDINANCE OF BOX ELDER COUNTY AMENDING §1-3-040 OF THE BOX ELDER COUNTY LAND USE MANAGEMENT AND DEVELOPMENT CODE ENTITLED "DEFINITIONS" TO INCLUDE NEW DEFINITIONS WHICH WILL BRING THE EXISTING COUNTY LAND USE DEFINITIONS INTO COMPLIANCE WITH THE LAND USE DEFINITIONS CONTAINED IN UTAH STATE CODE.

WHEREAS, the Box Elder County Planning Commission has been made aware that the existing land use definitions contained in §1-3-040 of the Box Elder County Land Use Management and Development Code are not in compliance with the land use definitions contained within the current Utah State code; and

WHEREAS, the Box Elder County Planning Commission has determined that the Box Elder County Land Use Management & Development Code should contain land use definitions which are consistent with the land use definitions contained within the Utah State code; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on January 21, 2010, to allow the general public to comment on these proposed definition additions, and modifications; and

WHEREAS, after providing an opportunity for public input, the Box Elder County Planning Commission is recommending Box Elder County Commission approval of the proposed definition additions and modifications to provide for the health, safety, and general welfare of the public and protect the environment; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on March 16, 2010, to allow the general public to comment on the proposed definition additions, and modifications; and

WHEREAS, the Box Elder County Commission, after providing an opportunity for public input and after becoming familiar with the proposed definitions, finds that the proposed amendment to §1-3-040 as set forth below, will be in the best interests of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the Box Elder County Commission, acting as the legislative body of Box Elder County, State of Utah, ordains as follows:

SECTION 1: Ordinance Amendment. §1-3-040 of the Box Elder County Land Use Management and Development Code entitled "Definitions," is hereby amended to include the following definitions which will be located in alphabetical order within the existing definitions:

Affected Entity: A county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11,

Chapter 13, Interlocal Cooperation Act, specified property owner, property owners association, public utility, or the Utah Department of Transportation, if:

- A. the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- B. the entity has filed with the county a copy of the entity's general or long-range plan; or
- C. the entity has filed with the county a request for notice during the same calendar year and before the county provides notice to an affected entity in compliance with a requirement imposed under this chapter.

Appeal authority: The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

Billboard: A freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

Charter school includes:

- A. an operating charter school;
- B. a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

Chief executive officer: The person or body that exercises the executive powers of the county.

Community Water System (CWS) means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Conditional Use Development: A mobile home park, mobile home subdivision, Recreational Vehicle Park, landfill or land excavation which is required to obtain a conditional use permit.

Culinary water authority: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

Development or Development activity:

- A. any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- B. any change in use of a building or structure that creates additional demand and need for public facilities; or

- C. any change in the use of land that creates additional demand and need for public facilities.

Dwelling, Two Family (Duplex): A building containing only two (2) dwelling units.

Dwelling, Three Family (Triplex): A building containing only three (3) dwelling units.

Dwelling, Four Family (Four-Plex): A building containing only four (4) dwelling units.

Dwelling, Multiple Family: A building containing more than one (1) dwelling unit.

Educational facility: A school district's building, or private building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;

Financial Guarantee: A letter of credit, and escrow with a Utah Lending Financial Institution. The Financial Guarantee requires:

1. The establishment of a letter of credit or institution escrow for 120% of the County Engineer approved Cost Estimate of materials and labor for installing the required improvements.
 - a. Upon completion and inspection of the required improvements, Box Elder County Commissioners will release the escrow amount. However, 20% of the original escrow must be retained for the warranty period, one (1) year for the improvements. Upon the expiration of the financial guarantee warranty period, and after a satisfactory inspection of all improvements, the remaining amount will be released by the county Commission upon recommendation of the County Engineer.

Financial Guarantee Warranty: A promise that the materials and workmanship of improvements will comport with standards that the county has officially adopted; and will not fail in any material respect within a warranty period.

Fire authority: The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

Flag Lot: A flag or L-shaped lot consisting of a staff portion contiguous with the flag portion, the staff portion having frontage on a dedicated street.

Flood Plain: Land that is within the 100-year flood plain designated by the Federal Emergency Management Agency; or has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

Gas Corporation: has the same meaning as defined in Section 54-2-1.

Geologic hazard: A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth. Geologic hazards include but are not limited to: a surface fault rupture, shallow groundwater, liquefaction, landslide, debris flow, unstable soil, a rock fall, any other geologic condition that presents a risk, to life, of substantial loss of real property, of substantial damage to real property.

Hookup fee: A fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to county water, sewer, storm water, power, or other utility system.

Impact fee: A payment of money imposed under Title 11, Chapter 36, Impact Fees Act.

Intrastate pipeline company: A person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

Land use authority: A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

Land use ordinance: A planning, zoning, development, or subdivision ordinance of Box Elder County, but does not include the general plan.

Land use permit: A permit issued by a land use authority.

Lot, Flag: A flag or L-shaped lot consisting of a staff portion contiguous with the flag portion, the staff portion having frontage on a dedicated street.

Lot line adjustment: The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

Moderate income housing: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

Non-Transient Non-Community Water System (NTNCWS) means a public water system that regularly serves at least 25 of the same nonresident persons per day for more than six months per year. Examples of such systems are those serving the same individuals (industrial workers, school children, church members) by means of a separate system.

Person: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

Plan for moderate income housing: A written document adopted by Box Elder County that includes:

- A. An estimate of the existing supply of moderate income housing located within the county;

- B. An estimate of the need for moderate income housing in the county for the next five years as revised biennially;
- C. A survey of total residential land use;
- D. An evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- E. A description of the county's program to encourage an adequate supply of moderate income housing.

Potential geologic hazard area: An area that:

- A. Is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard;
- B. Or has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

Public agency: Is the federal government, the state, a county, municipality, school district, local district, special service district, or other political subdivision of the state; or a charter school.

Public Water System (PWS) means a system, either publicly or privately owned, providing water through constructed conveyances for human consumption and other domestic uses, which has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days out of the year and includes collection, treatment, storage, or distribution facilities under the control of the operator and used primarily in connection with the system, or collection, pretreatment or storage facilities used primarily in connection with the system but not under his control (see 19-4-102 of the Utah Code Annotated). All public water systems are further categorized into three different types, community (CWS), non-transient non-community (NTNCWS), and transient non-community (TNCWS). These categories are important with respect to required monitoring and water quality testing found in R309-205 and R309-210 (see also definition of "water system").

Residential facility for elderly persons: A single-family or multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not include a health care facility as defined by Section 26-21-2.

Residential facility for persons with a disability: A residence in which more than one person with a disability resides and which is licensed or certified by:

- A. The Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
- B. The Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

Sanitary sewer authority: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

Skyspace: That portion of the sky that must remain unobstructed for a solar collector to operate effectively. The skyspace can be measured for specific time of year use and location. (See also **Solar Access**.)

Solar Greenhouse/sunspace/sunparlor: An attached space to a building or residence which may provide heat and/or food to users as part of a passive solar energy system.

Specified public utility: An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1, or as amended.

State: Any department, division, or agency of the state.

Township: A contiguous, geographically defined portion of the unincorporated area of a county, established under this part or reconstituted or reinstated under Section 17-27a-306, with planning and zoning functions as exercised through the township planning commission, as provided in this chapter, but with no legal or political identity separate from the county and no taxing authority, except that "township" means a former township under Laws of Utah 1996, Chapter 308, where the context so indicates.

Transferrable development right: The entitlement to develop land within a sending zone that would vest according to the county's existing land use ordinances on the date that a completed land use application is filed seeking the approval of development activity on the land.

Transient Non-Community Water System: (TNCWS) means a non-community public water system that does not serve the same 25 nonresident persons per day for more than six months per year. Examples of such systems are those, RV Park, diner or convenience store where the permanent nonresident staff number less than 25, but the number of people served exceeds 25.

Water interest: Any right to the beneficial use of water, including each of the rights listed in Section 73-1-11, and an ownership interest in the right to the beneficial use of water represented by a contract; or a share in a water company, as defined in Section 73-3-3.5.

Water System means all lands, property, rights, rights-of-way, easements and related facilities owned by a single entity, which are deemed necessary or convenient to deliver drinking water from source to the service connection of a consumer(s). This includes all water rights acquired in connection with the system, all means of conserving, controlling and distributing drinking water, including, but not limited to, diversion or collection works, springs, wells, treatment plants, pumps, lift stations, service meters, mains, hydrants, reservoirs, tanks and associated appurtenances within the property or easement boundaries under the control of or controlled by the entity owning the system.

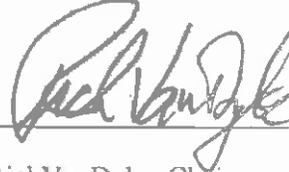
SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 23 day of Mar
2010, by the Board of County Commissioners of Box Elder County, Utah.

Commissioner VanDyke Voting aye

Commissioner Hardy Voting aye

Commissioner Shaffer Voting aye



Rich VanDyke, Chair

Box Elder County Commission

Attest:



Duane Tubman Deputy

Box Elder County Recorder/Clerk

ORDINANCE NO. 329

AN ORDINANCE OF BOX ELDER COUNTY AMENDING §3-8-040.2 OF THE BOX ELDER COUNTY LAND USE MANAGEMENT AND DEVELOPMENT CODE ENTITLED "USES" OF THE CONSTRUCTION & MUNICIPAL WASTE ZONES ORDINANCE TO ALLOW GRAVEL/ROCK QUARRY TO BE ADDED AS A PERMITTED USE AND SUBJECT TO CONDITIONS AND REQUIREMENTS IN THE LANDFILL & LAND EXCAVATION OVERLAY.

WHEREAS, the Box Elder County Planning Commission determined that gravel and rock quarries should be allowed as a permitted use in the Construction and Municipal Waste zones and subject to the requirements of the Landfill & Land Excavation Overlay zones; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on January 21, 2010, to allow the general public to comment on adding gravel/rock quarry as a permitted use to the uses of the Construction & Municipal Waste Zones Ordinance in the Box Elder County Land Use Management & Development Code and subject to conditions and requirements in the Landfill & Land Excavation Overlay; and

WHEREAS, after providing an opportunity for public input, the Box Elder County Planning Commission is recommending approval of the proposed amendment to provide for the health, safety, and general welfare of the public and protect the environment; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on March 16, 2010, to allow the general public to comment on the proposed amendment; and

WHEREAS, the Box Elder County Commission, after providing an opportunity for public input, finds that the proposed amendment will be in the best interests of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the Box Elder County Commission, acting as the legislative body of Box Elder County, State of Utah, ordains as follows:

SECTION 1: Ordinance Amendment §3-8-040.2 of the Box Elder County Land Use Management and Development Code entitled "Uses," is hereby amended to read in its entirety as follows:

3-8-040.2. Uses.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the construction debris overlay (CDO) or municipal solid waste (MSW) zoning districts except as provided in this Part.

Table 3-8-040.3. Construction debris overlay (CDO) zone uses.		
	USE	CDO
a	Accessory uses buildings customarily incidental to conditional uses	C1

AZZ#4

b	Agriculture, grazing of animals, raising of crops	P
c	Construction equipment and supply trailer, temporary	C1
d	Construction field office, temporary	C1
e	Construction debris landfill	C

Table 3-8-040.4. Municipal solid waste (MSW) zone uses.		
	Use	MSW
a	Accessory uses buildings customarily incidental to conditional uses	C1
b	Construction equipment and supply trailers, temporary	C1
c	Construction field office, temporary	C1
d	Grazing of animals	P
e	Municipal solid waste landfill	C
f	Waste recycling facilities	C
g	Waste to energy facilities	C
h	Gravel/rock quarry subject to conditions and requirements in the Landfill & Land Excavation Overlay of this Code.	C

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 23 day of Mar, 2010, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner VanDyke Voting aye

Commissioner Hardy Voting aye

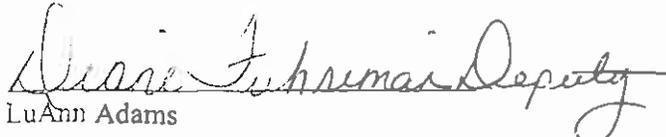
Commissioner Shaffer Voting aye



Rich VanDyke, Chair

Box Elder County Commission

Attest:


LuAnn Adams

Box Elder County Recorder/Clerk

ORDINANCE NO. 330

AN ORDINANCE OF BOX ELDER COUNTY AMENDING ARTICLE 5 OF THE BOX ELDER COUNTY LAND USE MANAGEMENT AND DEVELOPMENT CODE BY ADDING A NEW SECTION DESIGNATED 5-1-330 ENTITLED, "BOX ELDER COUNTY MINIMUM ROAD STANDARDS".

WHEREAS, a request has been made for Box Elder County to establish minimum standards for the development of roads, streets, gutters, and other such planning issues, to aid present and future development involving inhabited structures in both the zoned and unzoned areas of unincorporated Box Elder County and to allow such development to occur in an orderly and consistent manner; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on January 21, 2010, to allow the general public to comment on the proposed Box Elder County Minimum Road Standards; and

WHEREAS, after providing an opportunity for public input, the Box Elder County Planning Commission is recommending approval of the Minimum Road Standards to provide for the health, safety, and general welfare of the public and protect the environment; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on March 16, 2010, to allow the general public to comment on the proposed Minimum Road Standards; and

WHEREAS, the Box Elder County Commission, after providing an opportunity for public input and after becoming familiar with the proposed Minimum Road Standards, finds that the adoption of the proposed Minimum Road Standards will be in the best interests of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the Box Elder County Commission, acting as the legislative body of Box Elder County, State of Utah, ordains as follows:

SECTION 1: Ordinance Amendment. Article 5 of the Box Elder County Land Use Management and Development Code is hereby amended by adding a new section designated as 5-1-330 entitled "Box Elder County Minimum Road Standards" which shall read in its entirety as follows:

5-1-330. BOX ELDER COUNTY MINIMUM ROAD STANDARDS

A. Intent

The intent of this section is to provide a minimum standards for present and future development involving inhabited structures in the zoned and unzoned areas of unincorporated Box Elder County and

A17#5

appropriately provide for the health, safety, and general welfare of the public and to protect the environment.

B. SCOPE

The drawings of this Chapter shall serve as minimum standards to the development and use standards set forth in other chapters of this Code, including but not limited to base zones, special purpose and overlay zones, development regulations of general applicability, regulations for specific uses, and subdivisions. The drawings of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Code, the Box Elder County ordinances, or other laws; provided, however, that the drawings of this Chapter shall prevail over conflicting provisions of any other requirement in this Code unless a different standard is expressly authorized.

C. MINIMUM STANDARD DRAWINGS

SEE EXHIBIT A

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 23 day of March, 2010, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner VanDyke Voting aye

Commissioner Hardy Voting aye

Commissioner Shaffer Voting aye

13/ Rich VanDyke

Rich VanDyke, Chair

Box Elder County Commission

Attest:

LuAnn Adams Deputy

LuAnn Adams

Box Elder County Recorder/Clerk

BOX ELDER COUNTY ROAD, STORM DRAIN, AND FENCING STANDARD DRAWINGS

SUBMITTED & RECOMMENDED

Scott L. Jones
SCOTT L. JONES, P.E.
BOX ELDER COUNTY ENGINEER
3/22/10
DATE

APPROVAL
Bob Burke
BOB BURKE
BOX ELDER COUNTY COMMISSIONER
3/23/10
DATE

Bill Gibson
BILL GIBSON
BOX ELDER COUNTY ROAD DEPARTMENT
3/23/10
DATE

Kevin Hawthorne
KEVIN HAWTHORNE
BOX ELDER COUNTY
COMMUNITY DEVELOPMENT DIRECTOR
3/23/10
DATE

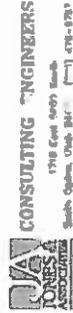
Scott L. Jones
SCOTT L. JONES
BOX ELDER COUNTY ENGINEER
3/23/10
DATE

Index of Drawings

- 1...TITLE PAGE & INDEX OF DRAWINGS
- 2...PRIVATE ROADWAY SECTION
- 3...PUBLIC ROADWAY SECTION
- 4...DRIVEWAY DETAILS
- 5...STANDARD STREET INTERSECTION DETAILS
- 6...TYPICAL WHEELCHAIR RAMP & IRRIGATION BOX DETAILS
- 7...CUL-DE-SAC DETAILS
- 8...CATCH BASINS & STORM DRAIN CLEANOUT MANHOLE DETAILS
- 9...TYPE Y CATCH BASIN & OUTLET DIPSTONE DETAILS
- 10...STORM DRAIN MANHOLE & SUBSURFACE DRAINAGE DETAILS
- 11...FENCING STANDARD DETAILS
- 12...CATTLE GUARD DETAILS

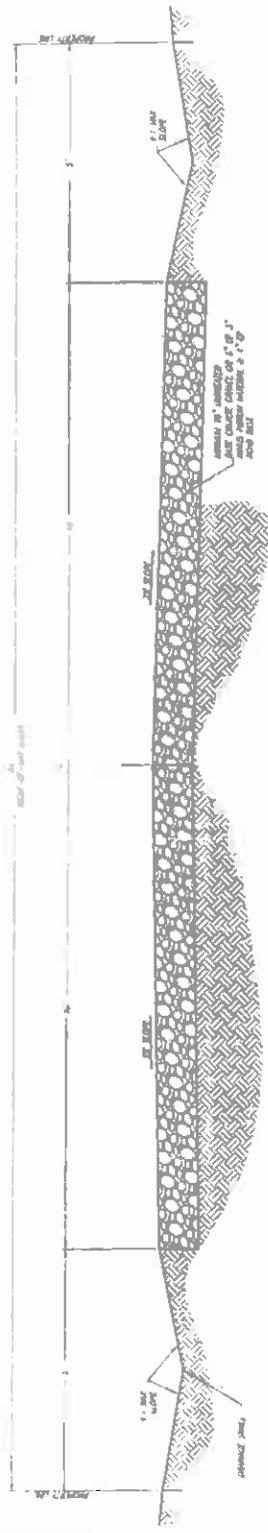


JANUARY 2010



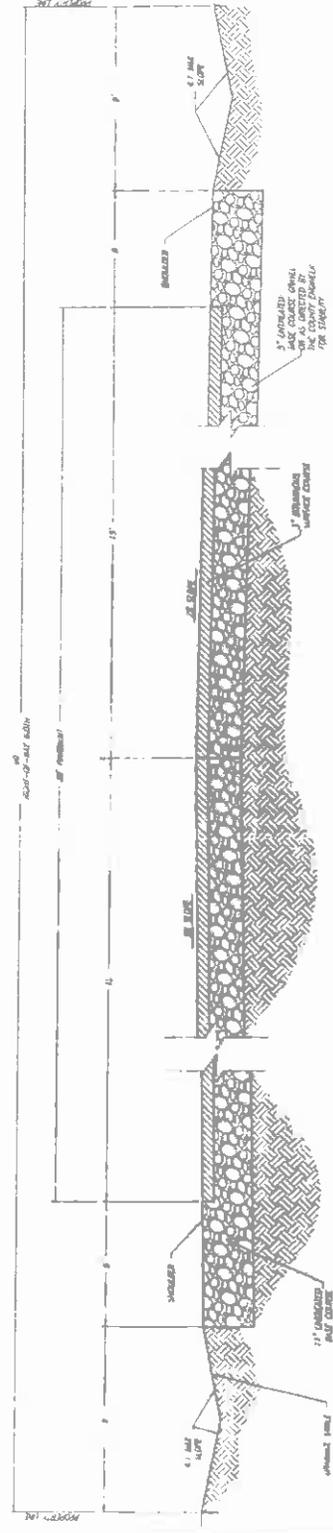
DVA CONSULTING ENGINEERS
1716 East 94th Street
South Ogden, Utah 84403 (407) 478-9793

**MINIMUM RESIDENTIAL ACCESS, PRIVATE ROAD AND PRIVATE DRIVEWAY / SERVING 1 OR 2 LOTS
FOR DRIVEWAYS OVER 8' WIDING**



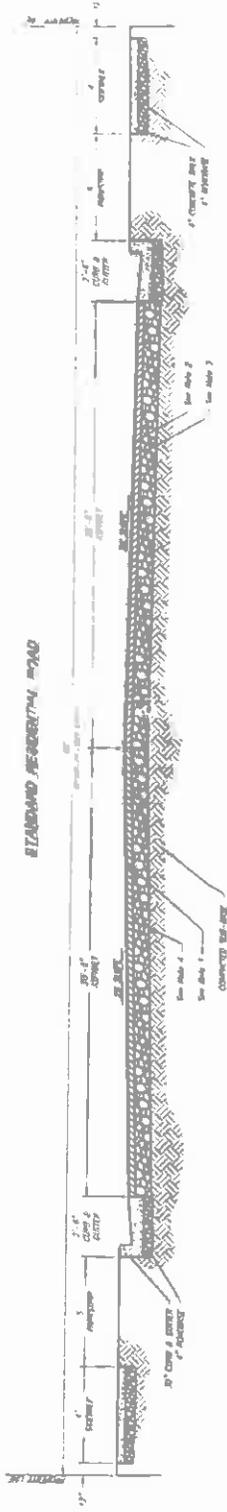
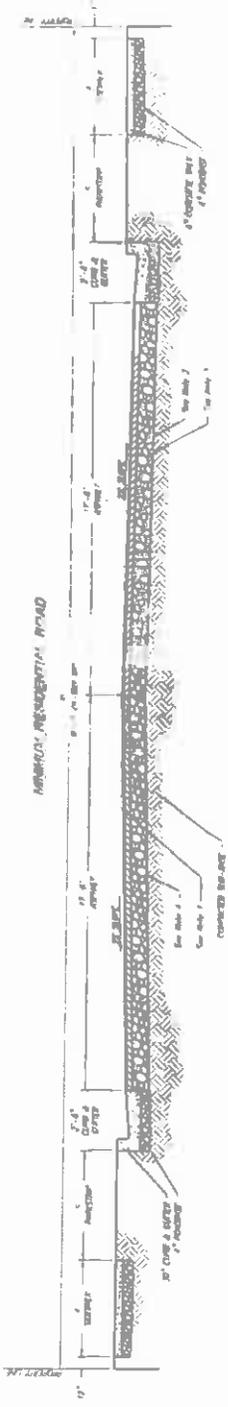
NOTE:
 1. ALL DRIVE AND DRIVE INCREASES WITH AN INCREASE IN THE LOT'S DIMENSIONS. SET BACK IS INDICATED.
 2. DRIVEWAY SHALL BE 12' WIDE AT ALL POINTS INCLUDING THE DRIVEWAY ENTRANCE AND EXIT. DRIVEWAY SHALL BE 12' WIDE AT ALL POINTS INCLUDING THE DRIVEWAY ENTRANCE AND EXIT.
 3. DRIVEWAY SHALL BE 12' WIDE AT ALL POINTS INCLUDING THE DRIVEWAY ENTRANCE AND EXIT.
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 8. DRIVEWAY SHALL BE 12' WIDE AT ALL POINTS INCLUDING THE DRIVEWAY ENTRANCE AND EXIT.
 9. DRIVEWAY SHALL BE 12' WIDE AT ALL POINTS INCLUDING THE DRIVEWAY ENTRANCE AND EXIT.
 10. DRIVEWAY SHALL BE 12' WIDE AT ALL POINTS INCLUDING THE DRIVEWAY ENTRANCE AND EXIT.

