

**MINUTES**  
**BOX ELDER COUNTY COMMISSION**  
**DECEMBER 07, 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 5:00 p.m. on **DECEMBER 07, 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. BEC Support of Brigham City Moving USU Facility

The Administrative/Operational Session adjourned at 5:20 p.m.

The regular session was called to order by Chairman VanDyke at 3:30 p.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 Chairman VanDyke.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 30, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**EXECUTIVE SESSION****Discussion Regarding Deployment of Security Personnel, Devices or Systems and Potential Litigation, Personnel Issues**

**MOTION:** At 3:31 p.m. a motion was made by **Commissioner Shaffer** to move into an executive session to have a discussion regarding deployment of security personnel, devices or systems. The motion was seconded by **Commissioner Hardy** and unanimously carried.

**MOTION:** At 5:00 p.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.

Chairman VanDyke explained that in the executive session there was discussion regarding deployment of security personnel, devices or systems and potential litigation and personnel issues.

**RECESS**

The Commissioners took a recess at 5:00 p.m. and reconvened at 6:00 p.m.

**BEC SUPPORT OF BRIGHAM CITY MOVING USU FACILITY**

Dr. Tom Lee, Dean USU/BC Campus, told the Commissioners that they have a proposed plan for moving the USU Brigham City Campus from the current site on 1100 South to the K-Mart Building and a portion of the former Intermountain Indian School Property. Mr. Lee said USU has had a presence in Brigham City since 1982. They started out in a house owned by the school district. In 1994 the County Commissioners bought a strip mall owned by Boyer and Company on 1100 South. From a few students the school now has 1,087 enrolled. There are 681 students from Box Elder County. Others come from Box Elder County, Weber, Davis, Cache and other counties as well as some from Idaho. In the last four years students have been awarded \$282,443.61 in tuition waivers. The campus has a welcome waiver for a new student or a returning student that is attending the Brigham City Campus. A returning single parent or someone returning from a mission could be waived \$75.00 per credit up to 12 credits towards tuition. Last spring 146 students graduated from the campus. Another benefit is that USU is a good-size employer. They employ 98 employees. Seventy-Nine live in Box Elder County as well as a lot of adjunct instructors live in the county. Since the state bought the facility from the county, USU has invested \$3,515,000 in improvements into the facility. In 2006 the state did a facelift on the front to make the color look similar. This was paid by the state DFCM. Dr. Lee said they are glad to be part of Box Elder County, and they can see a lot of benefit coming to the county by having a regional campus. He said because of the growth, we need to plan for the future. Dr. Lee said last summer they started looking at the possibility of other property and expanding. USU became aware that a developer was looking to buy the BID Property and so they began discussions with Thomas Development. He said we are now finalizing the negotiations and waiting for approval by the Utah State Board of Regents. It will be a gradual process to transfer from the old site to the new site. There have been several discussions with

Bridgerland that as USU makes the transition out of the buildings on 1100 South, BATC will grow and be able to occupy the whole space, and so 1100 will remain an educational facility. Dr. Lee said he needs an indication of support from the Commission for the intent to move from where they have been. He said they will begin with renovating the K-Mart Building and then building other buildings on the Intermountain Site.

Chairman VanDyke said it has been a privilege to be made aware of this project, and he is excited about the future potential it brings to the county. He said this is an exciting thing, and it is a wonderful thing.

Commissioner Shaffer said economic growth requires infrastructure and companies look at education when locating. He said it will be a beautiful campus in Brigham City and the county. It is an opportunity to be a part of at this time.

Commissioner Hardy said it is a lot nicer and better to spend money on education and giving people jobs rather than spending under corrections and law enforcement. He said anytime you have higher education, your corrections and law enforcement go down. He believes this is the place to spend money. He was a Commissioner in 1995 when USU located on 1100 South and at that time there were less than 200 students that came. He said that was 15 years ago. If you go from that figure, it is about 10% a year growth. That kind of growth going forward puts that at a pretty good sized campus.

