

**MINUTES  
BOX ELDER COUNTY COMMISSION  
SEPTEMBER 21, 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 **SEPTEMBER 21, 2010**. The following members were present:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
Marla Young	Deputy Recorder/Clerk

EXCUSED:                      LuAnn Adams                      Recorder/Clerk

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports
4. Correspondence
5. Assignment Review
6. Tax Abatements – Rebecca Dilg/Lee Beverley

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
Marla Young	Deputy Recorder/Clerk

EXCUSED:                      LuAnn Adams                      Recorder/Clerk

The prayer was offered by Commissioner Shaffer.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 14, 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****Thank You Letter to the Frank May Family**

Chairman VanDyke said many people commented on the nice buggy and huge horse used in the parades and rodeo. He thanked the Frank May Family for their generosity. Frank May donated time and product at no cost to the county. He read a letter of thanks that will be sent to the May Family to show their gratitude.

Commissioner Shaffer said he would like to thank the May Family for their consideration and efforts also.

Commissioner Hardy said he would like to thank the May Family too. In the past, they have had to pay a significant fee for their parade entry, and this was a generous donation.

**MOTION:** **Commissioner Hardy** made a motion to send a thank you letter to the Frank May Family for the use of their horse and buggy for the parades and rodeo. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

**Letter of Support for Woodlands 48-Unit Senior Apartment Community**

Chairman VanDyke said the Commission was approached by Thomas Mannschreck requesting a letter of support for their development to secure funds from Utah Housing.

Todd Lish said Mr. Mannschreck is asking for a letter of support from the County Commissioners for his 48-unit senior project.

Chairman VanDyke read the letter of support.

**MOTION:** **Commissioner Shaffer** made a motion to sign the letter of support for the Woodlands 48-Unit Senior Apartment Community. The motion was seconded by **Commissioner Hardy** and unanimously carried.

*(See Attachment No. 2 – Letter.)*

**New Box Elder County Toll Free Number**

Chairman VanDyke reminded everyone the new toll free number to the county is active and the Tremonton line will be disconnected at the end of the month. He said he would like it to be publicized as much as possible.

**Commissioner Shaffer Report on UAC Meeting**

Commissioner Shaffer said he attended the UAC meetings last week. He stated a couple points of interest are the threatened source of funding from the Secure Rural Schools (SRS) money as well as the Payment in Lieu of Taxes (PILT) money from the Federal Government. It is funded through 2012, beyond that there is question as to its funding. Lobbying is happening with hopes that congress will make it an ongoing thing instead of a renewable thing every four years. He said there was also a new proposed funding called Utah Heritage Preservation Funding, which in reality is a new tax. The objective of this new tax is to preserve Utah's heritage culture and arts and to promote quality of life and economic development in the State of Utah. Utah voters would vote to increase the sales tax by .15 percent state wide. The tax would give money back to the counties to do heritage art and cultural things within the county as well as the state. The law is in the infant stages of being introduced to the legislature this next session.

Commissioner Hardy said the state will collect the monies, and the counties will apply for it.

Commissioner Shaffer said he was able to listen to candidates for Governor and Senate. He encourages everyone to be studying their candidates and issues to make well informed decisions.

**Letter of Support for Bear River Health Department Banning the Sale and Use of Spice**

Commissioner Shaffer said last week the Commissioners tabled an item giving a letter of support for the Bear River Health Department's resolution for banning the sale and use of Spice.

**MOTION:** **Commissioner Shaffer** made the motion to bring an item from the table, being the letter of support for Bear River Health Department's resolution for banning the sale and use of Spice for further discussion. The motion was seconded by **Commissioner Hardy** and unanimously carried.

Commissioner Shaffer said the Commissioners have discussed the Spice issue with County Attorney Hadfield. He said Attorney Hadfield has given them an opinion as to whether or not the Health Department has the authority to put a law in place to ban the use of Spice. He said it was discussed that it was enforceable by law if the Health Department chooses. Commissioner Shaffer said by supporting the Bear River Health Department in this issue, it shows we are concerned about the use of Spice and the problem it is to the public's health and safety.

**MOTION:** **Commissioner Shaffer** made a motion to sign a letter of support for the Bear River Health Department to ban the sale and use of Spice in the tri-county area. The motion was seconded by **Commissioner Hardy** and unanimously carried.

