

**MINUTES
BOX ELDER COUNTY COMMISSION
AUGUST 31, 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 31, 2010**. The following members were present:

Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

EXCUSED: Rich VanDyke Chairman

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports
4. Correspondence
5. Assignment Review
6. Proposal for Box Elder Museum - Dennis J. Fife

The Administrative/Operational Session adjourned at 8:59 a.m.

The regular session was called to order by Commissioner Hardy at 9:00 a.m. with the following members present, constituting a quorum:

Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

EXCUSED: Rich VanDyke Chairman

The prayer was offered by Commissioner Shaffer.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF AUGUST 24, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY [REDACTED], SECONDED BY [REDACTED] AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS – COMMISSIONERS**Box Elder County Fair – Commissioner Shaffer**

Commissioner Shaffer said we had a very successful fair this year. The attendance and revenues at the rodeo were up from last year. The weather was good and the rains made it pleasant to be there. The Jr. Livestock Show was very successful. There were 100 steers, over 300 sheep and 200 pigs at the fair. The Jr. Livestock Auction brought in a little less than \$600,000. It was a good year for the kids. It was well supported by the community, and Commissioner Shaffer thanked all the businesses, grandparents and people that supported the kids. There were more small animals displayed because of the expansion of the display area. He said there were rabbits, pigeons and chickens like you have never seen. That portion is growing because of the ability of kids in the urban areas to bring small animals to the fair. This gives more people an opportunity to become involved in the fair. The 4-H kids brought projects to the fair to be judged. Overall, Commissioner Shaffer feels it was successful. He thanked all those that had a part in putting on this event. He said people traveled from out-of-state and from out of the county to visit the fair. He said it was a very successful time.

Commissioner Hardy doesn't know where you can go to see a bigger small animal show. He said there is not another fair within 11 states that is bigger than Box Elder County's. It is the biggest show in the Western United States. He said then you add the rest of the big animals to the fair. Commissioner Hardy felt the new Jumbo-Tron Screen at the rodeo was a nice addition to the rodeo. Everyone was commenting on the new screen. Donations from businesses paid for the Jumbo-Tron.

PEACH DAYS PRESENTATION – MONICA HOLDAWAY

Brigham City Area Chamber of Commerce Director Monica Holdaway told the Commissioners that Peach Days is next week and everyone is excited. She asked the Commissioners if there were any questions. She talked about the parking lot being closed Thursday night and that the employees will receive a parking pass and can park on the dirt parking lot. She asked if the county fleet vehicles could be moved to the new building.

Commissioner Hardy said the county will try to have the back parking lot of the New Justice Center open to the public for parking.

The Commissioners wished Monica Holdaway good luck!

BID OPENING – POCATELLO VALLEY ROADWAY PROTECTION PROJECT PACKAGE B – BILL GILSON/BRENT SLATER

Road Supervisor Bill Gilson said the bid opening is for an NRCS Emergency Watershed Project, and they would be opening bids for Package B which consists of putting several waterway dips in to protect the roadways from rainstorms. In the past the county has seen a lot of damage to the roads from rains. The project is estimated at \$1.8M.

Bill Gilson then opened the following bids:

<u>Company</u>	<u>Bid Bond</u>	<u>Bid Amount</u>
Granite Construction	Yes	\$1,091,870.00
Staker Parson	Yes	\$ 870,204.69
Geneva Construction	Yes	\$ 967,584.50
Bowen Construction	Yes	\$1,501,691.09
Whitaker Construction	Yes	\$ 991,335.00
Gerber Construction	Yes	\$1,599,149.00
Skyview Excavating	Yes	\$1,159,880.00

MOTION: A motion was made by **Commissioner Shaffer** to authorize the staff to review the low bid from Staker Parson and come back with a recommendation on September 7. The motion was seconded by **Commissioner Hardy** and unanimously carried.

GREAT SALT LAKE COMPREHENSIVE MANAGEMENT PLAN REVISION – LAURA VERNON

Laura Vernon, SWCA Environmental Consultant, said her company has been hired by the Utah Department of Natural Resources Division of Forestry, Fire and State Lands to review the Great Salt Lake Comprehensive Management Plan. She talked about the responsibilities.