MOTION: A motion was made by **Commissioner Shaffer** to authorize the chair to sign a letter of support for USU moving their campus from 1100 South to the Indian School Property surrounding the K-Mart Property that they already own. The motion was seconded by **Commissioner Hardy** and unanimously carried.

#### INDIGENT BURIAL – DOUG SPENCER/ECCLESIASTICAL LEADER

This item was cancelled.

#### CIRCUIT BREAKER 2007 APPEAL – REBECCA DILG

Donna Wise, a property owner in Box Elder County, said she qualified for the circuit breaker for a number of years and for some reason the 2007 application got lost in the mail.

MOTION: A motion was made by **Commissioner Hardy** to accept the circuit breaker appeal for 2007 which would eliminate any taxes on the residential property as well as penalties and fees. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

**PUBLIC HEARING/2011 BOX ELDER COUNTY TENTATIVE BUDGET – COMMISSIONERS**

*(See Attachment No. 2 – Attendance List.)*

Chairman VanDyke declared the public hearing regarding the 2011 tentative budget open at 6:00 p.m.

Lee Beverley said the tentative 2011 budget has been available in the auditor's office and on the website. He presented the following highlights:

Changes in expenses from 2010 to 2011 budgets:

General Fund overall decrease in expenses by \$228,000 or 1.8%

General Fund increase in transfer to Public Safety by \$584,000 or 9.7%

Municipal Service Fund decrease in expenses by \$558,000 or 7.8%

Public Safety increase in expenses by \$200,000 or 2.5%

Capital Projects decrease in expenses by \$653,000 or 33.4%

Changes in revenues from 2010 to 2011 budgets:

General Fund increase in property tax is \$148,000 or 2.7%

General Fund decrease in building permits by \$248,000 or 96.1%

Public Safety decrease in state prison fees by \$66,000 or 14.8%

Mr. Lee said the state legislature reduced the amount they are going to pay for prisoners per day so Box Elder County has reduced the number of beds available because the state does not cover costs. He reviewed noteworthy items. There is an increase in the property tax revenues for 2011 due to new growth. He said this is not a tax increase. The property tax rate has declined for the third consecutive year. There were no cost-of-living adjustments for the second straight year. The regular expense lines such as maintenance, supplies and equipment were held stable or reduced for a second year.

Chairman VanDyke asked for public comments. There were none.

**MOTION:** A motion was made by **Commissioner Hardy** to close the public hearing. The motion was seconded by **Commissioner Shaffer**, and the public hearing was closed at 6:15 p.m.

Chairman VanDyke said the employees of the county understand the impact the economy has had on us. It is worse than last year, and signs have not indicated a really big change quickly. Chairman VanDyke can personally assure the public that the same effort of cost control and revenue increase will carry into the new commission and other elected offices.

**DEMOLITION ASSISTANCE AT INTERMOUNTAIN PROPERTY – TOM LEE/DEAN  
USU-BC**

Dr. Tom Lee told the Commissioners that USU will be acquiring buildings at USU, and they are requesting assistance from the Commissioners in the form of a reduced tipping fee to take away the construction materials. Dr. Lee said the plan is to recycle the brick. They will use it for future buildings on the site or sell them to other developers who can get points for projects using recycled items. The Thomas Development Organization did an environmental assessment on the property, and they went through the buildings and dug up a lot of soil. There is asbestos on the pipes below grade. The steam pipes have asbestos wrap that would need to be remediated and sent to a certified place. Everything else was clean. Dr. Lee said there is approximately 50,000 tons after the recyclable.

Landfill Director Gina Allen said in 2001 six of the buildings were taken to the landfill, and there were approximately 30,000 tons of C and D waste. Half was recyclable brick, some concrete, lumber and metals such as copper and steel. She said back in 2001 the county underestimated the amount of tonnage and the developers were offered a lump sum which came out to be \$2.49 a ton which doesn't cover costs. She said we are a municipal landfill and 30,000 tons leaves a big footprint and doesn't break down and takes up a lot of space because of bulk. She said we need to cover our own costs and not give it away. She said this would put a huge longevity problem on the landfill. Ms. Allen said we take in 35,000 tons annually of municipal waste. She said 50,000 tons would be over an entire year times three. In her opinion, it is all about space. This would take up a significant portion of space.

