MINUTES
BOX ELDER COUNTY COMMISSION
APRIL 06, 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 APRIL 06, 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. Fire Contracts with Tremonton – 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 Commissioner Shaffer.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF MARCH 30, 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

Ruby Pipeline – Commissioner Hardy

Commissioner Hardy said Ruby Pipeline received their FERC permit yesterday. They will soon be ready to begin.

AGRC GRANT CONTRACT – CHAD MONTGOMERY

Chief Deputy Recorder Chad Montgomery said Box Elder County received a cadastral grant. This grant is given through AGRC for the rural counties to update parcel information and update section information because the county is rural. Mr. Montgomery said we have been able to get a lot of section information in-house because we have the equipment and trained staff. The grant is for $27,200.

MOTION: A motion was made by Commissioner Shaffer to accept the AGRC contract for identifying and maintaining section corners with the BLM and authorize the chair to sign the contract. The motion was seconded by Commissioner Hardy and unanimously carried.

Chairman VanDyke said this is the type of advancements in technology that Box Elder County is doing to become more accurate and more professional. He thanked the GIS Department for their services.

INDEPENDENT AUDITOR CONTRACT FOR 2010- TOM BENNETT

County Auditor Tom Bennett said the process for choosing an independent auditor was started in January. He said by law the county is required to have an independent audit. It is good insurance for the citizens to audit financial statements and look over internal controls. The contract was awarded to Wiggins and Co. in the amount of $30,000. Mr. Bennett noted when he first started the contract was $38,000, but every year the costs have been cut down. County Attorney Hadfield has reviewed the control which is a three-year contract. The goal is to have all of the financial statements and the audit completed by June 31.

Chairman VanDyke said the selection process went through an Audit Committee; it was difficult because there were so many qualified bidders. He personally feels like it was a good decision.

MOTION: A motion was made by Commissioner Shaffer to accept Independent Auditor Contract #10-17 and authorize the chair to sign. The motion was seconded by Commissioner Hardy and unanimously carried.
ORDINANCE #322/MUNSEE RE-ZONE SOUTH WILLARD – TAMARA WRIGHT

County Planner Tamara Wright said last week a public hearing was held to rezone property at 8823 S Hwy 89 from an R120 zone to a CE zone. The Planning Commission also held a public hearing on December 17 and recommends approval.

MOTION: A motion was made by Commissioner Hardy to adopt Ordinance #332 rezoning property in Section 14, T07N, R02W from residential District R-1-20 to a Commercial Enterprise Zone. The motion was seconded by Commissioner Shaffer and unanimously carried.

(See Attachment No. 2 – Ordinance #332.)

Commissioner Shaffer said there were no comments made in the public hearing last week. The rezone offers the landowner an opportunity to stay consistent with the way the land is being used at this time. He feels good about passing the ordinance.

TOURISM TAX ADVISORY BOARD GRANT RECOMMENDATIONS – JOAN HAMMER

Tourism Board Chairman Bob Davis said the board has been diligently working this year and has reviewed all of the applications. The money allocated this year was $100,000, but the qualifying proposals came in at around $70,000. Chairman Davis asked that the $30,000 be carried over to the coming year or this year if there is a need. He acknowledged that Jim Abel and Tamara Zollinger were present and serve on the board as well as Commissioner Shaffer.

Tourism Director Joan Hammer wanted to acknowledge the board. She said they are worth their weight in gold and she appreciates all of their hard work. They understand the importance of tourism and the impact this grant program has on organizations and communities. She particularly thanked Chairman Bob Davis and expressed appreciation to the Commission for allowing the county to have this program. She said it has made a huge impact on almost every community in the county. The impact is enormous particularly in a year when the economy is struggling. She said we have the potential to help some people that may not make it another year.

Commissioner Shaffer appreciates the men and women who serve on the board and provide the service. He said the money is collected from the restaurant and hotel tax, and feels it is wise to spread the money around the county to help those projects that fall under the criteria of cultural, convention and recreation. The board’s obligation is to make sure every grant awarded meets these criteria to be within the legal bounds. He said it is restricted money and can only be used for these purposes. He thanked the board for their services.

