MINUTES
BOX ELDER COUNTY COMMISSION
JUNE 29, 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 JUNE 29, 2010. The following members were present:

Rich VanDyke
Jay E. Hardy
Brian K. Shaffer
LuAnn Adams

Chairman
Commissioner
Commissioner
Recorder/Clerk

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports
4. Correspondence
5. Assignment review
6. Cache County Contract/Assistance to do Roadwork – Bill Gilson/Attorney Hadfield
7. Lighting Fixtures & Signage at 6800 W and Hwy 38 Intersection – Bill Gilson
8. Contract/West Corinne Water Company – Commissioner Hardy

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
Jay E. Hardy
Brian K. Shaffer
LuAnn Adams

Chairman
Commissioner
Commissioner
Recorder/Clerk

The prayer was offered by Chairman VanDyke.
Pledge of Allegiance – Led by Jill Dallon, Girl Scout

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF JUNE 15, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1
FOLLOW-UP BUSINESS - COMMISSIONERS

Set Yearly Lease Rate/Payment Deadline Lease – Kevin Hamilton

This item was cancelled.

Property Tax Deferral and Indigent Abatement – Brenda Smith Flint

Commissioner Shaffer said Brenda Smith Flint has worked with a lady at USU and been given guidance and counsel to be able to refinance her home to meet her obligations.

MOTION: A motion was made by Commissioner Shaffer that upon Brenda Smith Flint’s application and eligibility of indigent abatement, we give her tax relief to the point that if she is eligible, the amount she would owe the county is $3,278.69. If she isn’t eligible, then she needs to continue with the amount of $6,557.37. The motion was seconded by Commissioner Hardy and unanimously carried.

DISPATCH COMMITTEE MEMBERSHIP/APPROVAL OF NOMINEES – POLICE CHIEF NANCE

Tremonton Police Chief Nance asked the Commissioners for permission to set up a committee consisting of citizens to look at the dispatch center and future needs.

Commissioner Shaffer said for a long time he has felt we should involve citizens in things like this.

MOTION: A motion was made by Commissioner Shaffer to appoint Jeff Scott, Kyle Potter and Annette MacFarlane to explore the 800 Megahertz Radio and dispatch center and that these people serve on the committee for as long as it takes to implement an 800 Megahertz Radio System in the county. The motion was seconded by Commissioner Hardy and unanimously carried.

BOX ELDER COUNTY FAIRGROUNDS MASTER PLAN – JOAN HAMMER, DONNIE TARVER, MONTE MUNNS

Commissioner Shaffer said the county sent out a request for proposal to do a master plan at the fairgrounds, and has received three bids.

Chairman VanDyke said there have been some ongoing plans to upgrade and create some new facilities at the fairgrounds. With the creation of the CIP Committee, this has been a natural evolution towards professional people addressing a master plan at the fairgrounds. He said the fairgrounds have the potential of being the focal point of tourism in the county, and instead of doing something here or there; a long-term master plan would be nice.
Commission Meeting 3 June 29, 2010

Joan Hammer told the Commissioners the following bids were received:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belt Collins Company</td>
<td>$69,955</td>
</tr>
<tr>
<td>Civil Solutions Group</td>
<td>$45,900</td>
</tr>
<tr>
<td>Keffer Overton Associates</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

Ms. Hammer told the Commissioners that Keffer Overton Associates is a company with fairgrounds experience and feels this is an important qualification. She said it is also important to have the ability to be on the ground during the fair since that is the largest user of the facility. Ms. Hammer said the TTAB feels the fairgrounds master plan is a worthy project, and they will donate the money for the study.

**MOTION:** A motion was made by Commissioner Shaffer to approve Keffer Overton Associates as the proposal to prepare a master plan for the fairgrounds. The motion was seconded by Commissioner Hardy and unanimously carried.

**AGREEMENT FOR WEST CORINNE WATER TAP – COMMISSIONER HARDY**

This item was cancelled.

**CURLEW VALLEY SENIOR CENTER – COMMISSIONERS**

A letter was received from the Oneida School District asking the Commissioners to continue their support of $1,500 towards the Curlew Valley Senior Center in their 2011 budget. The Curlew Valley Senior Center helps the citizens in the Snowville area. The Commissioners will consider this during their budgeting process. They acknowledged receipt of the letter.

**SUMMARY OF STATISTICS/VICTIMS ADVOCATE GRANT – ATTORNEY HADIFLED, CINDY LORRIGAN**

This item was cancelled.

**SET PUBLIC HEARING DATE/SURPLUS OF RACE TRACK PROPERTY – KEVIN HAMILTON**

Director of Community Development Kevin Hamilton said U.S. Pipeline is requesting to use the race track property as a staging area. Mr. Hamilton said in order to comply with the county’s surplus property ordinance; we need to hold a public hearing.

**MOTION:** A motion was made by Commissioner Shaffer to set a public hearing on July 27 at 10:00 a.m. to consider leasing the race track property. The motion was seconded by Commissioner Hardy and unanimously carried.
MOTION: A motion was made by Commissioner Hardy to adopt the Policy and Procedures Resolution #10-08 as recommended by the CIP Committee and allow the chair to sign. The motion was seconded by Commissioner Shaffer and unanimously carried.

(See Attachment No. 2 – Resolution #10-08.)

Commissioner Shaffer thanked Shirlene Larsen for the time she spent reviewing and adding words to make the document useful for many years, and for dealing with the boards that are in charge of restricted funds.

PUBLIC HEARING/ROAD VACATION BEAVER DAM – COMMISSIONERS

(See Attachment No. 3 – Attendance List.)

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

Director of Community Development Kevin Hamilton said the road vacation is for portions of 400 West in the Beaver Dam area. The state realigned the roads to make the intersection safer, and eliminated some small portions. This will allow the county to vacate those portions of road that were eliminated when the state realigned them.

Chairman VanDyke asked for comments from those in attendance. There were no comments.

MOTION: A motion was made by Commissioner Shaffer to close the public hearing. The motion was seconded by Commissioner Hardy and unanimously carried. The public hearing was closed at 10:02 a.m.

PUBLIC HEARING/VACATION OF AN ALLEYWAY-RIVERSIDE – COMMISSIONERS

(See Attachment No. 4 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:01 a.m.

Director of Community Development Kevin Hamilton said this is a road the county put through the vacation process last year. He said as staff got looking at the state requirements for vacating a road, they realized we had missed some of the requirements. He said this public hearing is to make sure Box Elder County is in compliance with the law. Mr. Hamilton said these are alleyways in Riverside that are no longer being used and there was a request they be vacated.
Commission Meeting

Chairman VanDyke asked for comments from those in attendance. There were no comments.

**MOTION:** A motion was made by Commissioner Hardy to close the public hearing. The motion was seconded by Commissioner Shaffer and unanimously carried. The public hearing was closed at 10:03 a.m.

PUBLIC HEARING/VACATION OF AN OLD COUNTY ROAD/MANTUA - COMMISSIONERS

*(See Attachment No. 5 – Attendance List.)*

Chairman VanDyke declared the public hearing open at 10:03 a.m.