Commissioner Shaffer asked if this waste could be stored on county property other than the landfill without permitting. Gina Allen said we can store it, but we need to be a C & D Landfill. Commissioner Shaffer asked if a contractor would be interested.

Commissioner Hardy thought that when you bid the contract, bid it as segregated coming out. He said he would like to help as much as the county can, but does not want to be caught with a big cost.

**MOTION:** A motion was made by **Commissioner Hardy** to accept segregated at a \$6.00 per ton rate plus whatever it is to recover Box Elder County's money for the crushing. The motion died for lack of a second.

Commissioner Shaffer said if USU is going to pay the cost of segregating, why would that recyclable materials show up at the landfill.

**MOTION:** A motion was made by **Commissioner Shaffer** to charge USU \$6.00 a ton for anything that they bring to the landfill. The motion was seconded by **Commissioner Hardy** and unanimously carried.

**COORDINATION POLICY – COMMISSIONERS**

This item was cancelled.

**ORDINANCE #348/SAND HOLLOW ROAD VACATION – KEVIN HAMILTON**

MOTION: A motion was made by **Commissioner Hardy** to adopt Ordinance No. 348, an ordinance vacating and extinguishing a portion of the Sand Hollow Road that is located in Sections 11, 14, 15, 21, 22, and 28, Township 11 North Range 6 West Salt Lake Base and Meridian. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

*(Attachment No. 3 – Ordinance No. 348)*

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 73532 through 73674 in the amount of \$1,059,048.31.

**PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF'S DEPT:	Charmayne D. Roberts, compensation change, effective 11/05/2010
RECORDER/CLERK:	Marie McKinnon, separation, effective 11/30/2010
SURVEYOR:	Grant Skeen, separation, effective 11/30/2010
FAIRGROUNDS:	Dean Anderson, new hire, effective 12/06/2010

**ADJOURNMENT**

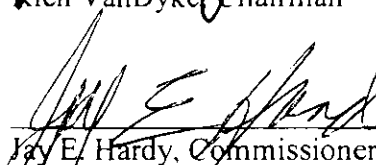
A motion was made by **Commissioner Hardy** to adjourn. **Commissioner Shaffer** seconded the motion, and the meeting adjourned at 7:25 p.m.

**ADOPTED AND APPROVED** in regular session this 14th day of December 2010.



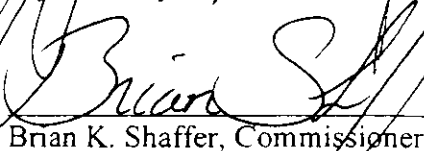

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Rich VanDyke, Chairman




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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

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 **10:00 a.m. Tuesday December 7, 2010** in the Commission Chambers, Room 33, Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.

Administrative/Operational

1. Insurance Committee – Peggy Madsen

Prepared and posted this 2<sup>nd</sup> day of December 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard-Examiner this 2<sup>nd</sup> day of December 2010.



LuAnn Adams  
Recorder/Clerk

**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.**

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 a regular Commission Meeting commencing at **3:30 p.m.** and an Administrative/Operational Session commencing at **5:00 p.m.** on **TUESDAY, DECEMBER 7, 2010** in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.

\*3:30 – 3:35 Call to Order: Chairman VanDyke  
Invocation: Chairman VanDyke  
Approval of Minutes of November 30, 2010

\*3:35 – 5:00 Executive Session

1. Discussion Regarding Deployment of Security Personnel, Devices or Systems.

\*5:00 Recess

**Administrative/Operational Session**

\*5:00 p.m.

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports – Agenda Related
4. Correspondence
5. Assignment Review

\*5:20 p.m.

6. BEC Support of Brigham City Moving USU Facility

**Commission Meeting**

\*5:30 – 5:35 Follow-Up Business

\*5:35 – 5:45 BEC Support of Brigham City Moving USU Facility

\*5:45 – 5:55 Indigent Burial – Doug Spencer/Ecclesiastical Leader

\*5:55 – 6:00 Circuit Breaker 2007 Appeal – Rebecca Dilg

\*6:00 – 6:15 Public Hearing/2011 Box Elder County Tentative Budget – Commissioners



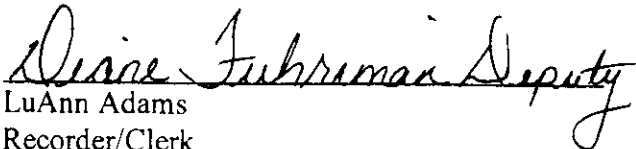
- \*6:15 – 6:30 Demolition Assistance at Intermountain Property – Tom Lee/Dean USU-BC
- \*6:30 – 6:35 Coordination Policy – Commissioners
- \*6:35 – 6:40 Ordinance #348/Sand Hollow Road Vacation – Kevin Hamilton
- \*6:40 – 6:45 Warrant Register & Personnel Actions – Commissioners
- \*6:45 – 6:50 Assignment 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 5:30 p.m.

Prepared and posted this 2<sup>nd</sup> day of December 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 2<sup>nd</sup> day of December 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.**

BOX ELDER COUNTY RECORDER/CLERK  
Box Elder County Courthouse  
01 South Main Street  
Brigham City, Utah 84302

**NOTICE and AGENDA**

*Public Notice* is given that the Administrative/Operational Session scheduled for the morning of December 7, 2010 has been cancelled. All other meetings scheduled for that date remain the same.

Mailed to the Box Elder News Journal, the Leader and the Standard Examiner this 3<sup>rd</sup> day of December 2010.

  
LuAnn Adams  
Recorder/Clerk

PUBLIC HEARING  
BOX ELDER COUNTY

Date: 12-7-10

Public Hearing-2011 Tentative Budget

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
Ellen Cook	Leader	
Bill Wilson	BE Co. Road Dept	257-5450
Paul Larsen	Brigham City	20 N. Main St. 734-6603
Todd Lish	Lish Realty	305 E. Main Tremonton 279-7300
Lori Munsater	News Journal	
Ronda Menlove	USU	5650 W. 16800 W. Garland, UT 84302 760-2608
Rebecca Dily	B. E. Cty.	734-3347
Peggy C. Madden	BE Cty.	734-3348
TOM KOTTER		232-4082
Chad Montgomery	Box Elder County	734-3301
Shawn Thornely	Box Elder County	734-3307
Lynn Heats	"	734-3816
Barbara Hereford	"	734-3818
Sandy Huthman	"	734-3827
Kevin Pettr	Box Elder County	734-3814
Dave Murphy	Box Elder Co. S.O.	734-3800
Steve Hadfield	Box Elder County Attorney	734-3329
Amy Macavinta	Standard Examiner	225-0049
Randy Moulouing	LAND OWNER	801-725-2722
Wayne R. Johnson	BENCHMARK METALS FAB	2495 N 7600 W 744-5522
Janice Johnson	"	"
Paula Ann Hardy	citizen	2635 N. 3100 W. 744-2456
Margy Young	BE County	734-3355
Lee Beverley	BE County	734-3304
	BECCO	3360

ORDINANCE NO. 348

05-005-0047, 0039, 0040, 0024, 0023, 0018  
05-113-0001, 0005

**AN ORDINANCE OF BOX ELDER COUNTY, VACATING AND EXTINGUISHING A PORTION OF THE SAND HOLLOW ROAD, THAT IS LOCATED IN SECTIONS 11, 14, 15, 21, 22, AND 28, TOWNSHIP 11 NORTH RANGE 6 WEST SALT LAKE BASE AND MERIDIAN**

**WHEREAS**, the Box Elder County Commission has been petitioned to vacate a portion of the Sand Hollow Road that is located in Sections 11, 14, 15, 21, 22, and 28, Township 11 North Range 6 West Salt Lake Base and Meridian; and