Chairman Davis said all of the Commissioners have had the opportunity to serve on the board. He said over the years there have been hundreds of thousands of tourists that have come to the county to eat and recreate. They have enjoyed the county and tell others about it.
Chairman VanDyke said it is exciting to see the involvement of the men and women that sit on the board. He said from the standpoint of tourism dollars, they are the kind of dollars the Commissioners like to see. It is a flow of new money that comes into the county. He said even in his business he likes to see the out-of-towners come in and drop a few bucks. In these economic times, these programs are very good to stimulate the economy.

Becky Pettingill from the fruitway, Paul Larsen and Councilwoman Jensen were asked to comment on their projects.

Brigham City Planner Paul Larsen said Brigham City will be receiving money for a quilt show and a space show at the museum. He said the museum gallery is something that attracts people from outside of Box Elder County. Statistics show that more than two-thirds of the visitors come from outside of Box Elder County. They eat in restaurants and in some cases stay in hotels along with the benefit it provides to the citizens.

Joan Hammer commented that the quilt show can bring over 8,000 visitors for one show. She said the Smithsonian Exhibit is a space exhibit, and the fact that it is tied to space exploration, the board felt it might be of benefit in more ways than culturally.

Becky Pettingill wanted to thank the Tourism Board for acknowledging the fact that they need to upgrade the sign on the south side of the county. Right now it is in very bad shape. It does not even have the correct exit on it. She also stated there was once another sign located at the end of Forest Street and when the exit was put in, the sign was taken down and not replaced. She hopes that sign can be a future project. Ms. Pettingill said when I-15 went through the state and the county realized it would bypass the fruitway, two signs were put in place. Becky Pettingill said the fruitway is well known, but people need to know where to go.

Commissioner Hardy said the fruitway needs to be advertised. He said right now the fruitway has historical shopping and unique businesses that are taking over Willard and Perry. There is a theatre and a unique shopping area all the way from one end to another. Commissioner Hardy thanked the citizens that sit on the Tourism Board.

Tourism Board Member Jim Abel said one of the projects funded was a water polo tournament and five schools attended. They stayed in motels and ate in the restaurants. Mr. Abel fed 40 people from one school.

**MOTION:** A motion was made by Commissioner Shaffer that we approve the grants that have been presented by the TTAB as attached, in the total amount of $69,764 and that they reserve the use of the $30,000 remaining in the unexpended portion of the grant money to be used at a later date whether it is this year or another year as the Tourism Board deems appropriate. The motion was seconded by Commissioner Hardy and unanimously carried.
Commissioner Hardy complimented the Board for reserving the $30,000 instead of squandering the money on a project that was not worthy. They did not spend the money, and he feels they should not be penalized.

*(See Attachment No. 3 - Grant Recommendations.)*

**RUBY PIPELINE/BRIGHAM CITY RV PARK – KEVIN HAMILTON**

Director of Community Development Kevin Hamilton said the city approached the county about the possibility of allowing an RV Park on the old landfill property. Paul Larsen has put together some proposal numbers and hopes Brigham City will be able to capture approximately 100 families that would move into the city and use the grocery stores and restaurants.

Paul Larsen said his proposal would depend on the private sector funding the project. The proposal would be for Ruby Pipeline to consider putting the RV Park on the old horse track property. The estimated numbers on the project are $140,000-$150,000. The park would have 89 stalls. He said they will need to do a detailed design. The proposal would require the county to allow the use of the property and require Brigham City to enter into a development agreement to allow the use on a temporary basis. Ruby Pipeline would fund the construction. The agreement will spell out the details for Ruby Pipeline, Brigham City and the county. The city would like to recruit a developer to finish the project after Ruby Pipeline leaves. He said this might be attractive to entice a hotel.

Commissioner Hardy is concerned the county will bear the cost of the impact fees and improvements once Ruby Pipeline leaves. Paul Larsen assured the Commissioners that everything would be spelled out in the development agreement. He said neither Box Elder County nor Brigham City Corporation would be paying the costs.

