

MINUTES
BOX ELDER COUNTY COMMISSION
FEBRUARY 02, 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 **FEBRUARY 02, 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. Enforcing Fire Codes at Subdivision – Andre' Pommier
7. RV Park Proposal at County Fair Grounds – Darwin Nielsen/Micah Capener
8. CIP Recommendation of CM/GC-Justice Complex – Darwin Nielsen/Micah Capener

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 Chairman VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF JANUARY 26, 2010 WERE APPROVED ON A MOTION BY COMMISSIONER HARDY, SECONDED BY COMMISSIONER SHAFFER AND UNANIMOUSLY CARRIED WITH THE FOLLOWING CHANGE: IN SEPARATION OF RECORDER/CLERK'S OFFICE THE WORD SIX WAS CHANGED TO SIXTEEN.

Commissioner Hardy introduced Kaylee Hardy and Jaycee Johnson from Bear River High School. He said they are attending Commission Meeting for their political science class.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS - COMMISSIONERS

Bear River Water Conservancy District Public Hearing – Commissioner Shaffer

Commissioner Shaffer said he attended a public hearing last Wednesday evening for the Bear River Water Conservancy District that reviewed a petition by the district to the State of Utah in regards to protecting the Bothwell pocket of water and establishing a pristine water designation over the water aquifer. It was a good public meeting with some good input. He said there is a good chance the district will be able to protect that water with the designation.

Sheriff's Retreat – Chairman VanDyke

Chairman VanDyke said he had the opportunity to meet with the Sheriff's Office during the course of the week for a retreat. The Sheriff's Department has a retreat every six months where they discuss some of the existing challenges and upcoming recommendations they find as they look at their scheduling and work days. He said it has always been a treat to attend their retreat to see that our county law enforcement agency is devoting so much time and effort to the improvement of their office.

CIP RECOMMENDATION OF CM/GC FOR JUSTICE COMPLEX – DARWIN NIELSEN, MICAH CAPENER

Tracy Bailey, President of Bailey Construction Company, introduced his representatives as well as Skyline Engineering.

Micah Capener thanked the County Commissioners for putting the CIP Committee together. He said it adds another layer to make sure the Commissioners are doing everything in the best interest of Box Elder County. Mr. Capener made a recommendation to accept the Bailey Construction bid in the amount of \$999,854 plus \$75,000 discretionary money to do some upgrades for a total of \$1,074,854.

Chairman VanDyke said there was a proposal submitted by Bailey Construction Company that was sent back stating, "sharpen your pencils". The Commissioners appreciate all the effort the CIP Committee has been through in whittling this down and making it more in line with the project cost that was estimated. He said these economic times demand that if we make a decision, it needs to be very close to what we discussed; we also recognize there are some inflationary factors and there are some elements involved in this bid that were unforeseen. Chairman VanDyke said we have a very professional staff that looked into this initially and gave us our starting marks and now we get down to the people involved in the project.

Tracy Bailey said he and Alan Cardon did some reviews on a recently completed new building in Providence. The building was comparable square footage wise with the Stock Building. Their figures show it will cost \$150 a square foot to build a new single level building that would equal the needs. In the remodeling aspect they are coming in at approximately \$76-\$78 a square foot.

Commissioner Shaffer said this is ending up at about half of the cost of building new construction. He complimented everyone for doing a great job.

Tracy Bailey said they gave the county the best of what they could with the money there was to spend.

Chairman VanDyke said there has been a real spirit of cooperation with everyone trying to get the costs down to where they need to be.

Commissioner Hardy said in the best interest of Box Elder County this committee and the Commissioners are trying to move forward with the infrastructure needed in this county to maintain the integrity and safety of the citizens going in and out of the facility, not only at the justice court building but the County Courthouse. He feels this is a great move for the county especially on the safety issue.

MOTION: A motion was made by Commissioner Hardy to accept the bid with Bailey Construction Company in the amount of \$999,854 and to move forward with the construction of the Justice Court with an additional \$75,000 to be set aside for upgrades as needed. This bid excludes furniture and security costs. The motion was seconded by Commissioner Shaffer and unanimously carried.