Director of Community Development Kevin Hamilton said the county went through the road vacation process in the last two months, but we are holding the public hearing again to make sure Box Elder County is in compliance with the law. He explained it was the portion of the old highway that used to go from Mantua to Logan. When the state came in and rebuilt the road, there were some small segments of the old highway that were left as public rights-of-way and this public hearing is to vacate that portion of the road.

Chairman Vandyke asked for comments from those in attendance. There were no comments.

**MOTION:** A motion was made by Commissioner Shaffer to close the public hearing. The motion was seconded by Commissioner Hardy and unanimously carried. The public hearing was closed at 10:04 a.m.

PUBLIC HEARING/VACATE A PORTION OF SAND HOLLOW ROAD - COMMISSIONERS

*(See Attachment No. 6 – Attendance List.)*

Chairman VanDyke declared the public hearing open at 10:05 a.m.

Director of Community Development Kevin Hamilton stated the county went through the vacation process but realized there was a need to rehold the public hearing.

Chairman VanDyke asked for comments from those in attendance. There were no comments.

**MOTION:** A motion was made by Commissioner Hardy to close the public hearing. The motion was seconded by Commissioner Shaffer and unanimously carried. The public hearing was closed at 10:07 a.m.
PUBLIC HEARING/TRAP CLUB LEASE – COMMISSIONERS

(See Attachment No. 7 – Attendance List.)

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

Director of Community Development Kevin Hamilton said the Golden Spike Trap Club has been occupying the site in the south end of the old landfill. There have been various forms of proposed leases over the years. He said we are now trying to finish a lease for the trap club that gives them some sense of permanency and allows them to move forward with some other requests they have. As part of their events, they are required to have a certain amount of RV parking space. The lease would include the property and allow them to go forward, and they must comply with Brigham City’s laws.

Chairman VanDyke asked for comments from those in attendance. There were no comments.

MOTION: A motion was made by Commissioner Shaffer to close the public hearing. The motion was seconded by Commissioner Hardy and unanimously carried. The public hearing closed at 10:13 a.m.

PUBLIC HEARING/BRANDON ERICKSON RE-ZONE – COMMISSIONERS

(See Attachment No. 8 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:17 a.m.

County Planner Tamara Wright said this public hearing is for a request to do a rezone on a piece of property off Hwy 30 in the Beaver Dam area from a MU-40 to a RR-2 in order to place a home on the property. Ms. Wright said the property is surrounded by other RR-2 zoning areas.

Chairman VanDyke asked for comments from those in attendance. There were no comments.

MOTION: A motion was made by Commissioner Hardy to close the public hearing. The motion was seconded by Commissioner Shaffer and unanimously carried. The public hearing was closed at 10:20 a.m.

PUBLIC HEARING/WIND ORDINANCE PROPOSAL – COMMISSIONERS

(See Attachment No. 9 – Attendance List.)

Chairman VanDyke declared the public hearing open at 10:20 a.m.
Commission Meeting  

County Planner Tamara Wright said the Planning Commission has had a lot of educational opportunities to learn about myths vs. reality with wind turbines. She presented a draft ordinance. The Planning Commission has reviewed the ordinance and recommends adopting the ordinance. She pointed out that the small and medium towers will be permitted uses in all zones and the large wind turbine systems would be by conditional use permit.

Chairman VanDyke asked for comments from those in attendance.

Michelle Stevens and Monica Bonner from Wasatch Wind said they are a wind energy developer/owner and operator based in Park City. They are very excited to have the opportunity to develop the second wind farm in Utah. Spanish Fork was their first commercial wind farm in Utah. Michelle Stevens said it is very exciting to be able to bring some revenue and jobs to the state of Utah. They are working towards developing a wind farm in Box Elder County. They are very supportive that the county is working very closely with the state’s model ordinance and feel it is a great ordinance and very fair. It allows counties to consider the projects from start to finish and give projects a very fair opportunity to be considered. She said it gives developers an opportunity to understand the rules. She feels it is not too restrictive. She appreciates the steps and efforts the county is taking. They have two small concerns. They have a problem with the setback waiver. The other concern is the K Wind Study that is required. They do not want to give this information out. The data is their trade secrets and will put them at a disadvantage in the RFP process. They told the county they have come up with some solutions.

*(See Attachment No. 9A – Wasatch Wind.)*

Lorrie Hunsaker, Brigham City, applauded the Commissioners for looking at alternative energy. She said looking at the world’s situation; it is a mess. Ms. Hunsaker loves the wind turbines in Spanish Fork. She feels it is clean energy and something that is not depleting the earth’s resources. She hopes that Wasatch Energy can make it happen, and she hopes Box Elder County will make it friendly to businesses that want to come in, but protect the interest of the citizens. She feels this is a great alternative to some of the other things and is excited to move forward with Wasatch Energy.

**MOTION:** A motion was made by Commissioner Shaffer to close the public hearing. The motion was seconded by Commissioner Hardy and unanimously carried. The public hearing was closed at 10:43 a.m.

**PUBLIC HEARING/SUBDIVISION ORDINANCE – COMMISSIONERS**

*(See Attachment No. 10 – Attendance List.)*

Chairman VanDyke declared the public hearing open at 10:25 a.m.

County Planner Tamara Wright said staff has been working on amending Article 6 of the Box Elder Land Use Management and Development Code entitled Subdivisions. She said they have worked with our County Engineer/Surveyor, Road Department, and Fire Inspector to bring our code into
compliance with the processes that are followed. The Planning Commission has recommended approval. Ms. Wright said the biggest change to the code is to allow an administrative review for one-lot subdivisions that meets certain requirements. If the requirements are met, staff can get it all collected and then staff can review it. Another change is adding language in the code to make people aware of other concerns outside of the subdivision. People will have the full picture upfront so the developer will know everything he needs to look at. There are also changes in the letter of credit language.

Chairman VanDyke asked for comments from those in attendance. There were no comments.

**MOTION:** A motion as made by Commissioner Hardy to close the public hearing. The motion was seconded by Commissioner Shaffer and unanimously carried. The public hearing was closed at 10:47 a.m.

**ACTION ON PUBLIC HEARINGS VACATING ROADS – KEVIN HAMILTON**

**MOTION:** A motion was made by Commissioner Hardy to adopt the road vacation ordinances subject to a final review and approval by the staff and County Attorney and allow the chair to sign. The motion was seconded by Commissioner Shaffer and unanimously carried.

*(See Attachment No. 11 – Ordinance No. 341.)*

*(See Attachment No. 12 – Ordinance No. 342.)*

*(See Attachment No. 13 – Ordinance No. 343.)*

**SIGN LEASE AGREEMENT/GOLDEN SPIKE TRAP CLUB – KEVIN HAMILTON**

**MOTION:** A motion was made by Commissioner Shaffer that a meeting be set up to discuss the lease agreement with the Golden Spike Trap Club and representatives for the county will be Kevin Hamilton, Attorney Stephen Hadfield and Chairman VanDyke and to also invite Micah Capener to meet or give input and that this meeting will take place before next week’s Commission Meeting. The motion was seconded by Commissioner Hardy and unanimously carried.