**Public Dumping on Sides of Roads**

Commissioner Hardy asked the citizens for their support in not dumping garbage and items on the sides of the roadways. He said people are starting to dump garbage along the roads. He reminded everyone that it is illegal to dump along the county roads or any other place except landfills. Commissioner Hardy asked people to refrain from doing this to avoid prosecution.

**Ribbon Cutting and Open House for Justice Court Complex**

Commissioner Hardy said the ribbon cutting and open house for the new Justice Court Complex will be held Friday, September 24, 2010. The ribbon cutting will begin at 2:00 p.m. with an open house to follow from 2:30 p.m. to 6:00 p.m. Commissioner Hardy reminded everyone that the County Attorney's Office will be moving in on Monday, September 27<sup>th</sup>. The Justice Court will be moving in next week so there will not be court on September 29<sup>th</sup> and 30<sup>th</sup>. The Motor Vehicle Division will be moving October 7<sup>th</sup> through the 9<sup>th</sup> and will be closed on October 7<sup>th</sup>. Commissioner Hardy stated with the County Attorney's Office moving into the new facility and the USU Extension moving back to the Courthouse, the cost of rental space will be eliminated.

**BID OPENING/NRCS PACKAGE D – BRENT SLATER/BILL GILSON**

Brent Slater, Jones and Associates, and Bill Gilson, County Road Supervisor, presented the bids submitted for Package D for the NRCS Emergency Watershed Project monies. Bill Gilson said this takes in most of the terraces and water structures that weren't covered in Package C. It is in the Blue Creek area.

<u>Company</u>	<u>Bid Bond</u>	<u>Bid Amount</u>
Greg Chambers and Sons	yes	\$649,866.27
Harper Kilgore	yes	\$1,487,116.63
Geneva Rock	yes	\$1,398,957.00
Whitaker Construction Company	yes	\$950,379.75
Staker Parson Companies	yes	\$928,865.10
Skyview Excavation	yes	\$723,098.25

Brent Slater stated that Greg Chambers and Sons is the apparent low bid, and they will check the math and make sure there are no mistakes.

**MOTION:** **Commissioner Shaffer** made a motion to direct staff to join with the committee to review the bids and return with a recommendation for a contractor for Package D of the NRCS Emergency Watershed Project. The motion was seconded by **Commissioner Hardy** and unanimously carried.

**STATE LANDS FIRE & FORESTRY/JOHNSON CANYON MOU/FIREBREAKS – BILL GILSON**

Bill Gilson, County Road Supervisor, said they have been involved in this project with the Utah Division of Forestry, Fire and State Lands for the last three years doing firebreaks throughout the county. He stated they have been asked by the state to do firebreaks in the Johnson Canyon Green Strips Project. The state has the county facilitate the making and constructing of firebreaks and putting the water bars through. The scope of the project is 13 miles of firebreaks throughout the Johnson Canyon area directly west of Portage. He gave the Commissioners a copy of the MOU and map. He stated they have turned it over to the County Attorney for review. It is a clear-cut MOU with a starting and ending date along with the charges the county will be able to reimburse on the project.

Commissioner Shaffer asked why the county would do the project instead of the private sector.

Bill Gilson stated the county and the fire department of the county is the main entity that responds to take equipment out on large scale fires in these areas and they are the ones who run these fire breaks with the equipment. He said it is good for us to install them because we know where some of the old ones exist. Mr. Gilson stated that foremost, the reason the county is the interagency cooperating with the State of Utah is because the Forestry, Fire and State Lands Division is restricted with their hiring practices as far as who is on state contract to do the work. They are restricted by their procurement regulations. There are only a few contractors on their list, and they are in the southern part of the state which would be more costly.

Commissioner Hardy said the new way of making fire breaks looks really good.

**MOTION:** Commissioner Hardy made the motion to sign the agreement memorandum. The motion was seconded by Commissioner Shaffer and carried unanimously.

**PAY TO JOIN WYOMING COALITON OF COUNTY GOVERNMENTS – COMMISSIONER HARDY**

Commissioner Hardy said the county has been asked and given the opportunity to join the Wyoming Coalition of County Governments. He stated it is an organization similar to UAC or BRAG and this coalition is the one that has filed an appeal on the Federal Energy Regulatory Commission (FERC). Commissioner Hardy said if we want to have standing or benefits going forward, we will need to join with them. They have asked that we join on a temporary basis with a \$1000.00 fee which gives us more clout with whatever may transpire in upcoming situations.