STANDARD DRIVE / ROAD / SERVING 3 OR MORE LOTS



NOTE:
 1. ALL DRIVE AND DRIVE INCREASES WITH AN INCREASE IN THE LOT'S DIMENSIONS. SET BACK IS INDICATED.
 2. DRIVEWAY SHALL BE 12' WIDE AT ALL POINTS INCLUDING THE DRIVEWAY ENTRANCE AND EXIT. DRIVEWAY SHALL BE 12' WIDE AT ALL POINTS INCLUDING THE DRIVEWAY ENTRANCE AND EXIT.
 3. DRIVEWAY SHALL BE 12' WIDE AT ALL POINTS INCLUDING THE DRIVEWAY ENTRANCE AND EXIT.
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 9. DRIVEWAY SHALL BE 12' WIDE AT ALL POINTS INCLUDING THE DRIVEWAY ENTRANCE AND EXIT.
 10. DRIVEWAY SHALL BE 12' WIDE AT ALL POINTS INCLUDING THE DRIVEWAY ENTRANCE AND EXIT.

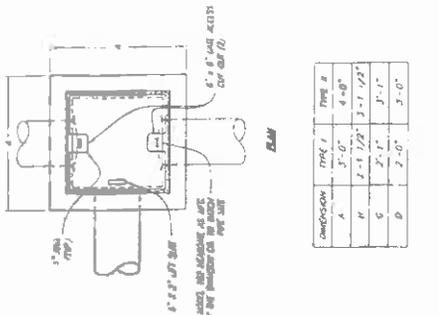
<p>2</p>	
<p>PRIVATE ROADWAY SECTIONS</p>	
<p>CONSULTING ENGINEERS</p>	
<p>1700 1st Street South</p>	
<p>Mobile, Alabama 36688 (904) 438-1917</p>	



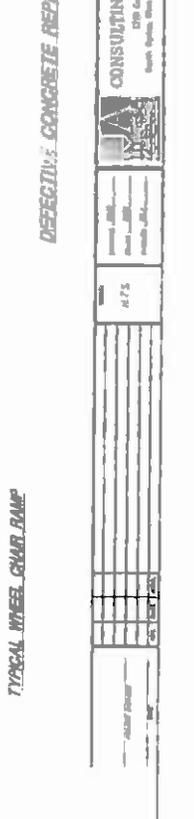
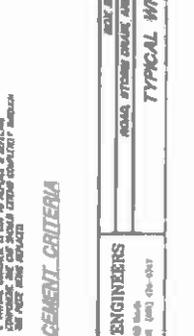
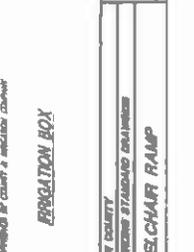
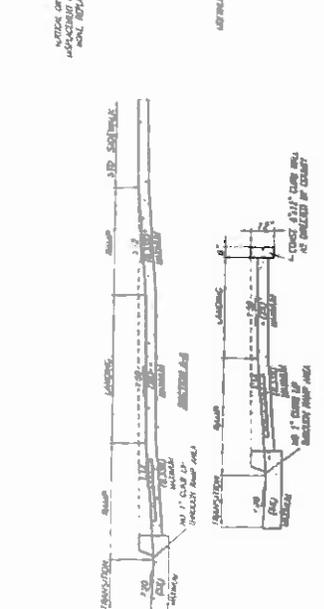
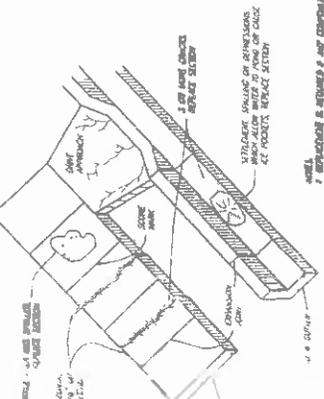
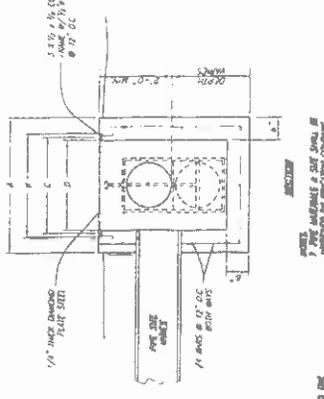
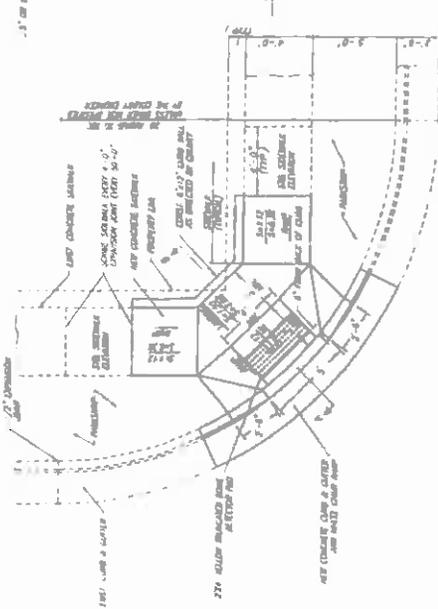
PUBLIC ROAD PAVEMENT WIDTHS

ROAD CLASSIFICATION	TYPE	PAVEMENT WIDTH
STANDARD RESIDENTIAL ROAD	TYPE 1	12'
STANDARD RESIDENTIAL ROAD	TYPE 2	12'
STANDARD RESIDENTIAL ROAD	TYPE 3	12'
STANDARD RESIDENTIAL ROAD	TYPE 4	12'
STANDARD RESIDENTIAL ROAD	TYPE 5	12'
STANDARD RESIDENTIAL ROAD	TYPE 6	12'
STANDARD RESIDENTIAL ROAD	TYPE 7	12'
STANDARD RESIDENTIAL ROAD	TYPE 8	12'
STANDARD RESIDENTIAL ROAD	TYPE 9	12'
STANDARD RESIDENTIAL ROAD	TYPE 10	12'

- NOTES
1. SEE PLAN FOR ALL DIMENSIONS AND LOCATIONS.
 2. SEE PLAN FOR ALL DIMENSIONS AND LOCATIONS.
 3. SEE PLAN FOR ALL DIMENSIONS AND LOCATIONS.
 4. SEE PLAN FOR ALL DIMENSIONS AND LOCATIONS.
 5. SEE PLAN FOR ALL DIMENSIONS AND LOCATIONS.
 6. SEE PLAN FOR ALL DIMENSIONS AND LOCATIONS.
 7. SEE PLAN FOR ALL DIMENSIONS AND LOCATIONS.
 8. SEE PLAN FOR ALL DIMENSIONS AND LOCATIONS.
 9. SEE PLAN FOR ALL DIMENSIONS AND LOCATIONS.
 10. SEE PLAN FOR ALL DIMENSIONS AND LOCATIONS.



