

**MINUTES
BOX ELDER COUNTY COMMISSION
MARCH 03, 2009**

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 **MARCH 03, 2009**. 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

The work session adjourned at 8:59 a.m.

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

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

The prayer was offered by Commissioner Hardy.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 24, 2009 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS**Legislative Meetings**

Commissioner Shaffer attended a legislative meeting with the tourism group. He said it was well attended, and they were able to meet with Senator Knudson and Representatives Ferry and Menlove.

Commissioner Shaffer thought it was good for the Tourism Council to meet and hopefully influence the state on matters concerning tourism and the tourism tax.

Chairman VanDyke said listening to speakers last Saturday evening from levels of government higher than the county, there is encouragement and a positive attitude to play a major role in facing all of the challenges. Chairman VanDyke said we are all very much aware of the financial difficulties that face us.

B.R.H.D./PLAQUE PRESENTATION TO CLARK DAVIS – DAVID NEELEY

Dave Neeley said on behalf of the Bear River Health Board he is grateful to recognize Clark Davis for the service he provided to the health board. Mr. Neeley said Clark Davis has special talents. He has the ability to work with inter-county issues, and he is quite a money man. The Board has appreciated Mr. Davis' expert advice on managing finances. Mr. Neeley then presented Clark Davis with a plaque and gift.

Clark Davis said the real strength of local government is the volunteerism in local government, and he appreciated working with all of the great volunteers.

Commissioner Shaffer said it is very fitting that Clark Davis is in attendance on the first day the Commissioners meet in the remodeled Commission Room.

FAIR BOARD/PLAQUE PRESENTATION TO RAY SORENSEN – RICK KENT

This item was canceled because Ray Sorensen was unable to be in attendance. Mr. Sorensen served 40 years on the livestock board for the fair. Rick Kent thanked him for his time and efforts.

BAR T RODEO AND WILD THANG PRODUCTIONS CONTRACTS – RICK KENT

MOTION: A motion was made by Commissioner Shaffer to table this item until March 17. The motion was seconded by Commissioner Hardy and unanimously carried.

CANCELLATION OF COMMISSION MEETING – COMMISSIONERS

MOTION: A motion was made by Commissioner Hardy to cancel Commission Meeting on March 10 because two Commissioners will be attending other meetings. The motion was seconded by Commissioner Shaffer and unanimously carried.

EXECUTIVE SESSION**Strategy session to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms.**

MOTION: At 9:33 a.m. a motion was made by Commissioner Shaffer to move into an executive session to discuss the purchase, exchange, or lease of real property. The motion was seconded by Commissioner Hardy and unanimously carried.

MOTION: At 10:17 a.m. a motion was made by Commissioner Hardy to reconvene into regular commission meeting. Commissioner Shaffer seconded the motion, and regular commission meeting was reconvened.

Chairman VanDyke explained there was a discussion on the purchase, exchange or lease of real property.

WILLARD CITY/BOX ELDER COUNTY BOUNDARY ISSUES – JAY AGUILAR

Jay Aguilar, Willard City Planner, is requesting that Box Elder County study an issue the city of Willard has been dealing with for some time. He said Willard has had some situations in the past that Willard citizens have requested de-annexations, and he wants to look at the annexations and try to develop a more formal relationship of how these will be handled in the future. He would like to have a county policy developed. Mr. Aguilar said in Davis County some of the cities have interlocal agreements that lay out guidelines which go beyond the state code. He would like to start the discussion on working with the county and propose a county resolution to deal with all of the cities.

Commissioner Hardy said the county does not want to expand services in the unincorporated areas.

Chairman VanDyke feels it is worth looking into.

COMMUTER RAIL – RACHEL TRIBE

Codey Hillam, Steve Pettingill, Rachel Tribe and Duncan Murray came before the Commissioners. Perry Planning Commission Chairman Steve Pettingill said Perry City is in the planning process of looking at a commuter rail station at 1100 South; this site could serve Brigham City and Perry as well as others in Box Elder County. The 1100 South site provides the ability to serve multiple communities. Mr. Pettingill said recent events include the Upland Square Development in Perry/Brigham. He said the development will consist of approximately 800 residential units, 532,000 square feet of various commercial/retail stores and businesses, 135,000 square feet of office space, a multiplex movie theater, one hotel, one assisted living center and approximately 130

developable acres instead of less than 10 acres near Forest Street. Mr. Pettingill said the site is accessible to I-15, US 89 and US 91, 500 West in Brigham City, 1200 West in Perry City.

Perry City is in the process of discussing this issue with the governing body of each affected governmental agency. Perry City asked the County Commission to give their approval to the site. They would like it to be studied and to consider all options. Perry City intends to support this area and the commercial development will flourish. Mr. Pettingill said it does not make sense to run the station into an industrial area for people to ride the train.

Commissioner Hardy likes the area, but two years ago Brigham City did a study on their site.

Steve Pettingill said we as a city have been left out as a voting entity. He feels this is their shot to have the opportunity to strike when the iron is hot. He said right now the developer wants to have the station located there.

Commissioner VanDyke said transportation is a regional issue, and he suggested they work with BRAG.