Joan Hammer said one thing about leaving the utilities in place is it would be easy to make a proposal because the Golden Spike Trap Club has tournaments and camps every weekend. She feels that would be attractive to a developer.

Commissioner Shaffer read the following statement: “We believe that the citizens’ needs are best met through free enterprise, private initiative and volunteerism.” He said as we go forward our private enterprise best serves the private sector of the county. He does not know if it is the business that the county needs to be in.

Commissioner Hardy pointed out that the Willard Bay State Park has 26 stalls in place and Weber County is working on some as well as Cache County.

Kevin Hamilton feels this will increase the potential to sell the land to a private operator.

**MOTION:** A motion was made by Commissioner Hardy to allow Kevin Hamilton to work with Brigham City to see if they can work out some of the issues to move forward. 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 69235 through 69314 in the amount of $578,657.05.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF DEPT: David Murphy, assignment change, effective 04/11/2010
SHERIFF DEPT: Steve Berry, compensation/assignment change, effective 04/11/2010
SHERIFF DEPT: James D. Summerill, compensation/assignment change, effective 04/11/2010
SHERIFF DEPT: Jonathan Larsen, Military Leave, effective 04/02/2010
FAIRGROUNDS: Barry L. Johansen, re-hire, effective 03/28/2010
ROAD DEPT: Sterling Robbins, re-hire, effective 03/28/2010

CHILD ABUSE PREVENTION MONTH – KATY BONDS

Katy Bonds thanked the Commissioners for allowing April to be proclaimed as Child Abuse Prevention Month. She said in 1989 a grandmother who lost a grandchild to child abuse initiated the blue ribbon campaign and blue ribbons will be put on Main Street on Thursday.

Ms. Bonds said no child is immune from abuse; tragically the Division of Child and Family Services supported over 8,000 victims in Utah alone. Sexual abuse and domestic violence are the top two complaints of child abuse in Box Elder County as well as the state. She said because of the Adverse Childhood Experiences Study, we know that children exposed to abuse and chaos are more prone to social impairments such as bullying at school and disrupting classrooms. She said abuse also manifests as emotional impairments such as bipolar disorder and attention deficit disorder. We also know that children who are exposed to abuse or neglect also suffer from cognitive impairments. These impairments grow into social, medical and mental health problems that become very costly problems in our society, including substance abuse, sexual promiscuity, obesity, incarceration and also promotes further domestic violence and further generational child abuse.

Ms. Bonds said the 173 shoes placed on the steps today represent the number of supported victims of child abuse in Box Elder County. The next generation of children is facing a very scary economic uncertainty. The county’s unemployment rate has risen dramatically in the last year and we are experiencing more demands for our crisis nursery and our family therapy programs because of these problems. Several families who use our services are unemployed and have very few job prospects. The children in these families are not devoid of this stress and consequently in the nursery, we are seeing more serious cases of these social and emotional impairments. Ms. Bonds said prevention programming pays on several levels. A recent survey of parents using our crisis nursery reported that 88% of parents were better able to parent after using our services; 11% reported that out of home care would have been recommended had our services not been provided. She said equal numbers of families report making positive progress in our family therapy program as well.
Ms. Bonds said we are proud of what we are doing at the Family Support Center and in Box Elder County. Supporting families will always be our long-term goal, but we can’t do it alone. Things are economically tough for families right now and they aren’t supposed to get much better any time soon. Child abuse prevention just makes sense; it saves lives, money, resources, time and talents. We are fortunate in Box Elder County to have agencies that work cooperatively assisting families, knowing this is a worthwhile venture.

Ms. Bonds invited the Commissioners to an open house celebrating children and families on April 24 at the Family Support Center.

Ms. Bonds read the proclamation. (See Attachment No. 3 – Proclamation.)

**MOTION:** A motion was made by **Commissioner Shaffer** to authorize the chair to sign the proclamation and declare the month of April as Child Abuse Prevention Month. The motion was seconded by **Commissioner Hardy** and unanimously carried.

**ADJOURNMENT**

A motion was made by **Commissioner Shaffer** to adjourn. **Commissioner Hardy** seconded the motion and the meeting adjourned at 10:37 a.m.