Ms. Vernon said the Division of Forestry, Fire and State Lands is responsible for managing the state sovereign land with regard to the Great Salt Lake. She said that is the land that lies below the high water mark. The meander line, which is what they use for the high water mark, was mapped from 1855-1966. When measuring, the lake fluctuated in elevation from 42,002 to 42,012 feet. Ms. Vernon said when we are talking about the Comprehensive Management Plan for the Great Salt Lake we are talking about lands that lie below 42,012. She noted that the DNR's responsibilities are multi-use mandated. They have a very complex task to manage for a range of resources as long as it avoids substantial impairment to the Great Salt Lake. They have to manage recreation and tourism, mineral development, and avoid substantial impairment to the resource. Ms. Vernon's task is to review the existing plan that was completed in 2000 and review the 1996 mineral leasing plan and what issues have changed and how we can incorporate new data. When the 2000 plan was being developed a lot of the issues around the Great Salt Lake were high water. Today it is low water levels. The current document doesn't provide a lot of guidance on what to do during low lake levels. She said we want to look at today's conditions and incorporate them into the plan. Since the plan was last done, there has also been a lot of research done on the lake. They want to incorporate all of the scientific research into the plan and make the best management decision they can.

Ms. Vernon explained the process. She said there is an open house meeting in the "J Room" regarding the project. They will be talking about the time-line for the project. (*See Attachment No. 2 – Project Schedule.*) It is a two-year planning project. Right now they are in the scoping phase of the planning process. She said they are in Box Elder County today to gather ideas and issues about the lake and what concerns the county has. She wants to know what the concerns are of the people and the industries that have an interest in the lake. They are going to indentify all of the issues regarding each resource around the lake, and they will develop a range of management alternatives to deal with those. She invited interested parties or individuals to come and learn and provide comments on the project. Ms. Vernon said you can submit comments to either her or Laura Ault from the Natural Resources Division of Forestry, Fire and State Lands.

There will be a second round of public meetings in late fall or early winter. The draft CMP will be available for public comment in the spring of 2011. The final CMP and Decision Document will be completed by February 2012.

TAX DEFERRAL FOR DEVELOPMENT PROPERTY – TODD LISH

Tom Mannschreck said he has a real estate development business out of Boise, Idaho, and he develops apartments for communities. He said his apartments are for seniors who are independent. There is a full-size kitchen in the apartments and other amenities like a library, craft room, exercise center and a community kitchen for birthday parties. They will host pot lucks twice a month. Outside there is a large community garden and a barbecue area.

Mr. Mannschreck said when they decided to explore the development in Brigham City they were looking at parcels with approximately 3.5 acres. Todd and Clint Lish were asked to find apartment site property. They have ended up with approximately 50 acres at the old Intermountain Indian School. The owners of the property are headquartered in New York City and nothing they have tried has come to fruition. They will continue to build the apartments and hopefully sell some of the property to another developer.

Brigham City Economic Development Director Paul Larsen said when you look at the property, if you want Mr. Mannsachreck's project to be attractive, you will need to demolish the old dormitories. He explained there is another developer interested. Thomas Development will be the master developer with the senior housing project, but there is another developer interested in 30 acres. There are a number of things that could develop on the property such as commercial, residential, and office.

Mr. Mannschreck said the property is bogged down with obligations and taxes. He is asking for increments of tax relief from Brigham City and the County. He asked the Commissioners for a one-year extension from November 30th on the outstanding taxes, interest and penalties on the property. He said they are not buying the property to sit on it for five years. The current amount with interest and penalties is \$290,000.

Lee Beverly, County Auditor's Office, said they are not in opposition of the project but that past due property taxes are the responsibility of the current owner and should be taken care of at the closing. He said the Auditor's Office feels like these taxes should be taken care of like any other home seller and should be paid out of the proceeds of the sale rather than transferring them.

Director of Community Development Kevin Hamilton said he would sit down with Paul Larsen and the developer to try and structure something if possible. They will bring it back to the commission table next week.

MOTION: A motion was made by **Commissioner Shaffer** to recommend that staff review the tax deferral for the Eagle Point Realty Property and bring back a recommendation on September 7 as to the proposed tax deferral for one year. The motion was seconded by **Commissioner Hardy** and unanimously carried.