Steve Pettingill said if this development proceeds, then we won't have another shot. Perry City intends on supporting the development and the commercial development that is with it. He said we will get more bang for our buck. He asked the commissioners to look at this with an open mind, and they would like equal status to Brigham City. Perry City has met with UTA. He said they will be going through the planning process, and they would like to have their plan heard and want to be viewed as an equal player.

Commissioner Shaffer is comfortable with Perry's site, but said there are other sites that are just as committed and interested and think they can do things just as great at their site. Commissioner Shaffer is excited to see commuter rail come to Box Elder County. He asked to take this under advisement in order to have the time to discuss and think about the site.

Commissioner Hardy asked Perry to work with Brigham City.

Steve Pettingill said commuter rail will benefit the region. He said Perry is here to present the idea and see which site is the best.

Karen Cronin, Perry Planning Commission, said the 1100 South development is a joint Brigham City/Perry development and 60-70 percent of the development is in Brigham City. They are looking at what is best for Northern Utah and for the residents of Box Elder County.

U.S. PIPELINE CONTRACT – COMMISSIONER HARDY

Joe Curry and Dave Smith, Ruby Pipeline, said they would like to lease the property owned by Box Elder County in the Corinne/Bear River City area to use as a contractor's yard. In the agreement there is an option to lease for 2009 in the amount of \$10,000 and a lease in 2010 or beyond on a monthly basis of \$125.00 an acre per month for a monthly fee of \$2,500 or \$30,000 a year.

Commissioner Shaffer pointed out the county may not be able to get water on the property in a timely manner. Commissioner Hardy will go back to the water company to see if there are some unused taps. Ruby Pipeline would buy the tap and leave it on the premises.

MOTION: A motion was made by Commissioner Hardy to accept the conditions in the contract with U.S. Pipeline, subject to approval by County Attorney Hadfield. The motion was seconded by Commissioner Shaffer and unanimously carried.

2008-2009 BUDGET ISSUES – LYNN YEATES/BARBARA HEREFORD

Sheriff Yeates said the jail project was budgeted and started in 2008, but because the project was not completed in 2008, the balance will need to come out of the 2009 CIP Funds. Sheriff Yeates said this procedure was recommended by County Auditor Tom Bennett.

County Auditor Tom Bennett said the departments' operating budgets are reset to zero at the end of every year. The Sheriff's Department was well under their budget for 2008 and he proposes going forward with all of the capital projects going through the capital projects fund and then into a fund balance. Mr. Bennett said he will make the adjustment and amend the budget to reflect the change.

MOTION: A motion was made by Commissioner Shaffer to allow the amounts set forth by the Sheriff's Department to be paid out of the 2009 Budget that were approved in the 2008 Budget. The motion was seconded by Commissioner Hardy and unanimously carried.

GRADER BIDS – BILL GILSON

Bill Gilson, Road Department Supervisor, gave the commissioners a synopsis of the county's inventory of graders. He said the county has eight graders and the fleet is hurting as far as keeping up with the fleet's years of service and number of hours. He said some of the graders are getting some age on them. Mr. Gilson put in for one new grader, but because of the market, he sent out a bid for used graders. He received several bids. He also gathered bids on a new machine.

The commissioners informed Mr. Gilson of the county's new Capital Improvement Policy that when the time comes to release the funds, it will then go before the Commission.

WEST CORINNE INDUSTRIAL ACCESS RAILROAD SPUR – SUSAN THACKERAY

Charlie Bown, ATK, said West Corinne is a developing industrial and transportation hub, critical to employment in Northern Utah and Box Elder County. He said three large corporations have located in the West Corinne area: P&G, Wal-Mart and ATK. Transportation is critical to the success of these companies. Railroad access in West Corinne will ensure the success of these companies and allow for further development and job growth.

Mr. Bown talked about the need for the West Corinne Industrial Access Railroad Spur to extend the railroad from Corinne, west six miles on the existing Transcontinental Railroad right-of-way. He said this relieves potential transportation safety and growth issues and opens West Corinne Industrial Access Railroad Spur for Development (water, power, rail, interstate and land). It ensures NASA/ATK transportation needs and secures Box Elder County employment and advances the tourism goal of restoring rail services to the Golden Spike Monument. Mr. Bown asked the county to submit a request to fund the rail project to Senator Hatch's Office under transportation in the amount of \$18,831,273.

MOTION: A motion was made by Commissioner Hardy that Box Elder County submit a request for the West Corinne Industrial Access Railroad Spur Project.

AMENDED MOTION: A motion was made by Commissioner Hardy that Box Elder County submit a request for the West Corinne Industrial Access Railroad Spur Project and authorize the chair to sign. The motion was seconded by Commissioner Shaffer and unanimously carried.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 62314 thru 62417 in the amount of \$412,941.63.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF:	Aaron Chadwick, compensation change, effective 02/12/2009
SHERIFF:	Mickie M. Austin, compensation change, effective 02/12/2009
PERSONNEL:	Jenica Child, compensation change, effective 02/20/2009
COMMISSION:	Lorna Ravenberg, compensation change, effective 02/20/2009

ADJOURNMENT

A motion was made by Commissioner Shaffer to adjourn. Commissioner Hardy seconded the motion, and the meeting adjourned at 11:27 a.m.

ADOPTED AND APPROVED in regular session this 17th day of March 2009.

Rich VanDyke, Chairman

Jay E. Hardy, Commissioner

Brian K. Shaffer, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk