

**MINUTES
BOX ELDER COUNTY COMMISSION
August 17, 2022**

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 11:15 a.m. on **August 17, 2022**. The following members were present:

Jeff Scott	Chairman
Stan Summers	Commissioner
Jeff Hadfield	Commissioner
Marla R. Young	Clerk

The following items were discussed:

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

The Administrative/Operational Session adjourned at 11:26 a.m.

The regular session was called to order by Chairman Scott at 11:30 a.m. with the following members present, constituting a quorum:

Jeff Scott	Chairman
Stan Summers	Commissioner
Jeff Hadfield	Commissioner
Marla Young	County Clerk

The prayer was offered by Chairman Scott.

The Pledge of Allegiance was led by Commissioner Summers.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF AUGUST 03, 2022 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER HADFIELD, SECONDED BY COMMISSIONER SUMMERS AND UNANIMOUSLY CARRIED.

ATTACHMENT NO. 1 - AGENDA

ADMINISTRATIVE REVIEW/REPORTS/FUTURE AGENDA ITEMS – COMMISSION

Letter of support to sell Washakie - Commissioner Summers

Commissioner Summers explained there has been an offer presented to purchase the Washakie property. If the offer is granted it will benefit the county in about \$4,000,000.00 in back taxes. He recommended the Commissioners send a letter to the judge encouraging it to be sold.

Meeting Princess Rene of Saudi Arabia - Commissioner Summers

Commissioner Summers reported he had the opportunity to meet with Princess Rene from Saudi Arabia who is now an Ambassador to the United States. He stated Princess Rene said Saudi Arabia and Utah work well together as all people are welcome in Utah and all nations flow into it.

FORMER AGENDA ITEMS FOLLOW-UP – COMMISSIONERS

There were no Former Agenda Items discussed.

EMERGENCY MANAGEMENT ISSUES

There were no Emergency Management Issues discussed.

ARPA

There were no ARPA items discussed.

PUBLIC INTERESTS / PRESENTATIONS / CONCERNS

Victim Services Report for January to June 2022-Cheryl Burgan

Victim Advocate Cheryl Burgan updated the Commission regarding the services they have provided since January of 2022. She stated part of the grant they received requires them to report their services to the Commission biannually. She reported that from January 1, 2022 to March 31, 2022 they provided services to 261 victims and from April 1, 2022 to June 30, 2022 they provided services to 281 victims. She gave a brief listing of the types of services provided.

Peach Days Presentation-Monica Holdaway

Box Elder Chamber of Commerce Executive Director Monica Holdaway presented the Commissioners with a Peach Days basket and thanked them for their support. She gave a brief presentation of events that will be taking place. She encouraged the Commissioners to attend and thanked them for the use of the county grounds for the event.

ATTORNEY'S OFFICE

Utah Subdivision Agreement to Establish Utah Attorney Fee and Expense Fund-Anne Hansen

Deputy Attorney Anne Hansen explained the agreement is for the opioid settlement. An agreement was signed prior but this agreement is obligated to be signed as a backstop in case the county doesn't get funds from the National Litigation Fund.

MOTION: Commissioner Summers made a motion to approve Contract #22-27. The motion was seconded by Commissioner Hadfield and unanimously carried on a roll call vote of Chairman Scott voting Yea, Commissioner Hadfield voting Yea, and Commissioner Summers voting Yea.

ATTACHMENT NO. 2 - Contract #22-27

COMMISSIONERS

Perry City/UTA funding Ordinance-Commissioners

Deputy Attorney Anne Hansen provided information from a prior Commission meeting regarding identifying projects for transit in Perry City and the Historic Orchard Pathway. She said Perry City provided a draft ordinance, but it needs to include the requirements of the recent legislation. The new ordinance will be created and presented at the next meeting.

Bob Barnhill with Perry City stated they have grant match money to help with the project and gave a few ideas of what should be included in the ordinance. He suggested curb and gutter would be good uses to include in the ordinance as well as highway crossings.

COMMUNITY DEVELOPMENT

Public Hearing Vacate County Road in Riverside Approximately 15500 North 5450 West-Scott Lyons

Chairman Scott opened the public hearing.

Community Development Director Scott Lyons explained an applicant has requested to vacate a road at 15500 N between 5400 W and 5475 W in the Riverside area. He presented the Commissioners with a map and explained the road is approximately twelve foot wide gravel road. He stated the road has no traffic and is not maintained by the county. He reminded the Commissioners the policy and reasons why they can choose to vacate the road. He stated the staff findings were that unzoned areas allow for road vacations subject to approval by the County Commission and a recommendation by the Planning Commission. He also stated the proposed vacate may impact future circulation of the area. He reported the Planning Commission did a review and it was a split vote of 3-2 with a recommendation of approval by the Planning Commission.

Matt Gibbs stated he is the applicant and part of the road has already been vacated so it is a deadend. He made reference to other roads that have been vacated in the area. He said there has not been any road maintenance and he doesn't want it to be maintained. He explained the intention of using the road by him and the adjacent landowner.