**ACTION ON PUBLIC HEARING ORDINANCES – TAMARA WRIGHT**

County Planner Tamara Wright said Ordinance No. 338 is an ordinance rezoning Brandon Erickson’s property located in T12N R2W Sec 11 from a MU-40 to the RR-2. She said the Planning Commission has reviewed the application and forwarded their approval to the Commission.
MOTION: A motion was made by Commissioner Shaffer to approve Ordinance No. 338 and authorize the chair to sign. The motion was seconded by Commissioner Hardy and unanimously carried.

(See Attachment No. 14 – Ordinance No. 338.)

Director of Community Development Kevin Hamilton discussed the wind ordinance. He said based on the comments from the public hearing, he would like to prepare the ordinance and bring it back next week for adoption with some minor changes. Mr. Hamilton reviewed the changes.

MOTION: A motion was made by Commissioner Hardy to direct staff to make the changes to the ordinance draft. The motion was seconded by Commissioner Shaffer and unanimously carried.

County Planner Tamara Wright said Ordinance No. 340 amends Article 6 of the Box Elder County Land Use Management and Development Code Entitled Subdivisions. The Planning Commission has reviewed it and recommends approval.

MOTION: A motion was made by Commissioner Shaffer to adopt Ordinance No. 340 and allow the chair to sign. The motion was seconded by Commissioner Hardy and unanimously carried.

(See Attachment No. 15 – Ordinance No. 340.)

DEJARNATT DAM PROJECT & ADVERTISEMENT OF RFP’S – BILL GILSON, KEVIN HAMILTON

Road Supervisor Bill Gilson said NRCS has delivered specifications, drawings and everything that the Road Department needs for the DeJarnatt Sediment Basin Clean-Out Project which is part of the Emergency Watershed Project in the Pocatello Valley area. Bill Gilson and County Engineer Brent Slater have reviewed them. They are now looking at doing a bid advertisement.

MOTION: A motion was made by Commissioner Shaffer to authorize Kevin Hamilton and Bill Gilson to send out the request for proposals. The motion was seconded by Commissioner Hardy and unanimously carried.

ADOPTION-FIRE DISTRICT BOUNDARIES/MODIFICATION-FSSD CONTROL BOARD – DAVE FORSGREN

Honeyville Mayor Dave Forsgren presented a map showing the new proposed boundaries of the Central Box Elder County Fire District. Mayor Forsgren said when the control board was originally organized, it consisted of six members. Corinne and Elwood have since pulled out of the district and the control board needs to go from six members down to four. He said it will consist of the Bear River Mayor, Honeyville Mayor, Deweyville Mayor and one County Commissioner.
MOTION: A motion was made by Commissioner Shaffer to allow the County Surveyor to write a boundary description for the fire district as shown on a map presented by Mayor Forsgren. The motion was seconded by Commissioner Hardy and unanimously carried.

MOTION: A motion was made by Commissioner Shaffer to reduce the size of the administrative control board from six to four members consisting of the mayors from Bear River City, Honeyville and Deweyville and one County Commissioner. The motion died for lack of a second.

County Attorney Hadfield suggested the District get advice from the district’s attorney regarding the downsizing of the administrative control board.

DEBT RELIEF – REBECCA BROCKSMITH

Rebecca Brocksmith told the Commissioners that she was sentenced to 440 days in jail for driving on suspension with an expired registration and no proof of insurance. She went to jail and got the $44.00 a day assigned to her which totaled $19,360. She said a couple of weeks ago she received a judgment from a collections agency stating she now owes $38,445.25. She has no way of paying the bill. She said the collection agency told her she needed to talk to the people that issued the fine to see if the interest could be eliminated.

County Attorney Stephen Hadfield recommended the Commissioners check with the court to see why the fines were imposed.

Chairman VanDyke said the Commissioners need some additional time to review the case and receive more information.

SET PUBLIC HEARING/MURRAY GRAVEL RE-ZONE – TAMARA WRIGHT

County Planner Tamara Wright said property located at approximately 1025 S 105 E in Willard was recently de-annexed from Willard. She said it has gone before the Planning Commission regarding rezoning the property to be used as a gravel mining operation. The Planning Commission has recommended approval with conditions that this is only approved for the upper 10 acres, giving them an easement for their scale house and for bringing the truck up and docking it there until they get established.

MOTION: A motion was made by Chairman VanDyke to set the public hearing regarding the Murray Gravel Pit for July 27 at 10:05 a.m. The motion was seconded by Commissioner Shaffer and unanimously carried.
ANGIE BOWEN JONES SUBDIVISION – TAMARA WRIGHT

County Planner Tamara Wright said the Angie Bowen Jones Subdivision is a one-lot subdivision located at 16461 N Beaver Dam Road. It is located in a RR-2 Zone; it also has a rural road agreement. Ms. Wright said the Planning Commission has recommended approval.

MOTION: A motion was made by Commissioner Hardy to accept the Angie Bowen Jones Subdivision and rural road agreement and allow the chair to sign. The motion was seconded by Commissioner Shaffer and unanimously carried.

BURT SUBDIVISION – TAMARA WRIGHT

County Planner Tamara Wright presented the Burt Amended Subdivision Plat which is a three-lot subdivision. It is located at approximately 2650 W Hwy 13.

MOTION: A motion was made by Commissioner Hardy to accept the Burt Amended Subdivision and allow the chair to sign the plat. The motion was seconded by Commissioner Shaffer and unanimously carried.

RECESS

The Commissioners took a recess at 11:10 a.m. and reconvened at 11:20 a.m.

INDEPENDENT AUDIT REPORT 2009- FRED BURR, WIGGINS & CO.

Tom Bennett reviewed the Financial Report Year Ending December 31, 2009. He said Box Elder County’s total net assets increased by $2.8 million or 7.7%. He said this had to do with favorable property and sales tax revenues and also a reduction in expenditures. He said we lowered the county’s tax rate and at the same time we were able to increase our property tax revenues. He said each department did their part to spend less in their budgets; there was an increase in the general fund by 1.4 million or 14.3%. He said they reduced the county’s long-term debt by $766,000 or 10.3%. The Municipal Service Fund saw the largest decrease of $1.1 million or 22.8% mainly due to spending the fund balance for capital projects.

Mr. Bennett then reviewed the county’s revenues and expenses. He said the county is continuing to decrease its long-term debt. The county did not go into any new debt. All of our capital projects, including the new Justice Center, are all paid for cash out of fund balances in the capital projects fund. The debt was reduced by 10% and we are scheduled to be out of debt by 2017. He feels the county is in a very favorable position. He said we are increasing our fund balances and spending cash for our capital projects and not entering into new debt. He hopes we will be able to continue the trend to maintain or lower our tax rate.
Fred Burr, Wiggins & Co. went over the purpose of the financial statements. Mr. Burr reviewed the financial report, single audit report and the management report.

**MOTION:** A motion was made by Commissioner Hardy to accept the 2009 Independent Audit Report with Wiggins & Co. The motion was seconded by Commissioner Shaffer and unanimously carried.

**CONTRIBUTION ADJUSTMENT URS – H. DOUG PETERSON**

Personnel Director Peggy Madsen said each year the state retirement office talks to the employees and every year the employees are reminded to make sure the county has the right dates of service and beneficiaries. Doug Peterson has a discrepancy on his years of service. The retirement office sent a letter explaining the choices. Ms. Madsen reviewed the choices.

Doug Peterson said he feels like it was the county’s mistake and that he has lost eight months of service. He is willing to pay the $816.61, and would like the county to pay the difference. Mr. Peterson would like to have credit for the time he has worked for the county.

**MOTION:** A motion was made by Commissioner Shaffer that the county will participate in paying the county’s portion of the employer contribution plus interest. The motion was seconded by Commissioner Hardy and unanimously carried. The motion was withdrawn.

Commissioner Hardy made a suggestion that in order to help Doug Peterson pay the contributions Box Elder County will pay the total fund upfront and withhold a certain amount out of his check until the bill is paid.

**MOTION:** A motion was made by Commissioner Hardy to authorize an agreement to be put together and signed by both parties allowing the county to pay its half plus interest and Doug Peterson to pay his half with interest and the county will pay the retirement contribution adjustment upfront. 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 70511 through 70621 in the amount of $122,281.76. Claims 70622 through 70734, 990390, 2010013 in the amount of $470,430.17. Claims 68213, 68164, 68250 were voided.

**PERSONNEL ACTIONS – COMMISSIONERS**

- **SHERIFF DEPT:** Carolyn Loosli, compensation change, effective 06/05/2010
- **SHERIFF DEPT:** Brad Nelson, separation, effective 06/26/2010
- **SHERIFF DEPT:** Stephanie Gill, compensation change, effective 03/08/2010
- **LANDFILL:** Karson Riser, new hire, effective 06/23/2010
- **LANDFILL:** Tyson Belk, new hire, effective 06/22/2010
Commission Meeting

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June 29, 2010

EXECUTIVE SESSION

Discussion of character, professional competence or physical or mental health of an individual.

MOTION: At 12:30 p.m. a motion was made by Commissioner Shaffer to move into an executive session to discuss personnel issues. The motion was seconded by Commissioner VanDyke, and the motion was unanimously carried.

MOTION: At 1:50 p.m. a motion was made by Commissioner Shaffer to reconvene into regular commission meeting. Chairman VanDyke seconded the motion, and regular commission meeting was reconvened.

Chairman VanDyke explained that personnel matters were discussed during the executive session.

ADJOURNMENT

A motion was made by Commissioner Shaffer to adjourn. Chairman VanDyke seconded the motion, and the meeting adjourned at 1:52 p.m.

ADOPTED AND APPROVED in regular session this 6th day of July 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, JUNE 29, 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. Dispatch Committee Membership/Approval of Nominees – Police Chief Nance
7. Box Elder County Fairgrounds Master Plan – Joan Hammer, Donnie Tarver, Monte Munns
8. Contract/West Corinne Water Company – Commissioner Hardy

*9:00 – 9:05 Call to Order: Chairman VanDyke
Invocation: Chairman VanDyke
Pledge of Allegiance – Led by Jill Dallon, Girl Scout
Approval of Minutes of June 15, 2010

*9:05 – 9:10 Follow-Up Business
Set Yearly Lease Rate/Payment Deadline Ag Lease – Kevin Hamilton

*9:10 – 9:20 Dispatch Committee Membership/Approval of Nominees – Police Chief Nance

*9:20 – 9:30 Box Elder County Fairgrounds Master Plan – Joan Hammer, Donnie Tarver, Monte Munns

*9:30 – 9:40 Agreement for West Corinne Water Tap – Commissioner Hardy

*9:40 – 9:45 Curlew Valley Senior Center – Commissioners

*9:45 – 9:50 Summary of Statistics/Victims Advocate Grant – Attorney Hadfield, Cindy Lorrigan

*9:50 – 9:55 Set Public Hearing Date/Surplus of Race Track Property – Kevin Hamilton
*9:55 – 10:00  CIP Committee Policy & Procedures Resolution #10-08 – Shirlene Larsen

*10:00 – 10:01  Public Hearing/Road Vacation Beaver Dam – Commissioners

*10:01 – 10:03  Public Hearing/Vacation of an Alleyway-Riverside – Commissioners

*10:03 – 10:05  Public Hearing/Vacation of an Old County Road-Mantua – Commissioners

*10:05 – 10:10  Public Hearing/Vacate a Portion of Sand Hollow Road - Commissioners

*10:10 – 10:17  Public Hearing/Trap Club Lease – Commissioners

*10:17 – 10:20  Public Hearing/Brandon Erickson Re-Zone – Commissioners

*10:20 – 10:25  Public Hearing/Wind Ordinance Proposal – Commissioners

*10:25 – 10:30  Public Hearing/Subdivision Ordinance – Commissioners

*10:30 – 10:40  Action on Public Hearings Vacating Roads – Kevin Hamilton

*10:40 – 10:45  Sign Lease Agreement/Golden Spike Trap Club – Kevin Hamilton

*10:45 – 10:55  Action on Public Hearings Ordinances – Tamara Wright

*10:55 – 11:10  Dejarnatt Dam Project & Advertiseent of RFP’s – Bill Gilson, Kevin Hamilton

*11:10 – 11:20  Adoption-Fire District Boundaries/Modification-FSSD Control Board – Dave Forsgen

*11:20 – 11:30  Debt Relief – Rebecca Brocksmith

*11:30 – 11:35  Set Public Hearing/Murray Gravel Re-Zone – Tamara Wright

*11:35 – 11:40  Angie Bowen Jones Subdivision – Tamara Wright

*11:40 – 11:45  Burt Subdivision – Tamara Wright


*12:15 – 12:20  Contribution Adjustment URS – H. Doug Peterson

*12:20 – 12:25  Warrant Register & Personnel Actions – Commissioners

*12:25 – 12:30  Assignment Review – Commissioners
Executive Session

1. Discussion of character, professional competence or physical or mental health of an individual.

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 24th day of June 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 24th day of June 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.
RESOLUTION NO. 10-08

A RESOLUTION OF THE BOX ELDER COUNTY COMMISSION TO FORMALIZE ADOPTION OF A CAPITAL IMPROVEMENTS POLICY AND THE ESTABLISHMENT OF THE BOX ELDER COUNTY CAPITAL IMPROVEMENT PLANNING (CIP) COMMITTEE, AND TO ADOPT THE POLICIES, PROCEDURES AND BYLAWS BY WHICH THE BOX ELDER COUNTY CAPITAL IMPROVEMENT PLANNING COMMITTEE SHALL OPERATE

WHEREAS, the Box Elder County Commission has previously adopted a “Capital Improvements Policy” for Box Elder County and created a committee known as the “Box Elder County Capital Improvement Planning Committee” (hereinafter “CIP Committee), to implement said policy into actual practice; and

WHEREAS, the Box Elder County Commission has previously appointed members of the CIP Committee, and said members have prepared and proposed the adoption of the policies, procedures and bylaws by which the CIP Committee shall function, a copy of which is attached hereto; and

WHEREAS, the Box Elder County Commission has reviewed the proposed policies, procedures and bylaws and finds that they are appropriate and would properly implement the County’s Capital Improvement Policy; and

WHEREAS, in addition to adopting the proposed policies, procedures and bylaws, the Box Elder County Commission would like to formalize its previous adoption of the Capital Improvement Policy and its previous establishment of the CIP Committee; and