ACCEPTANCE-NRCS/BLUE CREEK WATERSHED IMPROVEMENTS PACKAGES C & D – BRENT SLATER

County Surveyor Brent Slater brought before the Commissioners acceptances packages for the NRCS/Blue Creek Watershed Improvements. He said Package C is out for bid right now, and they have a pre-bid tour coming up on Thursday with a bid opening on September 7th. He said packages D and E are going out together. They will be opening the bids a week apart. The bid opening for Package D will be September 21 and Package E on September 28. Mr. Slater said he needs a signature from the Commissioners for all three packages. Mr. Slater said they will be cleaning out sediment basins and terraces in Blue Creek and Hansel Valley.

MOTION: A motion was made by **Commissioner Shaffer** to authorize the chair to sign the design and specifications for Packages C, D and E. The motion was seconded by **Commissioner Hardy** and unanimously carried.

AUTHORIZE REQUEST FOR BIDS FOR PACKAGES D & E – BRENT SLATER

MOTION: A motion was made by **Commissioner Shaffer** to authorize the request for bid for Packages C, D and E and that they are sent out. The motion was seconded by **Commissioner Hardy** and unanimously carried.

PUBLIC HEARING/FLOOD DAMAGE PREVENTION ORDINANCE – COMMISSIONERS

(See Attachment No. 3 – Attendance List.)

Vice Chairman Hardy declared the public hearing regarding a flood Damage Prevention Ordinance open at 10:00 a.m.

Director of Community Development Kevin Hamilton said in conjunction with updating the flood plain maps, FEMA said the county needs to also update our Flood Plain Ordinance which was adopted in 1989. This ordinance allows people to participate in the flood insurance program. He said the county must have this adopted by the end of September so the county does not create problems for people trying to get loans. Mr. Hamilton said the ordinance is not very different from our current Ordinance No. 163. He is asking the Commissioners to adopt the ordinance subject to some minor changes.

Vice Chairman Hardy 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 the public hearing was closed at 10:11 a.m.

MOTION: A motion was made by **Commissioner Shaffer** to adopt ordinance No. 346, subject to repealing Ordinance 163, and amending the Box Elder County Land Use Management and Development Code to include a new chapter designated as Article 5-4 entitled Flood Damage Prevention and subject to the County Attorney's review and allow the chair to sign. The motion was seconded by **Commissioner Hardy** and unanimously carried.

SET PUBLIC HEARING ARTICLE 6 LUM & DC – TAMARA WRIGHT

County Planner Tamara Wright said Article 6 LUM & DC needs to be updated in order to bring the definitions for a subdivision into compliance with the state code. She asked that a public hearing be set on September 21.

MOTION: A motion was made by **Commissioner Shaffer** to set a public hearing for a subdivision definition modification on September 21 at 10:00 a.m. The motion was seconded by **Commissioner Hardy** and unanimously carried.

SIGNATURE OF CHAIR FOR ESCROW RELEASE/SHERM RICHINS AND PETTINGILL ESTATES – TAMARA WRIGHT

County Planner Tamara Wright said a couple of weeks ago she came in with escrow release agreements. The bank needs a letter of authorization from the Commission.

MOTION: A motion was made by **Commissioner Shaffer** to authorize the chair to sign the letters for the escrow releases for Sherm Richins and Pettingill Estates. The motion was seconded by **Commissioner Hardy** and unanimously carried.

EXTENSION OFFICE TO COME TO COURTHOUSE FROM USU COMPLEX – COMMISSIONER SHAFFER

Commissioner Shaffer said USU will be putting in a Business Resource Center at their Brigham City Campus, and this center will require more space. They will be using the offices where the USU Extension is currently housed. Commissioner Shaffer said the county has an agreement with the USU Extension that the county will provide office space, some staff and other incidentals. With the space being proposed at USU, and with the justice court and DMV moving from the old courthouse to the new justice center, he feels there will be room to house the extension in the old courthouse.