MOTION: Commissioner Summers made a motion to close the public hearing. The motion was seconded by Commissioner Hadfield and the hearing was closed.

The Commissioners directed staff to prepare the necessary ordinance for the next meeting.

ATTACHMENT NO. 3 - Public Hearing Attendance Sheet

2400 W Rezone from RR-20 to CG – Scott Lyons

Community Development Director Scott Lyons stated this rezone was tabled at the last meeting. He explained the original request was for ninety-four acres in the Corinne area and the Planning Commission scaled it down to two acres to be rezoned from the RR-20 to the CG zone. He explained there are some parcels close by that are already zoned general commercial. In looking

at the parcels and doing the review they have found the parcel is next to Brigham City limits and in Brigham City's General Use Plan the properties are zoned as commercial. In discussion with the landowner, his preference would be to change the zoning on the 55 acres that are on the east side of 2400 West to the CG zone.

Property owner Shand Hardy gave a brief description of what his intentions are for the property and explained his needs for more acreage in the zone so that he doesn't have to come back in just a few years to do the process again.

MOTION: Commissioner Hadfield made a motion to rezone the fifty-five acre parcel to the CG zone. The motion was seconded by Commissioner Summers and carried unanimously with a roll call vote of Chairman Scott voting Yea, Commissioner Hadfield voting Yea, and Commissioner Summers voting Yea.

HUMAN RESOURCES

Safety Policy Updates-Jenica Stander

Deputy Attorney Anne Hansen stated they have made some updates to the safety policy related to OHV's, ATV's and UTV's setting a standard that complies with UOSH requirements. She said they will be working directly with departments to come up with amendments for future approval.

Jenica Stander stated they added a change to section D-6 adding UTV and ATV seats need to be installed properly.

MOTION: Commissioner Summers made a motion to approve the updates to Policy #15-21. The motion was seconded by Commissioner Hadfield and carried unanimously with a roll call vote of Chairman Scott voting Yea, Commissioner Hadfield voting Yea, and Commissioner Summers voting Yea.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved: Claim numbers 118528 through 118566 in the amount of \$795,107.16.

PERSONNEL ACTIONS/VOLUNTEER ACTION FORMS – COMMISSIONERS

PATTERSON, DENNIS	FAIR	VOLUNTEER	08/17/2022
RISER, JASEN	FAIR	VOLUNTEER	08/17/2022
RUDD, GLORIA	FAIR	VOLUNTEER	08/17/2022
SHAFFER, DAVID	FAIR	VOLUNTEER	08/17/2022
SORENSEN, ANNETTE	FAIR	VOLUNTEER	08/17/2022
STARK, TYREL	FAIR	VOLUNTEER	08/17/2022
THOMPSON, KRIS	FAIR	VOLUNTEER	08/17/2022
WHITE, PAULA	FAIR	VOLUNTEER	08/17/2022
WOODLEY, LEE	FAIR	VOLUNTEER	08/17/2022
RHODES, TAMI	BOOKMOBILE	VOLUNTEER	08/17/2022
WILKINS, GEORGE	SHERIFF'S OFFICE	COMPENSATION CHANGE	08/07/2022
MAY, JANESSA	CLERK'S OFFICE	REHIRE	08/15/2022
STEVENSON, TIFFANY	CLERK'S OFFICE	REHIRE	08/15/2022
FOWERS, DANIEL	FAIRGROUNDS	COMPENSATION CHANGE	08/10/2022
WARDLE, BLAIR	ATTORNEY'S OFFICE	COMPENSATION CHANGE	08/01/2022
BIERER, NATALIE	CLERK'S OFFICE	COMPENSATION CHANGE	07/21/2022
HEYDER, ADAM	FIRE MARSHAL	SEPARATION	08/12/2022
MADSEN, RICHARD	LANDFILL	NEW HIRE	08/05/2022
COOK, KELLEN	LANDFILL	COMPENSATION CHANGE	08/16/2022
RAWSON, BRITTNEY	SHERIFF'S OFFICE	REHIRE	08/05/2022
CARBINE, ASHLEE	CLERK'S OFFICE	REHIRE	08/22/2022
TILBY, JASON	SHERIFF'S OFFICE	COMPENSATION CHANGE	07/31/2022
FOWLER, SAMUEL WILLIAM	ATTORNEY'S OFFICE	VOLUNTEER	08/17/2022
SPACKMAN, DELBERT	ROAD DEPARTMENT	COMPENSATION CHANGE	08/10/2022
WARD, J. KEVIN	SHERIFF'S OFFICE	COMPENSATION CHANGE	08/17/2022
FRASSRAND, STACIE	ATTORNEY'S OFFICE	COMPENSATION CHANGE	07/18/2022