RV PARK PROPOSAL AT COUNTY FAIRGROUNDS – DARWIN NIELSEN, MICAH CAPENER

Micah Capener said the CIP Committee reviewed a project for 50 RV stalls at the Box Elder County Fairgrounds. They have a proposal and would like to recommend the Commission accept the proposal and install those 50 stalls.

Chairman VanDyke said there is a utility company coming through Box Elder County called Ruby Pipeline that will be doing the installation of a 42" high pressure gas line. This will bring workers through the area and will require 600 RV spaces within 10 miles. Ruby Pipeline made a proposal to the county that would justify looking at the potential of an RV park. Over the years each Commissioner has had the opportunity to work with the county fair and fairgrounds, and it has been a topic of discussion for a long time. The discussion has been that an RV Park would attract more and different activities and become the center of tourism that Box Elder County deserves. He said we all realize the importance of tourism dollars. Those dollars are the best kind of money the county can make because there is not a lot of infrastructure and big returns on what is spent here. Ruby Pipeline has guaranteed funding for space usage over a guaranteed period of time as a minimum, this begins to give a little more credence to the feasibility of going ahead with this project.

Darwin Nielson said they received information and bids from subcontractors and people who will help to create the infrastructure for the facility. As a total, with a lot of fill and compaction, sewer and water hookups, chain-link fence and electricity, they came up with \$243,310. There are some possible cost savings if the county decides to do the fill and compaction. Mr. Nielsen said the 50 stalls from Ruby Pipeline will be paid for in seven months, and there will be guaranteed revenue of \$175,000. There are utilities that need to be paid so the committee felt like \$140,000 is committed money to pay back installation of the stalls. There could be a shortage of \$103,000 but Ruby Pipeline said they may be here as much as a year longer; they wouldn't commit to all the stalls but they would most likely rent a good portion of them. The CIP Committee went conservatively and felt there would be another \$40,000-\$60,000 of income. The contract is for \$500 per stall, and they have committed 50 stalls for seven months whether they are full or not.

Commissioner Shaffer understands there is a contract stating they will pay for seven months. He is wondering if there is a time this project needs to be completed by and asked can it be completed.

Darwin Nielsen said it needs to be completed by May 1. They feel it can be accomplished in the timeframe.

Commissioner Shaffer said this project is also contingent on a decision to be made by Tremonton City tomorrow.

Building Official/Physical Facilities Manager Donnie Tarver said he has gone over the concept with Tremonton City. It is a huge benefit to the community. By having the RV Stalls it is an assurance that the US Pipeline folks will use the local grocery stores and restaurants.

Commissioner Hardy said the employees of US Pipeline wherever they are housed will have to go to an RV Park. If it is in Ogden, they will not stop in Corinne to get gas. The only thing they do after work is sleep. It will have a big impact on the local economy.

Commissioner Shaffer has had concerns about competing with the private sector who might want to start up their own business. This has been reviewed for more than a year, and he feels we have given the private sector ample time to come up with somebody that would see this as an opportunity. No one has taken the opportunity privately. With the need and opportunity to have the majority of this project put together under contract, it seems to be a viable project.

Darwin Nielsen said the pricing is on the upper end of what one of these facilities would normally charge. He said it is not like the county would be undercutting someone else. Somebody who already has the facilities available could price it less than what this one is priced. He said it is not like the county is out there to compete; it is to accomplish something that needs to be done in the county and there would be some benefits after by having the stalls available and nearly paid for.

Chairman VanDyke said it is not often an opportunity like this presents itself. He said in the event the RV stalls do not work out, we could bulldoze the project and not be out anything and have the fill in place for future use.

MOTION: A motion was made by Commissioner Shaffer to accept the proposal to build an RV Park contingent upon getting a viable contract signed with US Pipeline and contingent upon Tremonton City accepting the project in their community. The motion was seconded by Commissioner Hardy and unanimously carried.

REQUESTING EXTENSION FOR PAYING TAXES – MERLYNNE WOODLAND

This item was cancelled.

LETTER OF SUPPORT FOR CONSERVATION RESERVE PROGRAM – TODD BLACK

(See Attachment No. 2 – Letter.)