WHEREAS, the Box Elder County Commission has found and determined that it would be in the best interests of and promote the general health, welfare and safety of the residents of Box Elder County to formalize the adoption of the County Capital Improvement Policy and establishment of a CIP Committee, and to adopt the policies, procedures and bylaws attached hereto;
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PUBLIC HEARING  
BOX ELDER COUNTY  

Vacation of an Old County Road, Mantua  

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Date: 6-29-2010
PUBLIC HEARING
BOX ELDER COUNTY

Date: 10-29-2010
Vacate a Portion of Sand Hollow Road

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**PUBLIC HEARING**  
**BOX ELDER COUNTY**  

**Date:** 6-29-2010  
**Brandon Erickson Re-Zone**

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5-4-030.2. Wind Study Required, Section C (P 5-4-8): The costs to develop a wind farm are widely known. The one area that differentiates one wind development company from another or makes one project more profitable than another are the wind speeds. By furnishing the wind data to a government agency which exposes us to the Freedom of Information Act and thus makes our data available to the public is very worrisome to us for two reasons: a) if we decided to sell our power through a competitive bid process, another company could determine what price per MWh we would bid into the RFP and would therefore have an advantage; b) we are unclear as to how the State and County would review the data and how Box Elder County would use that information. In order to illustrate that a wind project is viable so that the County does not use its resources to review a nonviable project, we would like to offer several solutions for the County to consider:

Wind Study Language Recommendation Options:

a) Box Elder County should consider requiring that the wind data be evaluated by a private meteorologist that can confirm the wind resource and keep the wind data confidential.

b) The permit to construct could be contingent on the company receiving a Power Purchase Agreement (PPA), which is a contract that the company must begin generating power by a certain date otherwise be responsible for liquidated damages. This is a significant investment for the wind energy company which would not take place unless the company felt confident that the wind facility would be built.

*****

We appreciate your consideration of our concerns and the proposed solutions. Please do not hesitate to contact us at anytime to discuss this further.

Warm regards,

Michelle Stevens, on behalf of Wasatch Wind
June 29, 2010

Box Elder County Commission
1 South Main St
Brigham City, UT 84302

Wasatch Wind Statement regarding Box Elder Wind Energy Ordinance

Wasatch Wind appreciates Box Elder County’s efforts to create wind energy regulations. We are supportive of wind energy regulations that allow Counties to thoroughly consider the attributes of each unique project while not imposing unnecessary restrictions that can discourage development opportunities at the outset. Wind energy regulations help companies like us understand the rules we need to play by, and gives the County and local governments the opportunity to learn the details and potential benefits of each project and make informed decisions. We believe that Box Elder County’s Wind Ordinance is fair and will encourage development opportunities and the benefits associated with new development, to present themselves. We at Wasatch Wind are very excited to be working in Box Elder County on a potential wind energy project that we anticipate will bring millions of dollars of development investment and significant tax revenue to your County.

We are here today to ask the County to consider a few items of concern to us before passing the Wind Energy Ordinance. I would like to quickly discuss these concerns and have prepared suggested language to address them.

5-4-030.2. Setback Waiver, Section C (P 5-4-8): In the current draft of the Box Elder County Land Use Management & Development Code WIND ORDINANCE, the Setback Waiver was deleted. We would like the County to consider reintroducing a setback waiver into the ordinance because it provides flexibility to wind energy developers as they determine where to locate turbines. For example – Wasatch Wind has been collecting wind data for a potential project in Box Elder County for three years. The area where the project will be located is limited in space due to land ownership and terrain. While we intend to adhere to the setbacks as they are outlined in the current draft of the ordinance whenever possible, because our project is narrow we may have to consider placing one or two turbines closer to the adjacent landowner than required by the setback, in order to ensure a viable project. We would ask that if we are able to get permission from the adjacent landowner, that the County would consider allowing us to waive the setback requirements.

Recommended Setback Waiver Language:

5-4-030.2. Criteria Standards.
C. Setback Waivers. The Planning Commission may consider an exception to the minimum setbacks required if the following criteria are met:
   a. A signed agreement of consent from abutting property owner(s), and
   b. The public right-of-ways and power lines are not impacted by the location.

A12 #9A
# PUBLIC HEARING
BOX ELDER COUNTY

**Date:** 6-29-2010

**Subdivision Ordinance**

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ORDINANCE NO. 341

AN ORDINANCE OF BOX ELDER COUNTY, SUPPLEMENTING AND REPLACING
ORDINANCE No. 322 WHICH WAS PREVIOUSLY ADOPTED, TO FINALIZE AND
COMPLETE THE VACATING AND EXTINCTION OF A PORTION OF THE COUNTY
ROAD THAT IS AN 18 FOOT WIDE ½ ALLEY RUNNING NORTH AND SOUTH THROUGH
THE MIDDLE OF BLOCK 2 OF RIVERSIDE PLAN LOCATED IN THE SE ¼, SECTION 11,
TOWNSHIP 12N, RANGE 32, SALT LAKE BASE AND MERIDIAN;

WHEREAS, the Box Elder County Commission has been petitioned to vacate that certain ½ alley
that is an 18 foot wide ½ alley running north and south through the middle of Block 2 of the Riverside
Plan located in the SE ¼, Section 11, Township 12N, Range 3W, Salt Lake Base and Meridian;

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public
hearing on August 20, 2009, to allow the general public to comment on this proposed ½ alley vacation and
at the conclusion of the public hearing recommended that the County Commission grant the petition to
vacate; and

WHEREAS, the Box Elder County Commission previously adopted Ordinance No. 322 vacating
and extinguishing that certain ½ alley that is an 18 foot wide ½ alley running north and south through
the middle of Block 2 of the Riverside Plan located in the SE ¼, Section 11, Township 12N, Range 3W, Salt
Lake Base and Meridian, but has since determined that proper notice in accordance with §72-3-108 of the
Utah Code was not provided prior to the adoption of Ordinance No. 322; and

WHEREAS, the Box Elder County Commission scheduled a public hearing on the petition to
vacate and provided notice of such public hearing by publishing it in a newspaper of general circulation in
Box Elder County once a week for four (4) consecutive weeks prior to the hearing posting it in three (3)
public places for four (4) consecutive weeks prior to the hearing and by mailing notice of such hearing to
the Utah Department of Transportation and to all of the owners of the property abutting the road being
vacated, and by posting it on a website established by the collective efforts of Utah’s newspapers;

WHEREAS, the Box Elder County Commission, after appropriate notice in accordance with the
provisions of § 72-3-108 of the Utah Code, held a public hearing on June 29, 2010, to allow the general
public to comment on this proposed road vacation; and

WHEREAS, the fee to the land being vacated, as described in the attached legal description set
forth in Exhibit “A” will be released and shall revert to the adjoining property owners, Matt G. Gibbs,
Sherry J. Gibbs, and Vernon Douglas Roche and Cecelia Joanne Roche Trust, as set forth below; and

WHEREAS, the Box Elder County Commission finds that there is no prevailing public interest in
keeping the road open; and

WHEREAS, both the Box Elder County Planning Commission and the Box Elder County
Commission have found that the proposed vacation does not have a substantial effect on the county’s
general plan; and

WHEREAS, the Box Elder County Commission finds that the proposed vacation does not violate
any provision of the County Land Use Management and Development Code; and
WHEREAS, the Box Elder County Commission is satisfied that neither the public nor any person will be materially injured by the proposed vacation; and

WHEREAS, the Box Elder County Commission finds that the proposed vacation is in the best interest of the public;

NOW THEREFORE, the Board of Box Elder County Commissioners, being the legislative body of Box Elder County, State of Utah, ordains as follows:

SECTION 1: That the portion of the county road which is an 18 foot wide ½ alley running north and south through the middle of Block 2 of the Riverside Plan located in the SE ¼, Section 11, Township 12N, Range 3W, Salt Lake Base and Meridian as more fully set forth in Exhibit “A” attached hereto is hereby vacated.