**WHEREAS**, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on September 23, 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 scheduled a public hearing on the petition to vacate and provided notice of such public hearing by: posting signs on both ends of the portion to be vacated in a manner that was calculated to alert the public for at least ten (10) days before the public hearing, publishing notice in a newspaper of general circulation in Box Elder County once a week for four (4) consecutive weeks prior to the hearing publishing notice on the Utah Public Notice Website for four (4) weeks before 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 all affected entities and to all of the owners of the property abutting the road being vacated and/or whose parcels are accessed by the road being vacated; and

**WHEREAS**, the Box Elder County Commission, after appropriate notice, held a public hearing on November 23, 2010, to allow the general public to comment on his proposed road vacation; and

**WHEREAS**, all requirements pertaining to the vacation process have been fully observed, pursuant to the provisions of Utah Code Annotated § 72-3-108 and § 17-27a-208; 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 of Sand Hollow road that is located in Sections 11, 14, 15, 21, 22, and 28, T11N, R6W SLB & M, 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:

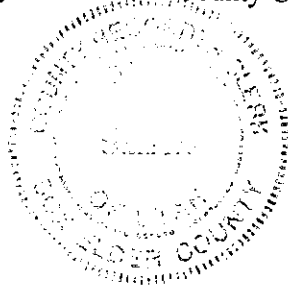
- A. To Bar-M Cattle Company, LLC, the real property specifically described in Exhibit "B" attached hereto.
- B. To Sandall Farm and Ranch Family Partnership, a Utah General Partnership, the real property specifically described in Exhibit "C" attached hereto.

**SECTION 3:** That this vacation shall not 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.

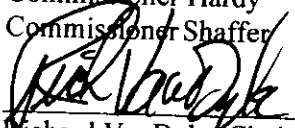
**SECTION 5:** This ordinance shall become effective fifteen (15) days after its passage and publication as provided by law.

**PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED** this 7 day of December, 2010, by the Board of County Commissioners of Box Elder County, Utah,




Commissioner VanDyke  
Commissioner Hardy  
Commissioner Shaffer

Voting yea  
Voting yea  
Voting yea

  
Richard VanDyke, Chair  
Box Elder County Commission

Attest:

  
LuAnn Adams  
Box Elder County Recorder/Clerk

**Exhibit A**

**LEGAL DESCRIPTION:** That portion of a County Road known as "SAND HOLLOW ROAD" LYING WITHIN SECTION 11, 14, 15, 21, 22, and 28, TOWNSHIP 11 NORTH RANGE 6 WEST, SLB&M. (affects 05-005-0047, 05-005-0039, 05-005-0040, 05-005-0024, 05-005-0023, 05-005-0018, 05-143-0001 and 05-143-0005)

**Exhibit B**

**LEGAL DESCRIPTION:** That portion of a County Road known as "SAND HOLLOW ROAD" LYING WITHIN SECTION 28 AND SECTION 22, TOWNSHIP 11 NORTH RANGE 6 WEST, SLB&M, ALONG THE NORTH BOUNDARY OF SAID SECTION 28 AND ALONG THE WEST BOUNDARY OF SAID SECTION 22. (affects 05-005-0047, 05-005-0039 and 05-005-0040)

**ABUTTING OWNERSHIP:** BAR-M CATTLE COMPANY, LLC

And

**LEGAL DESCRIPTION:** That portion of a County Road known as "SAND HOLLOW ROAD" LYING WITHIN SECTIONS 15, 14, AND 11, TOWNSHIP 11 NORTH RANGE 6 WEST, SLB&M (affects 05-005-0024, 05-005-0023, and 05-005-0018)

**ABUTTING OWNERSHIP:** BAR-M CATTLE COMPANY, LLC

**Exhibit C**

**LEGAL DESCRIPTION:** That portion of a County Road known as "SAND HOLLOW ROAD" LYING WITHIN SECTION 21, TOWNSHIP 11 NORTH RANGE 6 WEST, SLB&M, ALONG THE SOUTH BOUNDARY AND ALONG THE EAST BOUNDARY OF SAID SECTION 21. (affects 05-143-0001 and 05-143-0005)

**ABUTTING OWNERSHIP:** SANDALL FARM AND RANCH FAMILY PARTNERSHIP, A UTAH GENERAL PARTNERSHIP