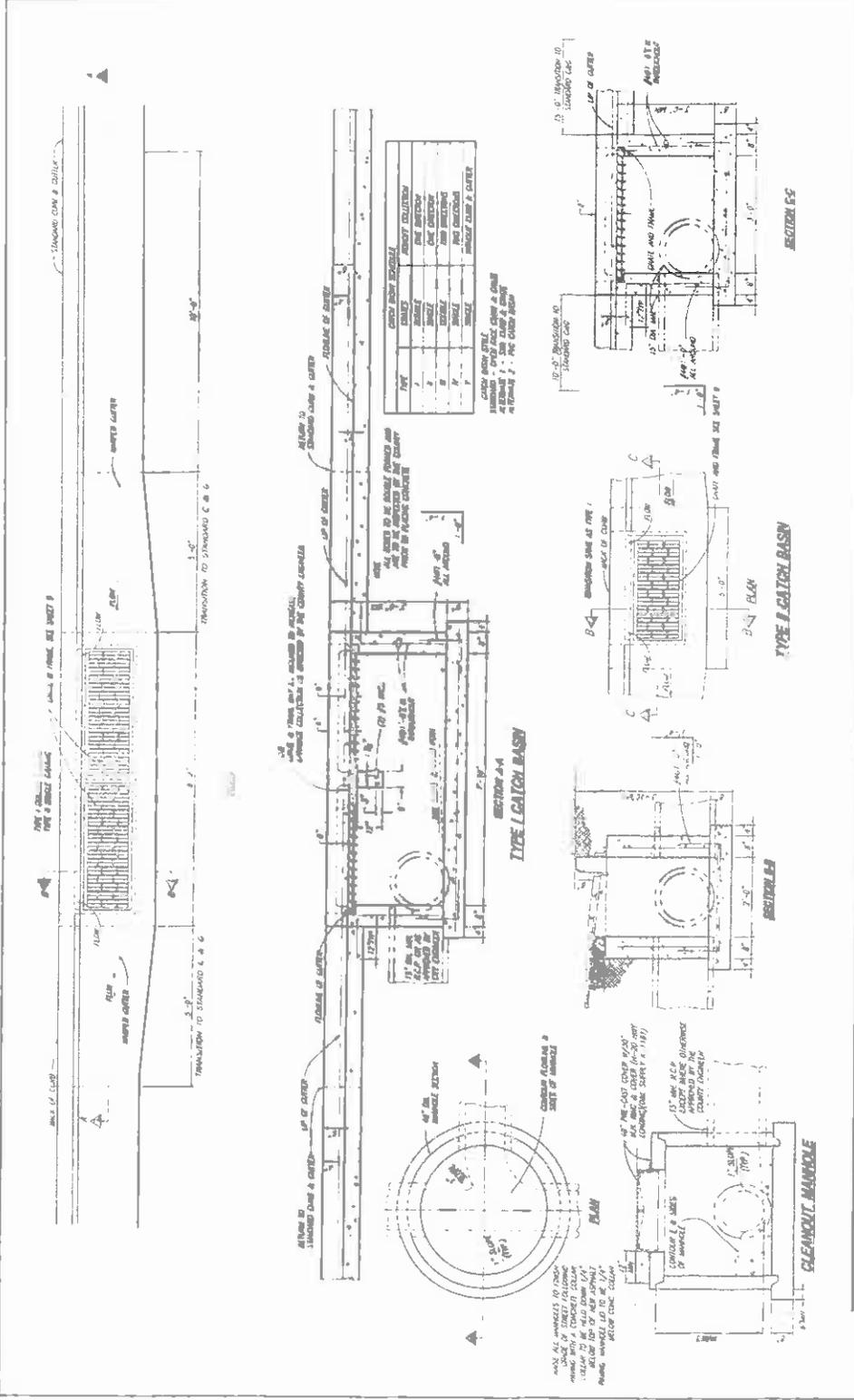
SECTION	TYPE 1	TYPE 2
A	3'-0"	4'-0"
B	3'-1 1/2"	3'-1 1/2"
C	2'-1"	3'-1"
D	2'-0"	3'-0"