SECTION 2: That the fee to the vacated portions of the county road, as set forth in Exhibit “A” shall be released and shall revert to the adjoining property owners as follows:
   A. To Matt G. Gibbs and Sherry J. Gibbs, the real property specifically described in Exhibit “B” attached hereto.
   B. To Sherry Gibbs, the real property specifically described in Exhibit “C” attached hereto.
   C. To Matt G. Gibbs and Sherry J. Gibbs, the real property specifically described in Exhibit “D” attached hereto.
   D. To Vernon Douglas Roche and Cecelia Joanne Roche Trustees of the Vernon Douglas Roche and Cecelia Joanne Roche Trust dated 10/01/2004 the real property specifically described in Exhibit “E” attached hereto.

SECTION 3: That this vacation shall not effect or eliminate any easements, public, or private, above ground or underground, that existed prior to the vacation.

SECTION 4: That the County Recorder is hereby authorized and directed to cause certified copies of this ordinance and proof of publication of the notice of the public meetings on this matter to be properly filed in the office of the Recorder of Box Elder County, Utah.

SECTION 5: This ordinance shall become effective fifteen (15) days after its passage and publication as provided by law.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 29th day of June, 2010, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner VanDyke  Voting aye
Commissioner Hardy   Voting aye
Commissioner Shaffer  Voting aye

Richard VanDyke, Chair
Box Elder County Commission

Attest:
LiAnn Adams
Box Elder County Recorder/Clerk
Box Elder County

18 Feet Wide Alley Vacation

Located in SE 1/4, Section 11, Township 12N, Range 3W, SLB&M

**Overall Alley Description**

Vacate the 18 feet wide alley which is part of the SE 1/4, Section 11, Township 12N, Range 3W, SLB&M as follows:

The alley is 18 feet wide found west of 5400 West (State Highway 13) more particularly described as follows: Beginning at the north east corner of lot 1, Block 2, of the Riverside Plat, thence south 417.4 feet to the south line of lot 3, said Block 2, thence east 18 feet to the west line of Lot 4, said Block 2, thence north 417.4 feet to the north west corner of lot 2, of said Block 2, thence 18 feet west to the beginning point.

Containing .172 acre
Box Elder County

18 Feet Wide Alley Vacation

Matt G Gibbs and Sherry J Gibbs

Tax ID #06-046-0011

Vacate a portion of the 18 feet wide alley which is part of the SE 1/4, Section 11, Township 12N, Range 3W, SLB&M as follows:

Any portion of the alley west of 5400 West (State Highway 13) more particularly described as follows: Beginning at the north east corner of lot 1, Block 2, of the Riverside Plat, thence south 208.7 feet to the south line of said lot 1, Block 2, thence east 9 feet to a point which is 9 feet east of the south east corner of said lot 1, Block 2, thence north 208.7 to a point which is 9 feet east of the north east corner of said lot 1, Block 2, then west 9 feet to the starting point.

Contains 1,878.30 square feet or .043 acre
Box Elder County

18 Feet Wide Alley Vacation

Sherry Gibbs

Tax ID #06-046-0009

Vacate a portion of the 18 feet wide alley which is part of the SE 1/4, Section 11, Township 12N, Range 3W, SLB&M as follows:

Any portion of the alley west of 5400 West (State Highway 13) more particularly described as follows: Beginning at the north west corner of lot 2, Block 2, of the Riverside Plat, thence south 208.7 feet to the south line of said lot 2, Block 2, thence west 9 feet to a point which is 9 feet west of the south west corner of said lot 2, Block 2, thence north 208.7 feet to a point which is 9 feet west of the north west corner of said lot 2, Block 2, then east 9 feet to the starting point.

Contains 1,878.30 square feet or .043 acre
Vacate a portion of the 18 feet wide alley which is part of the SE 1/4, Section 11, Township 12N, Range 3W, SLB&M as follows:

Any portion of the alley west of 5400 West (State Highway 13) more particularly described as follows: Beginning at the north east corner of lot 3, Block 2, of the Riverside Plat, thence south 208.7 feet to the south line of said lot 3, Block 2, thence east 9 feet to a point which is 9 feet east of the south east corner of said lot 3, Block 2, thence north 208.7 to a point which is 9 feet east of the north east corner of said lot 3, Block 2, then west 9 feet to the starting point.

Contains 1,878.30 square feet or .043 acre
Box Elder County

18 Feet Wide Alley Vacation

VerNon Douglas Roche and Cecelia Joanne Roche Trustees of the
VerNon Douglas Roche and Cecelia Joanne Roche Trust dated 10/01/2004

Tax ID #06-046-0010

Vacate a portion of the 18 feet wide alley which is part of the SE 1/4, Section 11, Township 12N, Range 3W, SLB&M as follows:

Any portion of the alley west of 5400 West (State Highway 13) more particularly described as follows: Beginning at the north west corner of lot 4, Block 2, of the Riverside Plat, thence south 208.7 feet to the south line of said lot 4, Block 2, thence west 9 feet to a point which is 9 feet west of the south west corner of said lot 4, Block 2, thence north 208.7 to a point which is 9 feet west of the north west corner of said lot 4, Block 2, then east 9 feet to the starting point.

Contains 1,878.30 square feet or .043 acre
ORDINANCE NO. 342

AN ORDINANCE OF BOX ELDER COUNTY, SUPPLEMENTING AND REPLACING ORDINANCE NO. 333 WHICH WAS PREVIOUSLY ADOPTED, TO FINALIZE AND COMPLETE THE VACATING AND EXTINGUISHING OF A PORTION OF THE SAND HOLLOW ROAD EXTENDING NORTHERLY FROM THE INTERSECTION OF 22000 WEST STREET AND SUNSET PASS ROAD, PORTIONS OF WHICH MAY BE LOCATED IN SECTION 28 AND 29, TOWNSHIP 11 NORTH RANGE 6 WEST SALT LAKE BASE AND MERIDIAN;

WHEREAS, the Box Elder County Commission has been petitioned to vacate portion of the Sand Hollow Road extending Norttherly from the intersection of 22000 West Street and Sunset Pass Road, portions of which may be located in Section 28 and 29, Township 11 North Range 6 WesSalt Lake Base and Meridian; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on March 18, 2010, to allow the general public to comment on this proposed road vacation, and at the conclusion of the public hearing recommended that the County Commission grant the petition to vacate; and

