

**MINUTES  
BOX ELDER COUNTY COMMISSION  
AUGUST 24, 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 **AUGUST 24, 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. County Work Standards - Commissioners

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 Hardy.  
Pledge of Allegiance was presented by Jessica Dean

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF AUGUST 17, 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**

**Resolution #10-09 Regarding El Paso Agreement – Commissioners**

MOTION: A motion was made by **Commissioner Hardy** to adopt Resolution #10-09, a resolution in regards to opposing any and all agreements or other activities of El Paso Corporation and its subsidiaries seeking to reduce and/or eliminate the grazing rights of livestock on public lands and expressing Box Elder County's support of a multi-county coalition organized to oppose any such agreement or actions, subject to corrections being made by County Attorney Hadfield. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

*(See Attachment No. 2 – Resolution #10-09.)*

The Commissioners received a letter from Tremonton City stating they would like to join Box Elder County in support of their resolution opposing the El Paso Corporation settlement agreement with Western Watersheds Project.

*(See Attachment No. 3 – Letter from Tremonton City.)*

**INTERSECTION OF EARLEY PARK/DAIRY VALLEY ROAD – RICHARD WEAVER**

This item was cancelled.

**FIRE CONTRACT – GREG MARTZ**

MOTION: A motion was made by **Commissioner Shaffer** to approve the fire contract with Willard City, effective January 1, 2010-December 31, 2012. The motion was seconded by **Commissioner Hardy** and unanimously carried.

**NATIONAL ENGINE PROJECT UPDATE – GREG MARTZ**

County Fire Marshal Gregg Martz stated that the County's National Engine went out for the first time. It spent five days in the Burley area, and the county received around \$1,000 a day after expenses. Mr. Martz reported that right now the engine is on one of the largest fires in the nation in Idaho. The fire started at 2:00 p.m. on Saturday and has covered 315,000 acres. The fire is in the Glen's Ferry Area, and they are stationed out of Hagerman. They have 32 hours in so far and are fighting today as well. There are two people at a time on the engine.

Mr. Martz reported that the fire season has been slow. The fire in the narrows between Lynn and Yost was on Forest Service and BLM property and so they paid the bill. There was a fire above Washakie that put a home in danger for a short while. He said that fire had the best working relationship between four fire departments that he has ever seen. They worked very well together.

Mr. Martz told the Commissioners he will be offering an engine boss class this winter.

#### **DISCUSSION /LEASE AGREEMENT WITH GOLDEN SPIKE TRAP CLUB – KEVIN HAMILTON**

Director of Community Development Kevin Hamilton said the Golden Spike Trap Club would like to have in their agreement that if the county ever sells the property, the trap club would be reimbursed for their improvements. Mr. Hamilton said he is not sure the county would want to do that because their improvements might be 3-4 times the amount of the property.

Commissioner Hardy said the trap club has not paid a dime to the county.

County Attorney Stephen Hadfield is not comfortable with the agreement but would be comfortable with the right of first refusal.

The Commissioners were not in favor of the agreement that the trap club would be reimbursed for their improvements. They would be in favor of right of first refusal.

#### **CIP COMMITTEE RECOMMENDED 2011 PROJECTS – TOM BENNETT**

County Auditor Tom Bennett said on behalf of the CIP Committee they have looked over the projects the last several months, and they are recommending the following list of projects be approved: *(See Attachment No. 4 – Projects Recommended by CIP Committee for 2011 Budget.)*

Mr. Bennett said the landfill requests were not approved. The revenues need to be evaluated. The committee was afraid the landfill would not sustain itself with the projects and would use up all fund balances. The committee said if we are going to fund the landfill like a business, let's manage it like a business. They suggested Shirlene Larsen has the knowledge and capability to help with the evaluation at the landfill.

Mr. Bennett said he would designate money in reserve for future projects at the fairgrounds.

**MOTION:** A motion was made by **Commissioner Hardy** to accept the CIP Committee's recommendation for projects as follows: two trucks for the fire department; six projects for the road department and eight vehicles for the Sheriff's Department in the amount of \$802,300. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

**DEBT RELIEF – REBECCA BROCKSMITH**

Administrative Assistant Rebecca Dilg said Rebecca Brocksmith spent 433 days in the Box Elder County Jail, and she received a bill for 433 days at \$44.00 per day plus penalties and interest. Because she has not paid for a number of years her total bill is \$39,000. Ms. Dilg said she was originally put in jail for not paying her fines. She has bad credit and would like to clear up her credit, but there is no way she can pay this amount. Ms. Brocksmith is requesting that she be allowed to pay 10% of her pay-for-stay jail bill at \$10.00 a day which is the current pay-for-stay jail charge in the amount of \$433.00. Ms. Brocksmith is making a good faith effort and knows she is responsible for the bill.

**MOTION:** A motion was made by **Commissioner Shaffer** to grant the reprieve from the \$39,000 and reduce the amount Rebecca Brocksmith owes to the county for her stay at the county jail in the amount of \$433.00. The motion was seconded by **Commissioner Hardy** and unanimously carried.

Commissioner Hardy hopes the Commission has helped Rebecca Brocksmith, and that she can turn her life around. He said we have given her the opportunity to make a token payment in good faith to act on her own and hopes this will help her so this does not hang over her as bad debt. He wished her good luck.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 71689 – 71806, 2010018 in the amount of \$505,691.04. Claim 71611 was voided.

**PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF DEPT:	Lawrence Maughan, compensation change, effective 08/16/010
SHERIFF DEPT:	Theodore Bennett, compensation change, effective 08/14/2010
SHERIFF DEPT:	Juan Trujillo, return from leave of absence, effective 08/23/2010
SHERIFF DEPT:	Steven Berry, compensation change, effective 08/21/2010
FAIRGROUNDS:	Gerald Smith, separation, effective 08/31/2010
ROAD DEPT:	Delbert Spackman, compensation change, effective 08/10/2010
LANDFILL:	Kellen Cook, compensation change, effective 08/16/2010
FIRE DEPT:	Christopher Richards, separation, effective 08/23/2010
FIRE DEPT:	David Webster, separation, effective 08/23/2010

**OTHER BUSINESS**

**County Fair**

Chairman VanDyke encouraged everyone to come to the fair and attend the parade.

Commissioner Shaffer said the fair would not happen without a whole team of volunteers.

**ADJOURNMENT**

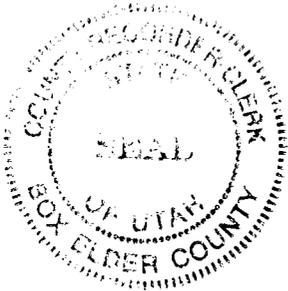
A motion was made by **Commissioner Hardy** to adjourn. **Commissioner Shaffer** seconded the motion, and the meeting adjourned at 10:10 a.m.

**ADOPTED AND APPROVED** in regular session this 31st day of August 2010.

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Rich VanDyke, Chairman

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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, AUGUST 24, 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. County Work Standards – Commissioners

\*9:00 – 9:05      Call to Order: Chairman VanDyke  
Invocation: Commissioner Hardy  
Approval of Minutes of August 17, 2010

\*9:05 – 9:10      Follow-Up Business

1. Resolution #10-09 Regarding El Paso Agreement – Commissioners

\*9:10 – 9:20      Intersection of Earley Park/Dairy Valley Road – Richard Weaver

\*9:20 – 9:25      Fire Contract – Greg Martz

\*9:25 – 9:35      National Engine Project Update – Greg Martz

\*9:35 – 9:40      Discussion/Lease Agreement with Golden Spike Trap Club – Kevin Hamilton

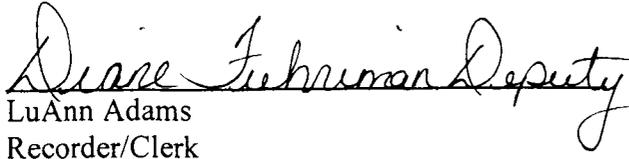
- \*9:40 – 9:45 CIP Committee Recommended 2011 Projects – Tom Bennett
- \*9:45 – 9:50 Debt Relief – Rebecca Brocksmith
- \*9:50 – 10:00 Warrant Register & Personnel Actions – Commissioners
- \*10:00 – 10:05 Assignment Review – Commissioners

**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 19<sup>th</sup> day of August 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 19<sup>th</sup> day of August 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. 10-09**

**A RESOLUTION OF THE BOX ELDER COUNTY COMMISSION, BOX ELDER COUNTY, STATE OF UTAH, OPPOSING ANY AND ALL AGREEMENTS OR OTHER ACTIVITIES OF EL PASO CORPORATION AND ITS SUBSIDIARIES SEEKING TO REDUCE AND/OR ELIMINATE THE GRAZING RIGHTS OF LIVESTOCK ON PUBLIC LANDS AND EXPRESSING BOX ELDER COUNTY'S SUPPORT OF A MULTI-COUNTY COALITION ORGANIZED TO OPPOSE ANY SUCH AGREEMENTS OR ACTIONS**

WHEREAS, Box Elder County is supportive of the exploration, development, transportation and use of natural gas resources; and

WHEREAS, El Paso Corporation and its subsidiaries (including Ruby Pipeline and U.S. Pipeline) are in the process of installing a natural gas pipeline across portions of Box Elder County, Utah as well as several other counties located in Oregon, Wyoming, Nevada, and bordering on Idaho; and

WHEREAS, Box Elder County has welcomed and supported in many ways El Paso Corporation's installation of a natural gas pipeline within Box Elder County; and

WHEREAS, Box Elder County has recently been made aware of an agreement entered into between El Paso Corporation and certain environmental groups wherein it was agreed that El Paso Corporation would provide money to the environmental groups to be used by the environmental groups in their efforts to reduce and/or eliminate the grazing of livestock on public lands; and

WHEREAS, because proper management of forage on public lands is critical to the viability of Box Elder County's agricultural, tourism and recreational industry, Box Elder County is opposed to any reduction and/or elimination of grazing rights on public lands which would be harmful to these industries; and

WHEREAS, given the nature of El Paso Corporation's agreement with certain environmental groups, the installation of its natural gas pipeline across portions of Box Elder County may prove to be more detrimental than beneficial to the residents of Box Elder County; and

WHEREAS, in order to protect its residents, Box Elder County must vigorously oppose any actions of El Paso Corporation and its subsidiaries, including but not limited

to the execution of agreements or the installation of a pipeline, which would have the effect of reducing and/or eliminating grazing rights on public lands; and

WHEREAS, Box Elder County is desirous of joining forces with the several other similarly situated counties also affected by the actions of El Paso Corporation and its subsidiaries, to jointly oppose any such actions, agreements or efforts to reduce and/or eliminate grazing rights upon public lands;

**NOW THEREFORE, BE IT RESOLVED** by the County Commission of Box Elder County, State of Utah, with 3 members present and 3 members voting in favor thereof, as follows:

**SECTION 1:** El Paso Corporation and its subsidiaries are hereby requested to negate, terminate and/or cancel any and all agreements which are intended to or have the effect or purpose of reducing or eliminating grazing rights on public lands.

**SECTION 2:** El Paso Corporation and its subsidiaries are hereby requested to not pay any money or provide anything of value to any environmental groups or other entities which will use such money or thing of value for the purpose of reducing or eliminating grazing rights on public lands.

**SECTION 3:** El Paso Corporation and its subsidiaries are hereby requested to provide full and complete copies of any agreements entered into with any environmental groups or other entities which seek to reduce and/or eliminate grazing rights on public lands.

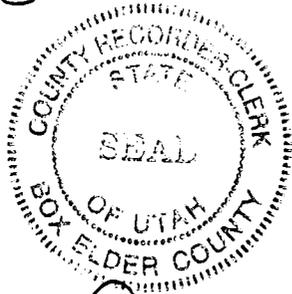
**SECTION 4:** In order to prevent the potentially devastating effects upon Box Elder County of having El Paso Corporation and its subsidiaries fund or support the reduction and/or elimination of grazing rights on public lands, Box Elder County may, to the extent legally permissible, review, reconsider and revoke, any permits, agreements or other support previously issued or offered by Box Elder County to El Paso Corporation and/or its subsidiaries in connection with the installation of the natural gas pipeline in Box Elder County.

**SECTION 5:** Box Elder County supports the formation of a multi-county coalition organized for the purpose of opposing any actions of El Paso Corporation and its subsidiaries to fund or in any way support the reduction and/or elimination of grazing rights on public lands.