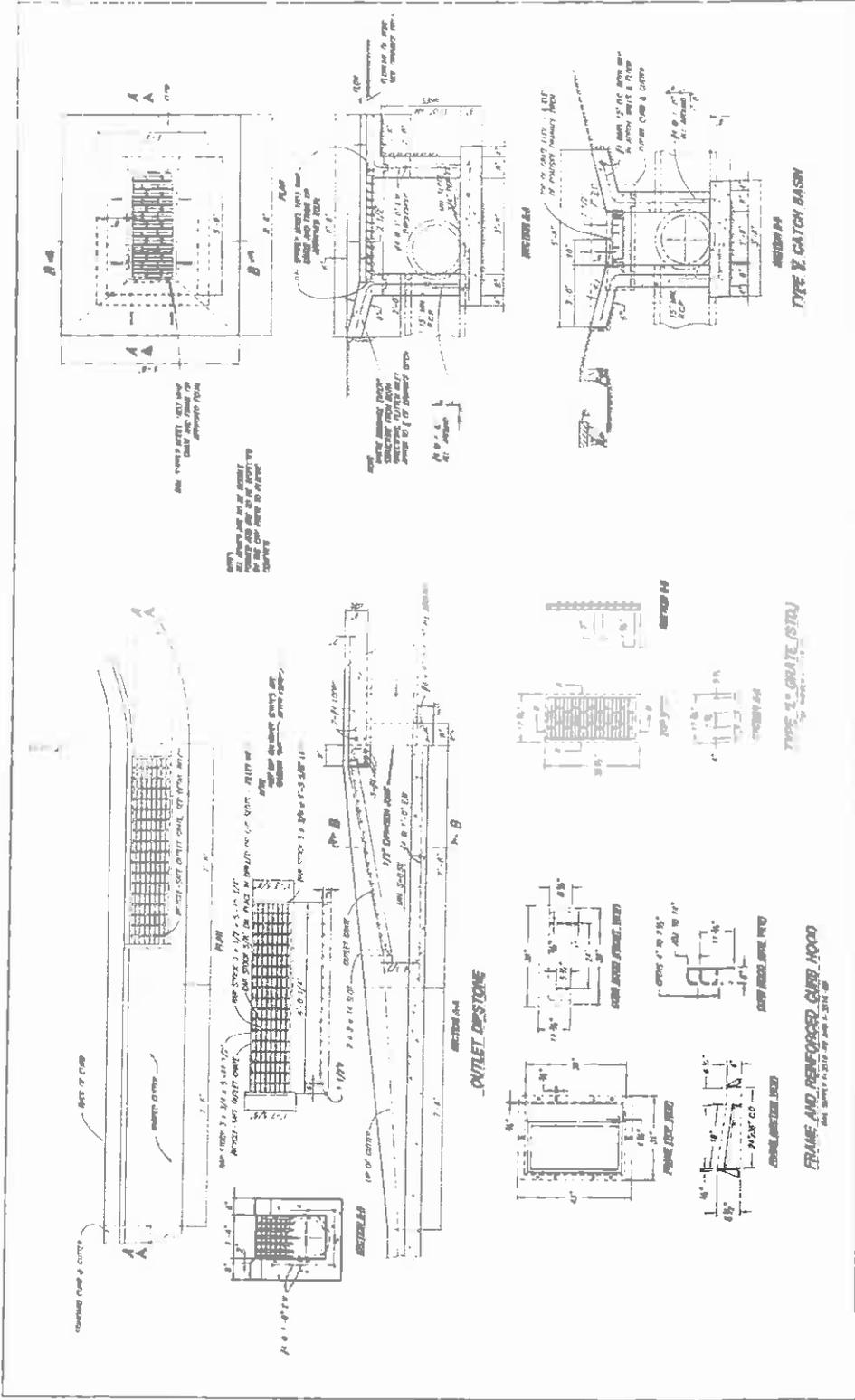


ERIGATION BOX

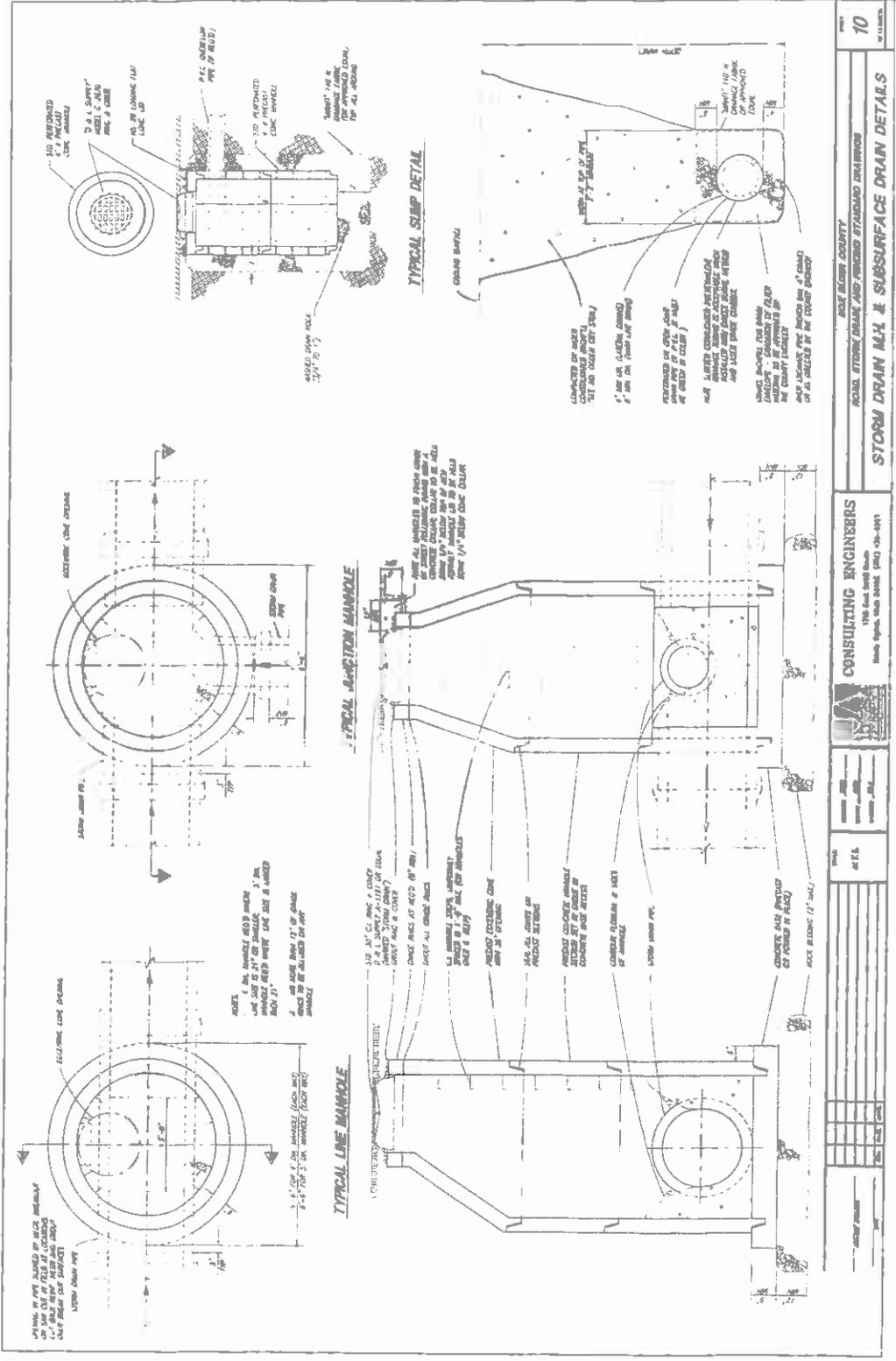
DEFECTIVE CONCRETE REPLACEMENT CRITERIA

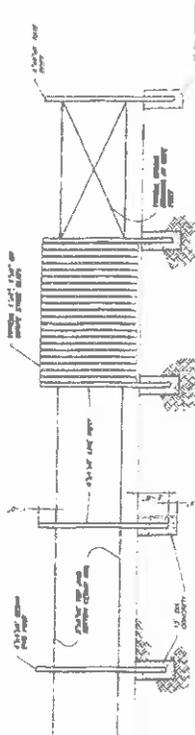
TYPICAL WHEEL CHAIR RAMP



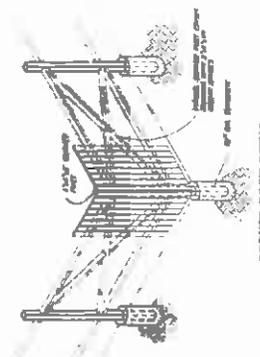


BOULDER COUNTY ROAD, STORM DRAIN, AND SEWER STANDARD DRAWINGS		9 <small>OF 11 SHEETS</small>
TYPE V CATCH BASIN & OUTLET DP STONE DETAILS		
CONSULTING ENGINEERS <small>1000 East 10th Street Broomfield, Colorado 80020-1000</small>		
DATE:	N.T.S.	
DRAWN BY:		
CHECKED BY:		
SCALE:		