MOTION: A motion was made by **Commissioner Shaffer** to move the extension office and all of their facilities to the courthouse and that the move would take place sometime after January 1, 2011. The motion was seconded by **Commissioner Hardy** and unanimously carried.

It was noted that this move will save the county money in the long-run, because the county will not pay for lease space for the extension offices.

COMMISSIONER'S CHOICE PHOTOGRAPH WINNERS/COUNTY FAIR – COMMISSIONER SHAFFER

Commissioner Shaffer said every year the Commissioners sponsor a Commissioner's Choice Photograph that was taken from county areas. The photographs are displayed in the Fine Arts Building, and the picture was picked by Commissioner Hardy, Commissioner VanDyke and Commissioner Shaffer. The winning photograph was submitted by Kaylene Millsap from Bear River City and the picture was entitled "Corn Rows". The picture will be on display in the Commission Office for a couple of weeks. The winner is awarded a \$25.00 premium and recognition that they are good photographers.

AUTHORIZING INFORMATION/WEST CORINNE WATER COMPANY – ATTORNEY HADFIELD

Attorney Stephen Hadfield said the county requested additional taps from the West Corinne Water Company and was turned down. The Commissioners have requested a copy of the water company's bylaws and articles of incorporation. The water company said they would not give the county a copy without something in writing. Attorney Hadfield prepared a letter for the Commissioners' signatures.

MOTION: A motion was made by **Commissioner Shaffer** to send a letter of request to furnish the Articles of Incorporation and Bylaws to help the Commissioners understand how to best use the County's water shares in the future. The motion was seconded by **Commissioner Hardy** and unanimously carried.

TEMPORARY CLOSING OF EMIGRANT TRAIL ROAD – JOE CURRIE

Joe Currie, Ruby Pipeline Field Land Manager, commented he does a lot of traveling to a lot of county seats, and he was really impressed with how the Box Elder County Fair was set up. He said it was well organized. There were big crowds and no rowdy people, and it was really comfortable to be there. He told the Commissioners it was great what they do for their community.

Joe Currie said Ruby Pipeline is doing some heavy repairs to the road on instructions from the county and the BLM. They are putting some road base, gravel and magnesium chloride on the road. The dust is a terrible problem. They are getting a lot of spectators wanting to watch, and they must be in compliance. He said they must stay within the right-of-way. He is asking the Commissioners to leave the road open only to local traffic in order to eliminate the problem. He said they would allow people that live there to use the road, but there is a safety factor as they are working with trucks coming up and down the road. Just by allowing the public to view, it is causing a problem. He would like to get this done as soon as possible and have the road posted "local traffic only".

Commissioner Shaffer said the Commissioners appreciate the efforts to keep the roads in good condition.

MOTION: A motion was made by **Commissioner Shaffer** to authorize Ruby Pipeline and contractors to temporarily close the Emigrant Trail Road from Hwy 30 to the Board Ranch Road to everyone except local through traffic. The motion was seconded by **Commissioner Hardy** and unanimously carried.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 71807 – 71917 in the amount of \$196,342.14.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF DEPT:	Paula Jo Gomez, compensation change, effective 08/12/2010
SHERIFF DEPT:	Mickie Hayman, compensation change, effective 08/12/2010
SHERIFF DEPT:	Larry Blanchard, compensation change, effective 08/16/2010
FAIRGROUNDS:	Christopher Linford, separation, effective 08/28/2010
PERSONNEL:	Jenica Baggs, compensation change, effective 08/12/2010
WEED DEPT:	Dallin Fukui, separation, effective 08/26/2010
WEED DEPT:	Kevin Fukui, separation, effective 08/26/2010
WEED DEPT:	Betty Jo Spencer, separation, effective 08/26/2010

EXECUTIVE SESSION – PERSONNEL – PEGGY MADSEN

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

MOTION: At 10:58 a.m. a motion was made by **Commissioner Shaffer** to move into an executive session to discuss personnel issues. The motion was seconded by **Commissioner Hardy** and unanimously carried.