WHEREAS, the Box Elder County Commission previously adopted Ordinance No. 333 vacating and extinguishing a portion of the Sand Hollow Road but has since determined that proper notice in accordance with §72-3-108 of the Utah Code was not provided prior to the adoption of Ordinance No. 333; and

WHEREAS, the Box Elder County Commission scheduled a public hearing on the petition to vacate and provided notice of such public hearing by publishing it in a newspaper of general circulation in Box Elder County once a week for four (4) consecutive weeks prior to the hearing, posting it in three (3) public places for four (4) consecutive weeks prior to the hearing and by mailing notice of such hearing to the Utah Department of Transportation and to all of the owners of the property abutting the road being vacated, and by posting it on a website established by the collective efforts of Utah's newspapers; and

WHEREAS, the Box Elder County Commission, after appropriate notice in accordance with the provisions of §72-3-108 of the Utah Code, held a public hearing on June 29, 2010, to allow the general public to comment on this proposed road vacation; and

WHEREAS, the fee to the land being vacated, as described in the attached legal description set forth in Exhibit "A" will be released and shall revert to the adjoining property owners, Bar-M Cattle Company, LLC and Sandall Farm and Ranch Family Partnership, a Utah General Partnership as set forth below; and

WHEREAS, the Box Elder County Commission finds that there is no prevailing public interest in keeping the road open; and

WHEREAS, both the Box Elder County Planning Commission and the Box Elder County Commission have found that the proposed vacation does not have a substantial effect on the county's general plan; and

WHEREAS, the Box Elder County Commission finds that the proposed vacation does not violate any provision of the County Land Use Management and Development Code; and
WHEREAS, the Box Elder County Commission is satisfied that neither the public nor any person
will be materially injured by the proposed vacation; and

WHEREAS, the Box Elder County Commission finds that the proposed vacation is in the best
interest of the public;

NOW THEREFORE, the Board of Box Elder County Commissioners, being the legislative body
of Box Elder County, State of Utah, ordains as follows:

SECTION 1: That portion only of Sand Hollow road located in Sections 28 and 29 of T11N,
R6W SLB & M beginning at the intersection of 22000 West Street and Sunset Pass Road and extending
Northerly to the north line of said Sections 28 and 29 as more specifically described in Exhibit "A"
attached hereto, is hereby vacated

SECTION 2: That the fee to the vacated portions of the county road, as set forth in Exhibit "A"
shall be released and shall revert to the adjoining property owners as follows:

A. To Bar-M Cattle Company, LLC, the real property specifically described in Exhibit "B"
attached hereto.
B. To Sandall Farm and Ranch Family Partnership, a Utah General Partnership, the real
property specifically described in Exhibit "C" attached hereto.

SECTION 3: That this vacation shall not affect or eliminate any easements, public, or private,
above ground or underground, that existed prior to the vacation.

SECTION 4: That the County Recorder is hereby authorized and directed to cause certified
copies of this ordinance and proof of publication of the notice of the public meetings on this matter to be
properly filed in the office of the Recorder of Box Elder County, Utah.

SECTION 5: This ordinance shall become effective fifteen (15) days after its passage and
publication as provided by law.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 29th day of June,
2010, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner VanDyke
Commissioner Hardy
Commissioner Shaffer
Voting aye
Voting aye
Voting aye

Richard VanDyke, Chair
Box Elder County Commission

Attest:

LuAnn Adams
Box Elder County Recorder/Clerk
EXHIBIT A
Overall Road Description

Vacate all of the 66 foot wide Old County Road located in Sections 28 & 29, T11N, R6W SLB & M.

More particularly described as follows: That portion only of Sand Hollow road located in said Sections 28 and 29 beginning at the intersection of 22000 West Street and Sunset Pass Road and extending Northerly along section line to the north line of said Sections 28 and 29.
EXHIBIT B
Bar M Cattle Company LLC

Vacate that portion of the Old County Road located in Section 28, T11N, R6W SLB & M

Lying 33 feet easterly, parallel and adjacent to the following described line: Beginning at the intersection of 22000 West Street and Sunset Pass Road and extending Northerly along section line to the north line of said Section 28.
EXHIBIT C
Sandall Farm & Ranch Family Partnership

Vacate that portion of the Old County Road located in Section 29, T11N, R6W SLB & M

Lying 33 feet westerly, parallel and adjacent to the following described line: Beginning at the intersection of 22000 West Street and Sunset Pass Road and extending Northerly along section line to the north line of said Section 29.
ORDINANCE NO. 343

AN ORDINANCE OF BOX ELDER COUNTY, SUPPLEMENTING AND REPLACING
ORDINANCE No. 334 WHICH WAS PREVIOUSLY ADOPTED, TO FINALIZE AND
COMPLETE THE VACATING AND EXTINGUISHING OF ALL OF THE OLD COUNTY
ROAD LOCATED WITHIN THE SW/4 OF SW/4 OF SEC 10 TOWNSHIP 9 NORTH RANGE 1
WEST SALT LAKE BASE AND MERIDIAN;

WHEREAS, the Box Elder County Commission has requested that a portion of the Old County
Road located within the SW/4 of SW/4 of Section 10 Township 9 North Range 1 West Salt Lake Base and
Meridian be vacated; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public
hearing on March 18, 2010, to allow the general public to comment on this proposed road vacation; and at
the conclusion of the public hearing it recommended that the County Commission grant the petition to
vacate; and

WHEREAS, the Box Elder County Commission previously adopted Ordinance No. 33 vacating
and extinguishing a portion of the Old County Road, but has since determined that proper notice in
accordance with § 72-3-108 of the Utah Code was not provided prior to the adoption of Ordinance No.
334; and

WHEREAS, the Box Elder County Commission scheduled a public hearing on the petition to
vacate and provided notice of such public hearing by publishing it in a newspaper of general circulation in
Box Elder County once a week for four (4) consecutive weeks prior to the hearing; posting it in three (3)
public places for four (4) consecutive weeks prior to the hearing; and by mailing notice of such hearing to
the Utah Department of Transportation and to all of the owners of the property abutting the road being
vacated, and by posting it on a website established by the collective efforts of Utah’s newspapers; and

WHEREAS, the Box Elder County Commission, after appropriate notice in accordance with the
provisions of § 72-3-108 of the Utah Code, held a public hearing on June 29, 2010, to allow the general
public to comment on this proposed road vacation; and

WHEREAS, the fee to the land being vacated, as described in the attached legal description set
forth in Exhibit “A” will be released and shall revert to the adjoining property owners, Young Resources,
LTD., June Baxter, and Michael Nelson, as set forth below; and

WHEREAS, the Box Elder County Commission finds that there is no prevailing public interest in
keeping the road open; and

WHEREAS, both the Box Elder County Planning Commission and the Box Elder County
Commission have found that the proposed vacation does not have a substantial effect on the
county’s general plan; and

WHEREAS, the Box Elder County Commission finds that the proposed vacation does not violate
any provision of the County Land Use Management and Development Code; and

WHEREAS, the Box Elder County Commission is satisfied that neither the public nor any person
will be materially injured by the proposed vacation; and
WHEREAS, the Box Elder County Commission finds that the proposed vacation is in the best interest of the public;

NOW THEREFORE, the Board of Box Elder County Commissioners, being the legislative body of Box Elder County, State of Utah, ordains as follows:

SECTION 1: That certain road known as the "Old County Road" located within the SW/4 of the SW/4 of Section 10, Township 9 North, Range 1 West Salt Lake Base and Meridian, as more specifically described in Exhibit "A" attached hereto, is hereby vacated.