Commissioner Shaffer explained we are not asking Western Watersheds to give back any money or asking that the deal between El Paso and Western Watersheds be broken. He said they are asking that the money they have been given will not be used to retire grazing permits or inhibit the use of public lands.

Chairman VanDyke said an invoice should be received for the \$1,000.00.

MOTION: **Commissioner Hardy** made a motion to join the Wyoming Coalition of County Governments on a temporary basis and pay the \$1000.00 fee and require an invoice for the transaction. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

### **TOUR OF GREAT SALT LAKE COMMISSIONER HARDY**

Commissioner Hardy said he is on the Salt Lake Advisory Committee. He stated that Chris Haramoto, Parks and Recreation Assistant Superintendant of the Salt Lake Marina, has invited the Commissioners and others to take a tour of the lake. The tour will take place Wednesday, September 29, 2010 leaving the Courthouse at 8:30 a.m. They can take 20 people on the boat and will start the invitation with elected officials and their spouses and then others if there is room. Commissioner Hardy said the tour will be unique and show the shrimping and logging industry. He asked Rebecca Dilg, Administrative Assistant, to put a list together of those who would like to go.

Commissioner Hardy was excused at 9:55 a.m.

### **SUBSTITUTE JUDGE FOR JUSTICE COURT – JUDGE CHRISTENSEN**

Judge Kevin Christensen explained that on occasion he has to recuse himself from a case. He stated that earlier this year Judge David Marx was appointed to serve in such situations. There are now cases they both have conflicts with and it is necessary to bring in different judges. He said there is a need to have other judges that serve within the First District Court come to hear cases.

Chairman VanDyke said the code requires the Commission Chair to make the appointment and a letter has been drafted which appoints eight judges from the First District Court to this position that will be presented to the Commission for approval. Chairman VanDyke read the letter of appointment for temporary Justice Court Judges which included Judge Dennis J. Barker, Judge Wayne Cooper, Judge Evan Hall, Judge David Marx, Judge Ross K. McKinnon, Judge Terry Moore, Judge Kevin L. Nelson, and Judge Jack L. Stevens.

MOTION: **Commissioner Shaffer** made the motion to have the Commission accept and ratify the appointment of eight judges from the First District Court to hear cases when deemed necessary. The motion was seconded by **Chairman VanDyke** and carried unanimously.

*(See Attachment No. 3 – Appointments.)*

### **PUBLIC HEARING/ARTICLE 6 LUM&DC – COMMISSIONERS**

*(See Attachment No. 4 - Attendance Sheet.)*

Chairman VanDyke declared the public hearing regarding Article 6 LUM & DC open at 10:00 a.m.

Kevin Hamilton, County Director of Community Development, said Article 6 of the Land Use Management and Development Code needs to be updated to have the definition of subdivisions the same as the state definition. He said this will make things uniform and help avoid confusion.

Chairman VanDyke asked for public comment.

There was no public comment.

**MOTION:** **Commissioner Shaffer** made a motion to close the public hearing. The motion was seconded by **Chairman VanDyke** and unanimously carried.

The public hearing closed at 10:06 a.m.

**MOTION:** **Commissioner Shaffer** made a motion to authorize staff to amend Article 6 of the Land Use Management and Development Code. The motion was seconded by **Chairman VanDyke** and unanimously carried.

#### **APPROVAL OF 9-1-1 CENTER BUDGET – SCOTT WOLFORD**

Scott Wolford and Tiffany McCann, Box Elder County Communication Center, presented the budget received from the state on September 13, 2010. Mr. Wolford said the State Advisory Board, which is comprised of Police Chiefs, Sheriffs and the Emergency Manager from Brigham City, has directed them to request two additional dispatchers. Scott Wolford said in 2007 the Commission added a dispatcher at county expense with the intention of the state adding one the following year and hopefully the county adding a third the next year. He said the county added one but the state did not, which has caused them to stay below the Association of Professional Communications Officers (APCO) recommended levels for the center. According to a study done by APCO in 2005, they should have about 12 dispatchers. Scott Wolford presented three different options (1) adding two additional dispatchers, (2) adding one additional dispatcher, (3) adding no additional dispatchers. He requested the Commissioners confirm the budget.

Commissioner Shaffer asked if there has been any consideration to provide a part time or half time dispatcher.

Scott Wolford said other centers have hired part-time or half-time dispatchers. He said adding two additional dispatchers would take them to 12 dispatchers which would give them good coverage.

Chairman VanDyke said he was aware of upcoming demands that need to be addressed. He said the proportion of calls to population seems to be greater.