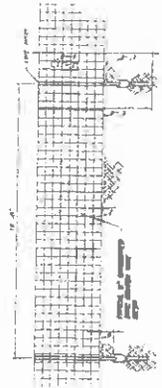




TYPICAL WOOD FENCE



CORNER POST DETAIL



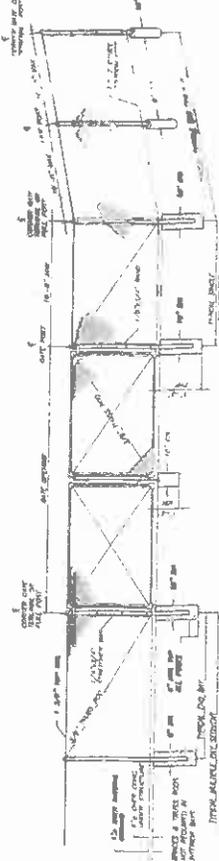
TYPICAL WIRE FENCE



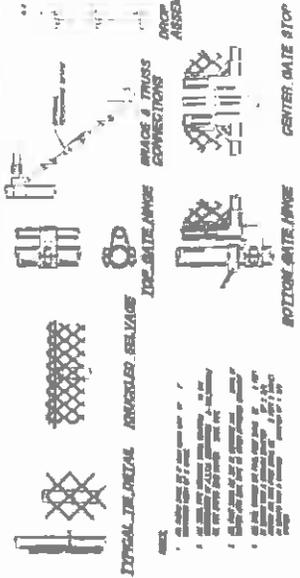
CORNER POST DETAIL



GATE

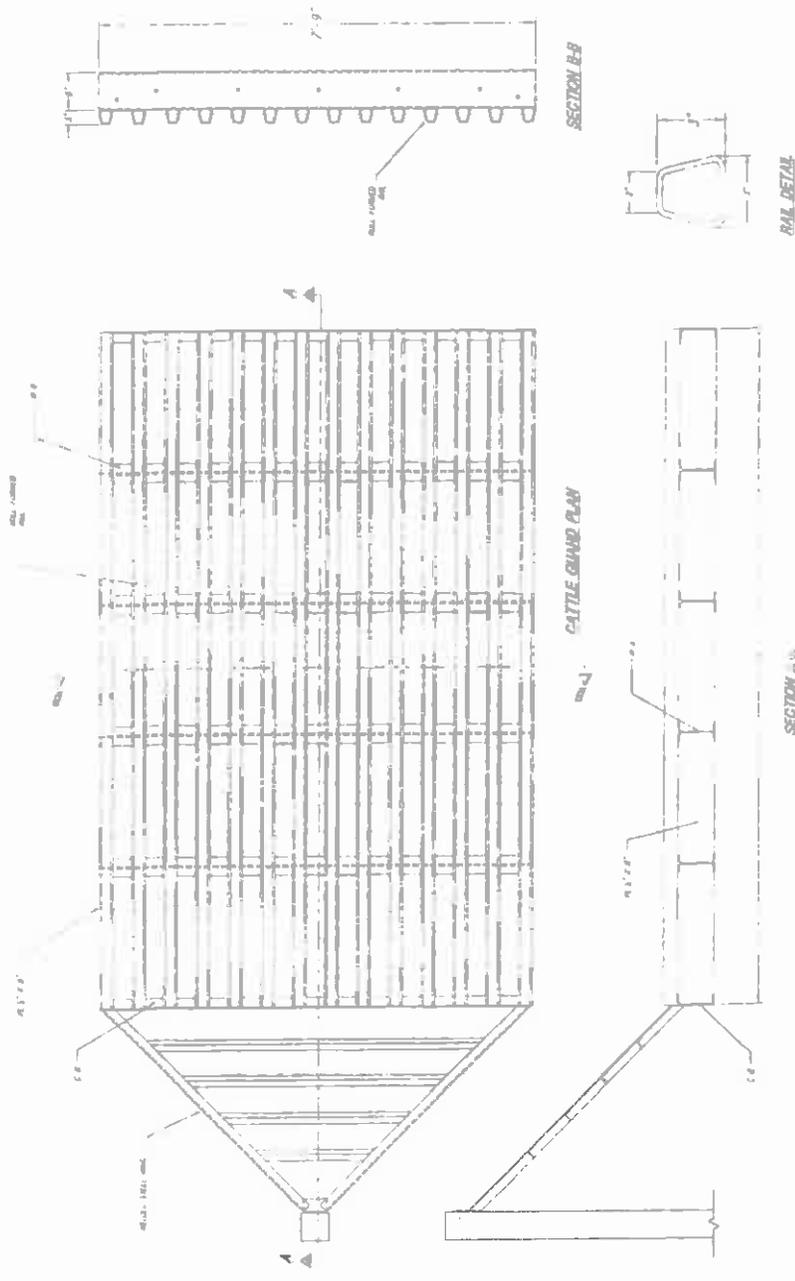


TYPICAL CHAIN LINK FENCE



CENTER GATE STOP

PROJECT NUMBER		DATE		DRAWN BY		CHECKED BY		SCALE	
PROJECT NAME		PROJECT NO.		PROJECT DATE		PROJECT LOCATION		PROJECT STATUS	
CONSULTING ENGINEERS 1111 11th Street, Suite 1000, Denver, CO 80202 (303) 733-1111									
FENCING STANDARD DETAILS									
11 OF 11 SHEETS									



ROADWAY AND WIDTH 30' - MAX WIDTH 24'

DATE	12
PROJECT	ROCK BLISS COUNTY PUBIC WORKS STATION
CONTRACT	CATTLE GUARD DETAIL
SCALE	AS SHOWN
DESIGNED BY	CONSULTING ENGINEERS
CHECKED BY	1725 10th Street South Tulsa, Oklahoma 74104 (918) 438-8147
DATE	12
BY	
APP'D	

ORDINANCE NO. 331

AN ORDINANCE ENACTING REAL PROPERTY TAX SALE
PROCEDURES FOR THE "TAX SALE" AND ASSESSING
ADMINISTRATIVE COSTS TO DELINQUENT PROPERTIES

WHEREAS, Section 59-2-1351.1(2) (b) of the Utah Code states that "the county legislative body, upon recommendation by the county auditor, shall establish procedures, by ordinance, for the sale of the delinquent property that best protects the financial interest of the delinquent property owner and meets the needs of local governments to collect delinquent property taxes due"; and

WHEREAS, Thomas H. Bennett, the Box Elder County Auditor, has recommended that the procedures set forth in this ordinance will best protect the financial interest of delinquent property owners and will meet the needs of Box Elder County to collect delinquent property taxes; and

WHEREAS, after having reviewed the recommendations of Thomas H. Bennett, the Box Elder County Auditor, the Box Elder County Commission has found and determined that the procedures set forth in this ordinance will best protect the financial interest of delinquent property owners and will meet the needs of Box Elder County to collect delinquent property taxes; and

WHEREAS, the Box Elder County Commission has further found and determined the procedures set forth in this ordinance are in the best interests of and will promote the general health, safety and welfare of the residents of Box Elder County;

NOW THEREFORE, the Box Elder County Commission, acting as the legislative body of Box Elder County, ordains as follows:

SECTION 1: ADOPTION OF TAX SALE PROCEDURES. The following procedures are hereby adopted by Box Elder County for use in the conduct of its sale of delinquent properties to collect delinquent property taxes:

1.0 Fees

1.1 An administrative fee of \$75 will be assessed for each delinquent parcel that goes to the Tax Sale. In addition, any parcel for which independent title work has been performed will have the cost of the title work added as an additional administrative cost. These administrative fees shall be added to the taxes, penalties and interest outstanding on each delinquent property.

2.0 Bidding

2.1 Before being allowed to participate in the bidding process, each person desiring to bid shall register with the Box Elder County Auditor's Office the morning of the Tax Sale by filling out a Bidder Registration form. Upon receipt of the Bidder Registration form, the Box Elder County Auditor (Auditor) will issue each bidder a Bidder Number. No individual shall be allowed to bid without a bidder number.

2.2 The Auditor shall open the bidding at an amount not less than the sum of taxes, penalties, interest and administrative costs owed on the property. This shall be the lowest acceptable bid for any particular property. After receipt of a minimum bid, the Auditor shall call out the next acceptable bid amount. Bidders will accept the Auditor's proposed bid amount by raising their number to bid on the parcel. Bidders will not be allowed to call out their own bid amounts or to bid on parcels for any amount other than the amount currently being presented by the Auditor. Bidders not willing to abide by this process will be asked to leave the auction and will not be allowed to bid on any other parcels.

A11#6

- 2.3 The Auditor shall only recognize bidders by their bidder number. The bidder number first recognized by the Auditor shall be the first bid recorded. The bid recognized is the one in effect at the time.
- 2.4 The final bidder number announced by the Auditor shall be the official buyer. The Auditor will use the information provided on the Bidder Registration form in preparing the Tax Deed.
- 2.5 Only the entire parcel of property being auctioned will be sold. No property will be reduced in size at the auction. Any amount received that is in excess of the taxes, interest, penalties and administrative costs of the delinquent property shall be treated as unclaimed property and paid to the State Treasurer.
- 2.6 **All final bids are considered conditional, whether or not the bid is contested, until the Box Elder County Board of County Commissioners, acting at a regularly scheduled meeting, formally accepts the bids.**
- 2.7 Collusive bidding practices are prohibited. Collusive bidding, for purposes of these procedures, means any agreement or understanding reached by two or more parties that changes the bids the parties would otherwise offer absent the agreement or understanding. The Auditor reserves the right to reject any bid that the Auditor deems to be a product of collusion.
- 2.8 The successful bidder of a property may not unilaterally rescind the bid once the Auditor has closed the bidding. The commission may enforce the terms of the bid by obtaining a legal judgment against the purchaser in the amount of the bid plus reasonable interest and attorney's fees.
- 2.9 The commission may find that none of the bids are acceptable.
- 3.0 Redemption Procedures**
- 3.1 **Delinquent property certified for Tax Sale may be redeemed on the behalf of the record owner by any person at any time prior to the Tax Sale. All property redeemed within three (3) weeks prior to the Tax Sale must be paid by cash or certified funds to the County Treasurer.**
- 3.2 A person redeeming the delinquent property must pay the Treasurer all delinquent taxes, interest, and penalties. The additional fees mentioned in Section 1.1 need not be paid if the property is redeemed before going to sale.
- 4.0 Payment Methods and Procedures**
- 4.1 The successful bidder shall pay the Treasurer in cash or bank certified funds by 5pm on the day of the sale.
- 4.2 The Treasurer will not accept payment without the signed Box Elder County Tax Sale Property Purchase Slip.
- 5.0 Unsold Properties Struck-Off to the County**
- Any property offered for sale for which there is no purchaser shall be struck off to the county by the Auditor, who shall then declare as follows: "All property here offered for sale which has not been sold to a private purchaser is hereby struck off and sold to the county of Box Elder, and I hereby declare the fee simple title of the property to be vested in the county."
- 6.0 Properties Withdrawn from the Sale for Reasons Other than Redemption**

6.1 The Auditor may withdraw any property from the Tax Sale for 1) having a title deficiency, 2) having a deficient description, 3) having any other similar deficiency, 4) having been illegally subdivided, or 5) having such circumstances that it has been determined it is in the best interest of the public, property owner, and the county that it should be withdrawn.