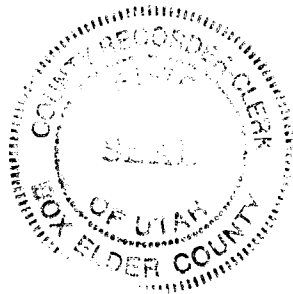
MOTION: At 12:06 a.m. a motion was made by **Commissioner Shaffer** to reconvene into regular commission meeting. **Commissioner Hardy** seconded the motion, and regular commission meeting was reconvened.

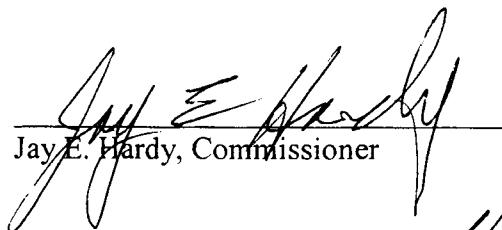
Commissioner Hardy explained that personnel matters were discussed during the executive session.

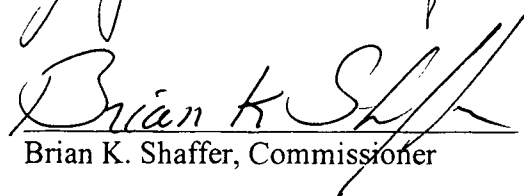
ADJOURNMENT

A motion was made by **Commissioner Shaffer** to adjourn. **Commissioner Hardy** seconded the motion, and the meeting adjourned at 11:07 a.m.

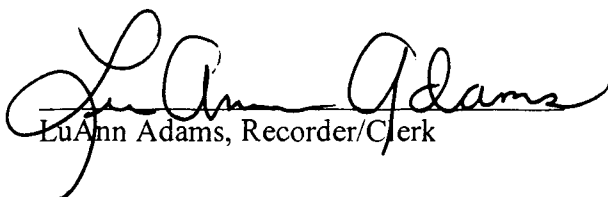
ADOPTED AND APPROVED in regular session this 7th day of September 2010.




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 31, 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. Proposal for Box Elder Museum – Dennis J. Fife

- *9:00 – 9:05 Call to Order: Chairman VanDyke
Invocation: Commissioner Shaffer
Approval of Minutes of August 24, 2010
- *9:05 – 9:10 Follow-Up Business
- *9:10 – 9:15 Peach Days Presentation – Monica Holdaway
- *9:15 – 9:25 Bid Opening – Pocatello Valley Roadway Protection Project Package B –
Bill Gilson/Brent Slater
- *9:25 – 9:40 Great Salt Lake Comprehensive Management Plan Revision – Laura Vernon
- *9:40 – 9:50 Tax Deferral for Development Property – Todd Lish
- *9:50 – 9:55 Acceptance-NRCS/Blue Creek Watershed Improvements Packages C & D –
Brent Slater

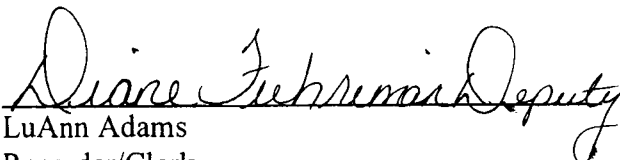
- *9:55 – 10:00 Authorize Request for Bids for Packages D & E – Brent Slater
- *10:00 – 10:05 Public Hearing/Flood Damage Prevention Ordinance – Commissioners
- *10:05 – 10:10 Set Public Hearing Article 6 LUM & DC– Tamara Wright
- *10:10 – 10:15 Signature of Chair for Escrow Release/Sherm Richins – Tamara Wright
- *10:15 – 10:20 Signature of Chair for Escrow Release/Pettingill Estates – Tamara Wright
- *10:20 – 10:25 Extension Office to come to Courthouse from USU Complex – Commissioner
Shaffer
- *10:25 – 10:30 Commissioners Choice Photograph Winners/County Fair – Commissioner
Shaffer
- *10:30 – 10:35 Authorizing Information/West Corinne Water Company – Attorney Hadfield
- *10:35 – 10:40 Temporary Closing of Emigrant Trail Road – Joe Currie
- *10:40 – 10:45 Warrant Register & Personnel Actions – Commissioners
- *10:45 – 10:50 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 26th day of August 2010.