Commissioner Shaffer asked what the increase would be to add a half-time person.

Scott Wolford said he was not prepared to give exact figures on a half-time person.

MOTION: **Commissioner Shaffer** made the motion to accept the Box Elder County Communication Center budget with adding a half-time person to the budget instead of adding one or two full time dispatchers bringing the county/city's share of the budget to \$636,000. The motion was seconded by **Chairman VanDyke** and unanimously carried.

### WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 72114 through 72265 in the amount of \$661,188.22.

### PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF DEPT:	Suzanne C. Mitchem, separation, effective 09/08/2010
SURVEYOR:	John Mathias, new hire, effective 09/10/2010
EXTENSION:	Emily Nelson, compensation change, effective 09/02/2010
COMMUNITY DEV:	Kevin Hamilton, compensation change, effective 09/05/2010
ASSESSOR:	L. Robert Dilley, new, hire, effective 09/20/2010
LANDFILL:	Kimberly Walker, compensation change, effective 09/13/2010

### EXECUTIVE SESSION

Strategy session to discuss the sale of real property when: value would be disclosed, notice of sale had been given, terms of sale are disclosed.

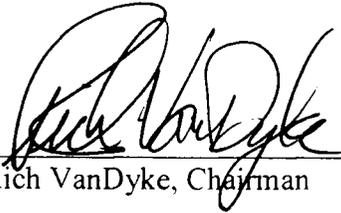
MOTION: At 10:35 a.m. a motion was made by **Commissioner Shaffer** to move into an executive session to discuss the sale of real property. The motion was seconded by **Chairman VanDyke** and unanimously carried.

MOTION: At 11:05 a.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.

### ADJOURNMENT

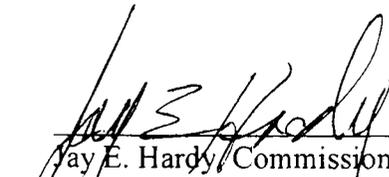
A motion was made by **Commissioner Shaffer** to adjourn. **Chairman VanDyke** seconded the motion, and the meeting adjourned at 11:05 a.m.

**ADOPTED AND APPROVED** in regular session this 28<sup>th</sup> day of September 2010.



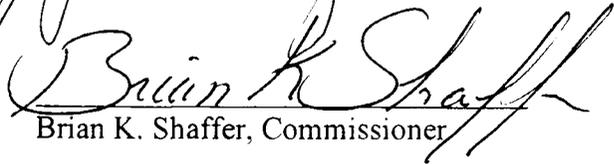
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Rich VanDyke, Chairman



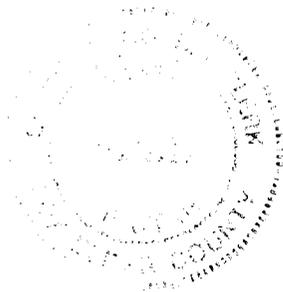
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Jay E. Hardy, Commissioner



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Brian K. Shaffer, Commissioner



ATTEST:



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LuAnn Adams, Recorder/Clerk

The following items were discussed in Administrative/Operational Session after Commission Meeting had adjourned:

1. County Fair – Monte Munns

The Administrative/Operational Session adjourned at 12:00 p.m.

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, SEPTEMBER 21, 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. Tax Abatements – Rebecca Dilg/Lee Beverley

- \*9:00 – 9:05      Call to Order: Chairman VanDyke  
Invocation: Commissioner Shaffer  
Approval of Minutes of September 14, 2010
- \*9:05 – 9:10      Follow-Up Business
- \*9:10 – 9:20      Bid Opening/NRCS Package D – Brent Slater/Bill Gilson
- \*9:20 – 9:30      State Lands Fire & Forestry/Johnson Canyon MOU/Firebreaks – Bill Gilson
- \*9:30 – 9:40      Pay to Join Wyoming Coalition of County Government–Commissioner Hardy
- \*9:40 – 9:50      Tour of Great Salt Lake – Commissioner Hardy

- \*9:50 – 10:00 Substitute Judge for Justice Court – Judge Christensen
- \*10:00 – 10:05 Public Hearing/Article 6 LUM&DC – Commissioners
- \*10:05 – 10:15 Approval of 9-1-1 Center Budget – Scott Wolford
- \*10:15 – 10:20 Warrant Register & Personnel Actions – Commissioners
- \*10:20 – 10:25 Assignment Review – Commissioners

Executive Session

1. Strategy session to discuss the sale of real property when: value would be disclosed, notice of sale had been given, terms of sale are disclosed.