6.2 The Auditor may re-certify to a subsequent sale any withdrawn property if the cause of the original withdrawal has been remedied or deemed no longer applicable.

7.0 Contesting Bids and Sales

Any person wishing to contest any action taken in conjunction with the Tax Sale must submit a written protest to the Box Elder county Commission within ten (10) days after the date of the Tax Sale. The Commission will review the submissions and render a decision based upon that information. The Commission shall not grant a hearing to those contesting a bid.

8.0 Sale Ratification Procedures

All accepted bids will be submitted to the County Commission for ratification fifteen (15) days from the date of sale.

9.0 Procedures for Recording Tax Deeds

9.1 Upon full payment of the taxes, penalties, interest and all administrative costs, the Treasurer will issue a receipt. Within sixty (60) days of the date of the Tax Sale and after ratification by the Commission, the Auditor will execute deeds conveying in fee simple to the purchaser.

9.2 When the deed is executed and delivered by the Auditor, it shall prima facie evidence of the regularity of all proceedings subsequent to the date the taxes initially became delinquent and of the conveyance of the property to the grantee in fee simple.

9.3 The deed issued by the Auditor shall be recorded by the County Recorder.

9.4 The Auditor will use the information provided on the Bidder Registration form in preparing the Tax Deed.

10.0 Disclaimer on Property Sold

10.1 All properties sold during the Tax Sale shall be conveyed by a Tax Deed. A Tax Deed is not a warranty deed and the County makes no representations as to the title conveyed or the purchaser's right of possession of the property as certain entities or persons, including but not limited to agencies or divisions of both the state and federal government may have certain rights of redemption. Therefore, buyers of properties at the Tax Sale make any purchase at their own risk.

10.2 The County makes no warranties or representations as to whether the property purchased is suitable for building or developing, nor does the County make any representations that the property complies with applicable zoning regulations.

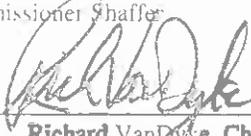
10.3 The County makes no warranties or representations that any property purchased during the Tax Sale is habitable or in any particular condition.

10.4 The County makes no warranties or representations regarding the accuracy of the assessment of the property or the accuracy of the description of the real estate or improvements.

SECTION 2 EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its adoption and publication as required by law

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 23rd day of March 2009

Commissioner VanDyke voting ay
Commissioner Hardy voting ay
Commissioner Shaffer voting ay



Richard VanDyke, Chairman
Box Elder County Commission

ATTEST:


LuAnn Adams, Recorder/Clerk
Box Elder County

DISPOSAL COST FOR SOIL

NRCS PROJECT

BE COUNTY SERVICE DISTRICT NO. 1

HANSEL VALLEY WATERSHED DISTRICT

APPROXIMATE AMOUNT OF SOIL & ROCK MATERIAL: 300,000 CUBIC YARDS

CUBIC YARDS/TONNAGE CONVERSION: conversion rate of 125 lbs per cubic foot

1 CY = 3375LB = 1.68 TONS

TOTAL TONNAGE BASED ON 300,000 CUBIC YARDS = 504,000 TONS

ESTIMATES ARE FOR DISPOSAL ONLY

NO OTHER FACTORS ARE CONSIDERED (IE. TRANSPORTATION FROM EXCAVATION SITE TO DISPOSAL SITE)

Site Estimate #1 Weber County Transfer Station

Tipping fee \$30 per ton (any material)

Total cost for 504,000 tons: **\$15,120,000**

Site Estimate #2 Box Elder County Landfill

Tipping fee \$5 per ton (**discounted price normally \$10.25 per ton**)

Total cost for 504,000 tons: **\$2,520,000**

Site Estimate #3 Logan City Landfill

Tipping fee \$21 per ton for C & D and soil not suitable for cover material

Total cost for 504,000 tons: **\$10,584,000**

A17 #7

REFERENCE SHEET

Conversion rate based on The Pocket Reference guide by Glover, and www.bobvila.com

Disposal Site #1	Disposal Site #2	Disposal Site #3
Weber County Transfer Station	Box Elder County Landfill	Logan City Landfill
867 Wilson Lane	9595 W. 6800 N	450 N. 1000 W
Ogden UT 84401-1235	Tremonton, UT 84337	Logan, UT 84321
Contact: Kelly	Contact: Gina	Contact: Susan
(801)399-8806	(435)744-2275	(435)750-9981

Both Box Elder County and Logan City Landfills accept soil free of charge if it is suitable for use as a daily cover material. In order to be suitable it cannot contain free liquids (must pass paint filter test) or any contaminants, and have minimal rocks no larger than 5 inches.

BLAISDELL & CHURCH, P.C.

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March 19, 2010

Board of County Commissioners
Box Elder County
01 South Main
Brigham City, Utah 84302

Re: Legal Status and Powers of Box Elder County Special Service District No. 1.

Honorable Commissioners;

I have been asked to render an opinion on the legal status and powers of the Box Elder County Special Service District No. 1 (the "District") in particular with respect to a proposed contract with the United States Department of Agriculture – Natural Resources Conservation Service (NRCS) related to an emergency watershed protection project. In this regard, I have reviewed records of Box Elder County and the District, as well as applicable state laws. I have also reviewed a proposed contract with NRCS. Based on the foregoing and based on current laws, I am of the opinion as follows:

1. The legal status and powers of the Box Elder County Special Service District No. 1, Utah, are set forth and controlled by the Special Service District Act presently found in Title 17D, Chapter 1, Utah Code Annotated 1953, as amended. The District was established pursuant to a resolution of Box Elder County dated July 10, 1979. Pursuant to the express terms of Section 17D-1-103, Utah Code Ann., the District is a body corporate and politic with perpetual succession, separate and distinct from the county that created it and is a quasi-municipal corporation. Significantly, the District is statutorily granted the power of eminent domain and the power to levy and collect property taxes, which sovereign powers have long been ample to establish that an entity is an independent political subdivision of a state. *See Commissioner v. Shamberg Estate*, 144 F.2d 998 (2nd Cir. 1944), cert. denied, 323 U.S. 792 (1945). Accordingly, I am of the opinion that the District is a political subdivision of the State of Utah, independent and separate from any other political subdivision, including Box Elder County.
2. I am of the opinion that the District has the power to contract with the NRCS. Pursuant to Section 17D-1-103, Utah Code Ann., the District is expressly and fully vested with the power to enter into a contract, including the express power to contract with the United States or an agency of the United States to acquire or construct facilities, to acquire real or personal property, or an

interest in real or personal property whether by purchase, lease, gift, devise, bequest, or otherwise, and whether the property is located inside or outside the District, and own, hold, improve, use, finance, or otherwise deal in and with the property or property right. Pursuant to its establishing resolution dated July 10, 1979, the District is empowered to provide the services of drainage and flood control, which are the purposes of the proposed contract with NRCS.

This opinion may only be relied upon by Box Elder County and the NRCS and no other persons are entitled to rely hereon. This opinion is valid of the date hereof and I assume no responsibility to update this opinion.

Respectfully,

A handwritten signature in black ink, appearing to read "Eric Todd Johnson", with a long horizontal flourish extending to the right.

Eric Todd Johnson
BLAISDELL & CHURCH, P.C.
Of Counsel