Todd Black said several months ago Utah Division of Wildlife Resources, Utah State University Extension and NRCS met. They have had a lot of discussion with their local working groups throughout the state about CRP, where it is at and what is happening with it. It is a concern for many of them particularly as it relates to sage grouse in San Juan County and sharp-tailed grouse in Cache and Box Elder Counties. He presented a letter of support for the Commissioners to sign addressed to Director Stephenson in Washington, DC. This letter is asking the FSA to decide what they are going to do with CRP and to get going with the new farm bill.

Mr. Black explained in the next three years there is over 45,000 acres that will come out of CRP. That is \$1.2M a year that comes to the county from CRP payments. This letter is to make them aware how important CRP is economically to the county and also specifically sharp-tailed grouse. He said Cache County, NRCS and The Division of Wildlife Resources have sent similar letters of support. He said recently it looks like they are moving forward.

Commissioner Hardy would hate to pass a recommendation and then turn around and list one of these species as endangered, in case there is a farmer with one of the most beautiful 100 acres of wheat that he is not able to harvest or plant again because the endangered species is included in this area.

MOTION: A motion was made by Commissioner Shaffer to send the letter of support but to strike the last word “landowners” in the second paragraph and authorize the chair to sign the letter. The motion was seconded by Commissioner Hardy and unanimously carried.

Carl Roberts, landowner with CRP, stated the CRP has done a great deal to enhance the habitat for wildlife. He said CRP is a good program. He said this next year 35,000 acres will be coming out of CRP and since the CRP Program has been implemented, it has cut down on the soil erosion and damage.

Todd Black said a lot of the farmers have retired, and he does not know what will happen to the farms if they do come out of CRP.

JOINT DEFENSE AGREEMENT #2010-05/LITIGATION WITH EPA – STEPHEN HADFIELD

County Attorney Stephen Hadfield said there are several parties involved in the litigation with the EPA. This is an agreement between the parties so communication among the parties will still be subject to privilege. He said if we did not have this agreement, and we were discussing some things about the case with Tooele County, we might not be subject to privilege, but with this agreement it makes it so we all recognize we are in this litigation together. It imposes requirements to not disclose things that would be harmful to them and vice versa. This is a good thing to have between parties involved in litigation. All parties will be requested to sign the agreement. This agreement was prepared by the attorneys handling the litigation. They were concerned things could leak out that shouldn't, because they are representing so many parties.

MOTION: A motion was made by Commissioner Shaffer to accept the joint defense agreement #2010-05 and authorize Attorney Hadfield to sign. The motion was seconded by Commissioner Hardy and unanimously carried.

(See Attachment No. 3 - #2010-05/Litigation with EPA.)

RECESS

The Commissioners took a recess at 9:55 a.m. and reconvened at 10:00 a.m.

PUBLIC HEARING/AMENDING CHAPTERS 3-7 OF PLANNING CODE – COMMISSIONERS

(See Attachment No. 4 – Attendance List.)

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

County Planner Tamara Wright said Ordinance #325 amends Section 3-7-070 and 3-7-080 of the Planning Code. She said 3-7-070 eliminates uses that were deemed questionable for the zone and changes some uses from conditional to permitted uses. The second Section 3-7-080 is entitled “Regulations for Uses” which clarifies the area, width, coverage and setback regulations for that zone which makes it consistent with other regulations within that section.

Chairman VanDyke asked if there were any comments from those in attendance. There were none.

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 10:06 a.m.

MOTION: A motion was made by Commissioner Hardy to adopt Ordinance No. 325, an ordinance amending 3-7-070 and 3-7-080 of the Box Elder County Land Use Management and Development Code. The motion was seconded by Commissioner Shaffer and unanimously carried.

(See Attachment No. 5 – Ordinance No. 325.)

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 68154 through 68238, 990349 through 990358 in the amount of \$155,128.40.

ADJOURNMENT

A motion was made by Commissioner Hardy to adjourn. Commissioner Shaffer seconded the motion, and the meeting adjourned at 10:08 a.m.

ADOPTED AND APPROVED in regular session this 9th day of February 2010.

Rich VanDyke, Chairman

Jay E. Hardy, Commissioner

Brian K. Shaffer, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk

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

1. Personnel Policy Book

The Administrative/Operational Session adjourned at 11:40 a.m.