**ADOPTED AND APPROVED** in regular session this 13th day of April 2010.

\[Signature\]
Rich VanDyke, Chairman

\[Signature\]
Jay E. Hardy, Commissioner

\[Signature\]
Brian K. Shaffer, Commissioner

**ATTEST:**

\[Signature\]
L. Ann 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, APRIL 6, 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. Fire Contracts with Tremonton – Tom Bennett

*9:00 – 9:05 Call to Order: Chairman VanDyke
   Invocation: Commissioner Shaffer
   Approval of Minutes of March 30, 2010

*9:05 – 9:10 Follow-Up Business

*9:10 – 9:15 AGRC Grant Contract – Chad Montgomery


*9:20 – 9:25 Ordinance #332/Munsee Re-Zone South Willard – Tamara Wright

*9:25 – 9:35 Tourism Tax Advisory Board Grant Recommendations – Joan Hammer

*9:35 – 9:45 Ruby Pipeline Brigham City RV Park – Kevin Hamilton
Commission Meeting

2

April 6, 2010

*9:45 – 9:50  Warrant Register & Personnel Actions – Commissioners

*9:50 – 9:55  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 1st day of April 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 1st day of April 2010.

LuAnn Adams
Recorder/Clerk

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

This facility is wheelchair 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.
ORDINANCE NO. 332

AN ORDINANCE OF BOX ELDER COUNTY AMENDING THE BOX ELDER COUNTY ZONING MAP BY REZONING A PROPERTY IN TOWNSHIP 7 NORTH, RANGE 2 WEST OF SECTION 14 FROM RESIDENTIAL DISTRICT R-1-20 TO THE COMMERCIAL ENTERPRISE ZONE.

WHEREAS, the property owner is requesting that the property described herein be rezoned from residential district R-1-20 to the Commercial Enterprise zone; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on December 17, 2009, to allow the general public to comment on this proposed rezone and amendment of the zoning map; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed rezone and amendment to the zoning map is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, and will provide for the health, safety, and general welfare of the public and protect the environment; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission amend the zoning map as has been requested; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on March 30, 2010, to allow the general public to comment on this proposed amendment; and

WHEREAS, after providing for public comment from the general public, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the zoning map as set forth below is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the County Legislative Body of Box Elder County, State of Utah, hereby ordains as follows:

SECTION 1: Zoning Map Amendment. The Zoning Map of Unincorporated Box Elder County is hereby amended by reclassifying the following described parcel in unincorporated Box Elder County from residential district R-1-20 to the Commercial Enterprise zone as shown in Exhibit A:
PROPERTY DESCRIPTION OF RECORD:

From the N. 1/4 corner of Section 14, T. 7 N., R. 2 W., S.L.B.&M. S. 89'27' E. along section line 391.3 ft. to the east right-of-way line of state highway and point of beginning and running thence S. 17'33' E. 152.2 ft.; thence S. 17'24' E. 116.6 ft.; thence N. 82'38' E. 125.6 ft.; thence N. 1'14' W. 63.8 ft.; thence S. 89'27' E. 80.6 ft.; thence N. 17'36'27'' W. 183.67 ft. (Record N. 17'27' W. 184,53 ft. more or less) to the north line of said section 14; thence N. 89'27' W. 229.0 ft. (Record West 229.0 ft.) along the north boundary of section 14 to the point of beginning. Containing 1.15 acres.

The Basis of Bearing of the survey is the north boundary of the N.E. 1/4 of Section 14 which is assumed from the record description as bearing S. 89'27' E.

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

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 6th day of .2010, by the Board of County Commissioners of Box Elder County, Utah.

Commissioner VanDyke
Commissioner Hardy
Commissioner Chair

Richard VanDyke. Chair
Box Elder County Commission

Attest:

LuAnn Adams
Box Elder County Recorder/Clerk
NARRATIVE

The purpose of this survey is to re-establish property lines of a description of record for Parcel Tax No. 01-047-0006 situate in Section 14, T. 7 N., R. 2 W., S.L.B.&M. for the purchaser of said parcel.