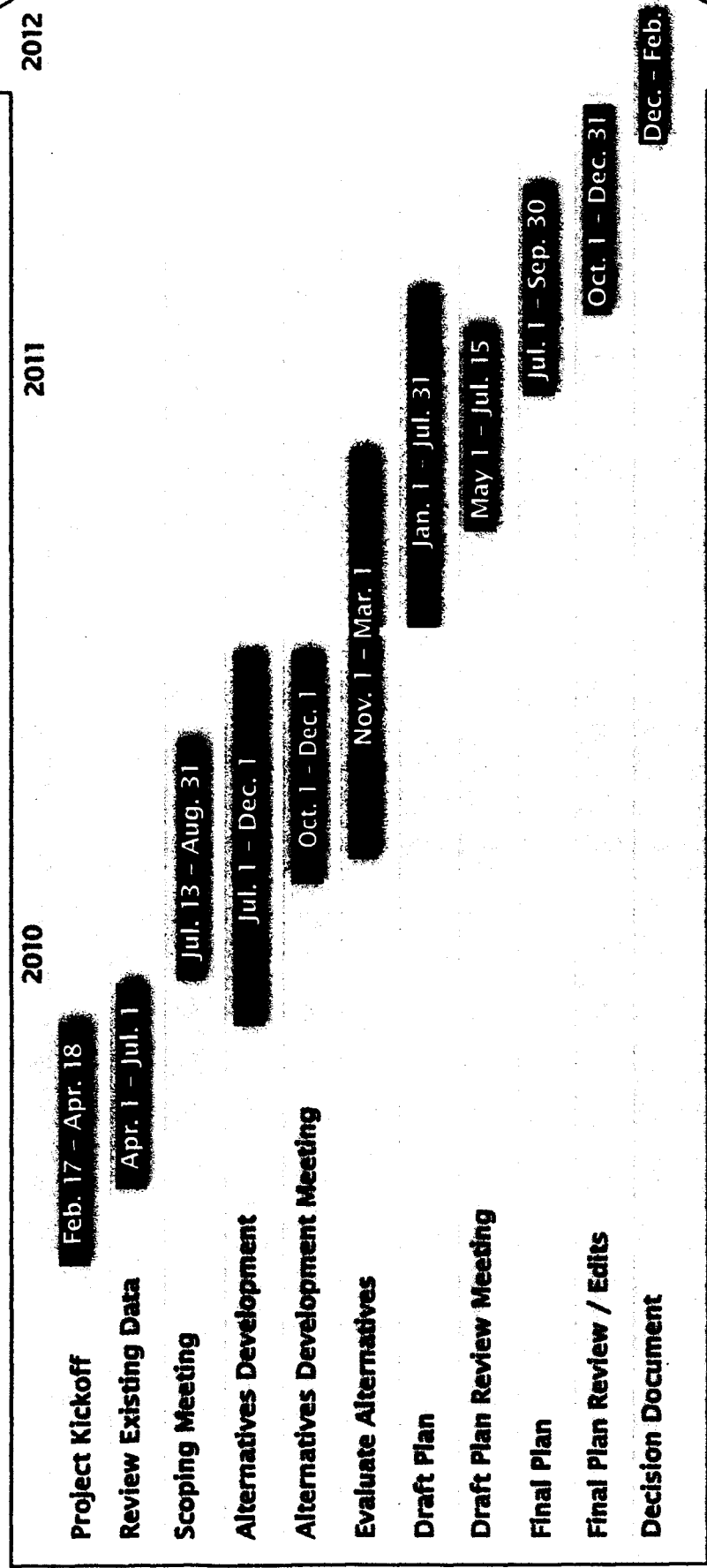
Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 26th day of August 2010.


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.

Great Salt Lake Comprehensive Management Plan



PUBLIC HEARING
BOX ELDER COUNTY

Date: 8-31-2010

Flood Damage Prevention Ordinance

NAME (Please Print)

ORGANIZATION

ADDRESS/TELEPHONE

Ellen Cook

Leader

Marla Young

County Rec/clerks office

Tamara Wright

BECO

Steve Hulfield

County Attorney

Lori Hunsaker

BE News Journal

Rebecca Dily

Box Elder

3347

LEE BEVERLEY

BECO AUDITOR

3360