**Adjournment**

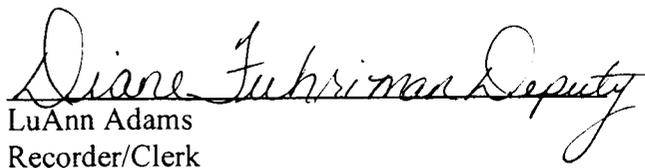
Work Session

1. County Fair – Monte Munns

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 16<sup>th</sup> day of September 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 16<sup>th</sup> day of September 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.**

PUBLIC HEARING  
BOX ELDER COUNTY

Date: Sept. 21, 2010

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
Kevin Hamilton	BE Community Development	
Ellen Cook	Leader	
Scott Wolford	Dispatch	
Tiffany McCann	Dispatch	
Steve Hadfield	County Attorney	
Kevin Potter	Co. Sheriff's Office	
Rebecca Dilg	Commission Secretary	
Commissioner Shaffer	County Commission	
Chairman VanDyke	County Commission	
Marla Young	County Clerk's Office	
Amy Macavinta	Standard Examiner	

COUNTY COMMISSIONERS

JAY HARDY  
RICH VANDYKE  
BRIAN K. SHAFFER



OFFICERS  
THOMAS H. BENNETT, AUDITOR  
LUANN ADAMS, RECORDER-CLERK  
J. LYNN YEATES, SHERIFF  
STEPHEN R. HADFIELD, ATTORNEY  
MONTE R. MUNNS, ASSESSOR-TREASURER  
KEVIN R. CHRISTENSEN, JUSTICE COURT JUDGE

September 21, 2010

Box Elder County Commission  
01 South Main Street  
Brigham City, Utah 84302

Re: Appointment of Temporary Justice Court Judges

Commissioners:

Pursuant to the provisions of §78A-7-201 thru §78A-7-215 of the Utah Code, I appoint the following individuals to serve as temporary justice court judges in the Box Elder County Justice Court, in the event the Box Elder County Justice Court Judge is absent or disqualified:

Judge Dennis J. Barker	Newton Justice Court
Judge Wayne Cooper	Clarkston City, Cornish City & Trenton City
Judge Evan Hall	Lewiston Justice Court
Judge David Marx	North Logan City & Hyde Park City
Judge Ross K. McKinnon	Rich County Justice Court
Judge Terry Moore	Smithfield Justice Court
Judge Kevin L. Nelson	Mantua Justice Court
Judge Jack L. Stevens	Nibley Justice Court

In accordance with Utah State law, each of these justice court judges currently holds office within the First Judicial District, which includes Box Elder County, Cache County and Rich County. Furthermore, each of these justice court judges is currently in good standing and otherwise qualified to act as a temporary justice court judge in the Box Elder County Justice Court.

As the Chairman of the Box Elder County Commission, I respectfully request that you, the Box Elder County Commission, acting as the appointing authority for temporary justice court judges in Box Elder County, ratify my appointment of these individuals as temporary justice court judges for the Box Elder County Justice Court.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Rich VanDyke", is written over a horizontal line.

Rich VanDyke, Chairman  
Box Elder County Commission

COUNTY COMMISSIONERS

JAY HARDY  
RICH VANDYKE  
BRIAN K. SHAFFER



OFFICERS  
THOMAS H. BENNETT, AUDITOR  
LUANN ADAMS, RECORDER-CLERK  
J. LYNN YEATES, SHERIFF  
STEPHEN R. HADFIELD, ATTORNEY  
MONTE R. MUNNS, ASSESSOR-TREASURER  
KEVIN R. CHRISTENSEN, JUSTICE COURT JUDGE

September 21, 2010

Thomas Mannschreck  
Thomas Development  
413 W. Idaho Street, Suite 200  
Boise, ID 83702

Dear Mr. Mannschreck:

We, the Box Elder County Commissioners, express our support for the Woodlands, a 48-unit senior apartment community to be developed in Brigham City. Since the area to be developed has been declared blighted, this project will be an integral part of implementing the Community Revitalization Plan in Brigham City.

We are encouraged to see this property revitalized, while also providing much-needed housing to our senior community in Box Elder County.

Sincerely,

Rich VanDyke, Chair

Jay Hardy

Brian Shaffer