SECTION 2: That the fee to the vacated portions of the county road, as set forth in Exhibit "A" shall be released and shall revert to the adjoining property owners as follows:
   A. To Michael Nelson, the real property specifically described in Exhibit "B" attached hereto.
   B. To Young Resources, LTD, the real property specifically described in Exhibit "C" attached hereto.
   C. To June Baxter, the real property specifically described in Exhibit "D" attached hereto.

SECTION 3: That this vacation shall not affect or eliminate any easements, public, or private, above ground or underground, that existed prior to the vacation.

SECTION 4: That the County Recorder is hereby authorized and directed to cause certified copies of this ordinance and proof of publication of the notice of the public meetings on this matter to be properly filed in the office of the Recorder of Box Elder County, Utah.

SECTION 5: This ordinance shall become effective fifteen (15) days after its passage and publication as provided by law.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 29th day of June, 2010, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner VanDyke  Voting  aye
Commissioner Hardy  Voting  aye
Commissioner Shaffer  Voting  aye

Richard VanDyke, Chair
Box Elder County Commission

Attest:
LaAnn Adams  
Box Elder County Recorder/Clerk
EXHIBIT A
Overall Road Description

Vacate all of the 66 foot wide Old County Road located Northeasterly from the State Highway 89-91 and that is within the SW Quarter of the SW Quarter of Section 10, T9N, R1W, SLB & M
EXHIBIT B
Michael G. Nelson Description

Vacate all of the 66 foot wide Old County Road located Northeasterly from the State Highway 89-91 and that is within the following: Beginning 12.78 chains North of the Southwest corner of Section 10, T9N, R1W, SLB & M and running thence North 7.22 chains; thence East 12.58 chains; thence S 45°40' W 12.51 chains; thence N 69° W 3.82 chains to the point of beginning.
EXHIBIT C
Young Resources LTD

Vacate all of the 66 foot wide Old County Road located Northeasterly from the State Highway 89-91 and that is within the following: Beginning at the Southwest corner of Section 10, T9N, R1W, SLB & M and running thence North 12.78 chains; thence S 69° E 3.82 chains; thence N 45° 40' E 12.51 chains; thence East 27.42 chains; thence South 20 chains; thence West 40 chains to the Point of beginning. Less: State Highway 89-91 and the tract deeded to Melvin Jensen, Less: Beginning at the SE corner of the SW Quarter of Section 10, T9N, R1W, SLB & M and running thence West along the section line to the easterly right of way line of State Highway 89-91; thence Northwesterly along said easterly right of way line of said State Highway for a distance of 450 feet; thence Northeasterly on a direct line to the NE corner of the SE Quarter of the SW Quarter of said Section 10; thence South along the quarter section line to the Point of beginning.
EXHIBIT D
June Baxter

Vacate all of the 66 foot wide Old County Road located Northeasterly from the State Highway 89-91 and that is within the following: Beginning at the SE corner of the SW Quarter of Section 10, T9N, R1W, SLB & M and running thence West along the section line to the easterly right of way line of State Highway 89-91; thence Northerly along said easterly right of way line of said State Highway for a distance of 450 feet; thence Northeasterly on a direct line to the NE corner of the SE Quarter of the SW Quarter of said Section 10; thence South along the quarter section line to the Point of beginning.
ORDINANCE NO. 338

AN ORDINANCE OF BOX ELDER COUNTY AMENDING THE BOX ELDER COUNTY ZONING MAP BY REZONING A PROPERTY IN TOWNSHIP 12 NORTH, RANGE 2 WEST OF SECTION 11 FROM MIXED USE-40 TO THE RURAL RESIDENTIAL-2 ZONE.

WHEREAS, the property owner is requesting that the property described herein be rezoned from mixed use-40 (MU-40) to the rural residential-2 (RR-2) zone; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on May 20, 2010, 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 scheduled a public hearing on the petition to rezone the property and amend the Box Elder County zoning map and provided notice by mailing to each affected entity at least 10 calendar days before the public hearing, and by posting it on the county’s official website; and by publishing it in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on June 29, 2010, to allow the general public to comment on this proposed rezone; 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, that it will not have any significant adverse affect upon adjacent 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 that certain parcel of real property located in unincorporated Box Elder County and specifically described in Exhibit "A" attached hereto, from mixed use-40 (40) to the rural residential-2 (RR-2)

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its
PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 29th day of June, 2010, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner VanDyke  Voting aye
Commissioner Hardy  Voting aye
Commissioner Shaffer  Voting aye

Richard VanDyke, Chair
Box Elder County Commission

Attest:

LaAnn Adams
Box Elder County Recorder/Clerk
SURVEYOR'S CERTIFICATE

The herein described is the true chain of the boundary of a 12' x 12' Zoning District.

PROPOSED ZONING XBOUNDARY DESCRIPTION

BOX ELDER COUNTY, UTAH
A PART OF SECTION 11, T41S, R5E, M.I., N.R. 2 W. 6 M.D. S.
RR-2 ZONING PROPOSAL
ORDINANCE NO. 340

AN ORDINANCE OF BOX ELDER COUNTY AMENDING ARTICLE 6 OF THE BOX ELDER COUNTY LAND USE MANAGEMENT AND DEVELOPMENT CODE ENTITLED "SUBDIVISIONS" TO UPDATE OUR ORDINANCE WITH BEST PRACTICE MANAGEMENT AND UTAH STATE CODE.

WHEREAS, the Box Elder County Planning Commission recommends amending Article 6 of the Box Elder County Land Use Management and Development Code to update our ordinance with best practice management and Utah State code; and

WHEREAS, the Box Elder County Planning Commission has determined that the Box Elder County Land Use Management & Development Code should be amended periodically to address public health, safety, and general welfare and to protect the environment; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing and provided notice of such hearing by mailing such notice to each Affected Entity at least ten (10) calendar days prior to the hearing, posted notice of such hearing in at least three (3) public locations within the county or on the county's official website, and publishing notice of such hearing in a newspaper of general circulation in the area at least ten (10) days before the hearing; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on May 20, 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 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 scheduled a public hearing on the petition to amend the Box Elder County Text and provided notice by mailing to each affected entity at least 10 calendar days before the public hearing, and by posting it on the county's official website; and by publishing it in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on June 29, 2010, to allow the general public to comment on the proposed additions, and modifications; and

WHEREAS, the Box Elder County Commission, after providing an opportunity for public input and after becoming familiar with the proposed additions, and modifications, finds that the amended Subdivision ordinance 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 6 of the Box Elder County Land Use Management and Development Code entitled “Subdivisions,” is hereby amended to read in its entirety as set forth Exhibit “A” attached hereto.

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

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 29th day of June, 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