The north boundary of the N.E. 1/4 of Section 14 bearing S. 89°27' E. as stated in the description of record was assumed as the bearing of the north boundary of the N.E. 1/4 of said section 14.

SURVEYOR'S CERTIFICATE

I, Donald J. Johnston, do hereby certify that I am a Registered Land Surveyor and hold Certificate No. 5256 as prescribed by the laws of the State of Utah and have made a survey of the following described property:

PROPERTY DESCRIPTION OF RECORD:

From the N. 1/4 corner of Section 14, T. 7 N., R. 2 W., S.L.B.&M. S. 89°27' E. along section line 391.3 ft. to the east right-of-way line of state highway and point of beginning and running thence S. 17°33' E. 152.2 ft.; thence S. 17°24' E. 118.6 ft.; thence N. 82°38' E. 125.6 ft.; thence N. 1°14' W. 63.8 ft.; thence S. 89°27' E. 80.6 ft.; thence N. 17°36'27" W. 183.67 ft. (Record N. 17°27' W. 184.63 ft. more or less) to the north line of said section 14; thence N. 89°27' W. 229.0 ft. (Record West 229.0 ft.) along the north boundary of section 14 to the point of beginning. Containing 1.15 acres.

The Basis of Bearing of the survey is the north boundary of the N.E. 1/4 of Section 14 which is assumed from the record description as bearing S. 89°27' E.

I further certify that this plat correctly shows the true dimensions of the property surveyed.

[Signature]

Registered Land Surveyor No. 5256
Date: November 11, 19__

Certificate Survey

Prepared By: JOHNSTON ENGINEERING
and LAND SURVEYING

County Surveyor's Record

(For official use only)

Date Filed: 
Receipt No: 
File No:

Drawn By: D.J.J. Project No: 60-141-01-85

CLIENT

Brad Lockett
1108 W. 25 S.
Cleefield, Utah 84015

256 East 800 North - Tremonton, Utah 84337
Phone: (801) 257-7858

[Signature]

[Stamp]
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<td>Bear River Valley Tourism Website</td>
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<td>Box Elder County 4H</td>
<td>BE Ranch Roundup and Working Ranch Hose Gathering</td>
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<td>Boys and Girls Club</td>
<td>Jr. Tourism Club Marketing Plan and Brochure</td>
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<td>Boys and Girls Club</td>
<td>Brigham City Pumpkin Festival</td>
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<td>Fine Arts Center</td>
<td>Art-Tell and Music in the City Concert Series</td>
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<td>Fruit way Promo Council</td>
<td>Sign Improvements on I-15</td>
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<td>Garland City</td>
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<td>GSNHS</td>
<td>March for Parks</td>
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<td>Mantua Town</td>
<td>Little Valley Days</td>
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<td>Microphones, sound system, speakers, drinking fountain</td>
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<td>Perry City Corp.</td>
<td>Perry City Car Show and 4th of July Celebration</td>
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<td>Teresa and Blake Sandall</td>
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<td><strong>Total Requested</strong></td>
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Child Abuse Prevention Month Proclamation

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Box Elder County; and

WHEREAS, every child is entitled to be loved, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse, and neglect; and

WHEREAS, it is the responsibility of every adult who comes in contact with a child to protect that child’s inalienable right to a safe and nurturing childhood; and

WHEREAS, Box Elder County has dedicated individuals and organizations who work daily to counter the problem of child maltreatment and to help parents obtain the assistance they need; and

WHEREAS, our communities are stronger when all citizens become aware of child maltreatment prevention and become involved in supporting parents to raise their children in a safe and nurturing environment; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community;

WHEREAS, all citizens, community agencies, faith organizations and businesses will work to increase their efforts to support families

NOW, THEREFORE, BE IT RESOLVED, that the Box Elder County Commissioners hereby proclaim the month of April 2010, to be

CHILD ABUSE AND NEGLECT PREVENTION MONTH

The ___________________ commends this observance during April 2010 to the citizens of Box Elder County.

____________________  ______________________
Signature  Date

4/6/10