**SECTION 6:** Box Elder County is willing to consider the possibility of pursuing any legal action, appeal or other process, either alone or in conjunction with a multi-

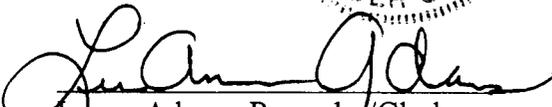
county coalition, to prevent El Paso Corporation and any of its subsidiaries from complying with any existing agreement, entering into any agreement or undertaking any action, which could result in a reduction or elimination of grazing rights on public lands.

**ADOPTED AND APPROVED** in regular session this 24 day of August, 2010.



  
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Rich VanDyke, Chairman

ATTEST:

  
\_\_\_\_\_  
Luann Adams, Recorder/Clerk



**MAYOR:** Roger Fridal    **COUNCIL:** Diana Doutre | David Deakin | Lyle Holmgren | Jeff Reese | Byron Wood

August 17, 2010

Brian Shaffer, Commissioner  
1 South Main St  
Brigham City, UT 84302

Dear Commissioner Shaffer,

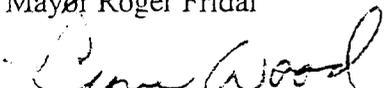
Tremonton City would like to join Box Elder County in support of their Resolution opposing the El Paso Corporation settlement agreement with Western Watershed Project. As you know ranching is a major industry in Box Elder County contributing more than \$70 million to the County's economy, and as such ranching is an important part of Tremonton's economy.

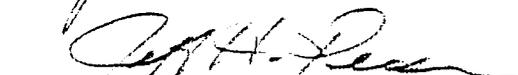
Tremonton City is disappointed that El Paso Corporation would surrender to the demands of Western Watershed Project and make a payment of \$20 million dollars as a settlement agreement to possible legal action that would delay the construction of their pipeline project. The City understands that Western Watershed Project is intending to use the \$20 million dollars to acquire grazing permits and thereafter retire the use of these grazing permits. Most ranches in Box Elder County are dependent upon use of these grazing permits on BLM and Forest lands for grazing cattle and sheep.

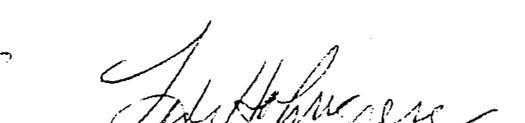
As you know Box Elder County and Tremonton City worked closely with affiliates of the El Paso Corporation to accommodate construction worker housing for those working on the pipeline. In the same spirit of cooperation the City hopes that Box Elder County can work with the El Paso Corporation will find a different solution to Western Watershed Project's threat of litigation that will help preserve and protect ranching in Box Elder County and other parts of the west.

Respectfully,

  
Mayor Roger Fridal

  
Council Member Byron Wood

  
Council Member Jeff Reese

  
Council Member Lyle Holmgren

  
Council Member Diana Doutre

**CITY OFFICERS:**

**City Manager**  
Shawn Warnke  
(435) 257-9504  
swarnke@tremontonciry.com

**City Recorder**  
Darlene S. Hess, CMC  
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dshess@tremontonciry.com

**City Treasurer**  
Sharri Oyler, CMFA  
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soyler@tremontonciry.com

**DEPARTMENTS:**

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Steve Bench  
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**Food Pantry Director**  
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**Fire Chief**  
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**Library Director**  
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**Parks & Recreation Director**  
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**Police Chief**  
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**Public Works Director**  
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**Senior Center Director**  
Marion Layne  
(435) 257-9455  
mlayne@tremontonciry.com

A77 #3

## Projects Recommended by CIP Committee for 2011 Budget

Department	Item/Description	Fund Source	2011
Fire	2 Fire Trucks 2011 Ford F550	Capital Projects Fund	\$ 124,900
Roads	1 Ton Truck w/ dump bed dualy	Capital Projects Fund	47,000
Roads	1 1/2 ton crew cab	Capital Projects Fund	48,000
Roads	2 New 10 Wheelers	Capital Projects Fund	205,000
Roads	Stripe Machine	Capital Projects Fund	46,000
Roads	1 Sander and Plow and Dump bed	Capital Projects Fund	48,500
Roads	25 Ton Trailer	Capital Projects Fund	27,900
Sheriff	8 Patrol Vehicles - Ford Explorer	Capital Projects Fund	255,000
<b>Total</b>			<b>\$ 802,300</b>