Employee Name:	Department:	PA Type:	Effective Date:
CHRISTENSEN, DIANE	FAIR	VOLUNTEER	08/17/2022
CUTLER, FAY LYN	FAIR	VOLUNTEER	08/17/2022
JENKINS, LOIS	FAIR	VOLUNTEER	08/17/2022
JENSEN, ELAINE NICHOLAS	FAIR	VOLUNTEER	08/17/2022
JENSEN, FLOYD BUTLER	FAIR	VOLUNTEER	08/17/2022
JOHN, DENISE N.	FAIR	VOLUNTEER	08/17/2022
KING, YALE S.	FAIR	VOLUNTEER	08/17/2022
ANDERSON, SHIRLEY P.	FAIR	VOLUNTEER	08/17/2022
PETERSEN, FAYE H.	FAIR	VOLUNTEER	08/17/2022
STEVENSEN, BRAD	FAIR	VOLUNTEER	08/17/2022
BATES, JILL	FAIR	VOLUNTEER	08/17/2022
BURRELL, WESTLEY	FAIR	VOLUNTEER	08/17/2022
COYLER, LINUS	FAIR	VOLUNTEER	08/17/2022
DAVIS, TIFFANY MAE	FAIR	VOLUNTEER	08/17/2022
DENSON, MCKENZI	FAIR	VOLUNTEER	08/17/2022
DOUGLAS, CHRISTY	FAIR	VOLUNTEER	08/17/2022
GERHARDT, BRITTANY	FAIR	VOLUNTEER	08/17/2022
GETZ, CONNIE	FAIR	VOLUNTEER	08/17/2022
GODFREY, GAIL	FAIR	VOLUNTEER	08/17/2022
HAWKES, ELIZABETH	FAIR	VOLUNTEER	08/17/2022
HAWKES, PAMELA	FAIR	VOLUNTEER	08/17/2022
HAWKES, LAWRENCE	FAIR	VOLUNTEER	08/17/2022
HILAND, SHAUNI	FAIR	VOLUNTEER	08/17/2022
INGRAM, MELISSA	FAIR	VOLUNTEER	08/17/2022
MUNNS, CHAD	FAIR	VOLUNTEER	08/17/2022

CLOSED SESSION

Strategy session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if 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, and discussion of the character, professional competence, or physical or mental health of an individual.

MOTION: At 12:43 p.m. a motion was made by Commissioner Summers to move into a closed session. The motion was seconded by Commissioner Hadfield and unanimously carried.

MOTION: At 12:53 p.m. a motion was made by Commissioner Hadfield to reconvene into regular commission meeting. Commissioner Summers seconded the motion. The motion carried unanimously and regular commission meeting was reconvened.

ADJOURNMENT

A motion was made by Commissioner Summers to adjourn. Commissioner Hadfield seconded the motion, and the meeting adjourned at 12:54 p.m.

ADOPTED AND APPROVED in regular session this 7th day of September 2022.

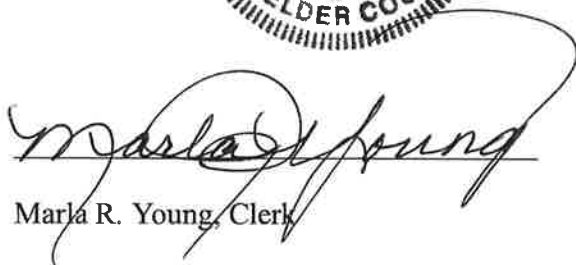

Jeff Scott, Chairman


Stan Summers, Commissioner


Jeff Hadfield, Commissioner

ATTEST:




Marla R. Young, Clerk



COUNTY COMMISSION MEETING
Commission Chambers, 01 South Main Street, Brigham City, Utah 84302
Wednesday, August 17, 2022 at 11:30 AM

AGENDA

NOTICE: *Public notice is hereby given that the Box Elder County Board of County Commissioners will hold an Administrative/Operational Session commencing at 11:15 A.M. and a regular Commission Meeting commencing at 11:30 A.M. on Wednesday August 17, 2022 in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.*

1. ADMINISTRATIVE / OPERATIONAL SESSION

- A. Agenda Review / Supporting Documents
- B. Commissioners' Correspondence
- C. Staff Reports

2. CALL TO ORDER 11:30 A.M.

- A. Invocation Given by: Chairman Scott
- B. Pledge of Allegiance Given by: Stephen Hadfield
- C. Approve Minutes from 08-03-2022

3. ADMINISTRATIVE REVIEW / REPORTS / FUTURE AGENDA ITEMS

4. FORMER AGENDA ITEMS

5. ARPA

6. EMERGENCY MANAGEMENT ISSUES

7. PUBLIC INTERESTS / PRESENTATIONS / CONCERNS

- A. 11:38 Victim Services Report for January to June 2022-Cheryl Borgan
- B. 11:43 Peach Days Presentation-Monica Holdaway

8. ATTORNEY'S OFFICE

- A. 11:48 Utah Subdivision Agreement to Establish Utah Attorney Fee and Expense Fund-Anne Hansen

9. COMMISSIONERS

- A. 11:53 Perry City/UTA funding Ordinance-Commissioners

10. COMMUNITY DEVELOPMENT

- A. 11:58 Public Hearing Vacate County Road in Riverside Approximately 15500 North 5450 West-Scott Lyons
- B. 12:08 2400 W Rezone from RR-20 to CG – Scott Lyons

11. HUMAN RESOURCES

- A. 12:10 Safety Policy Updates-Jenica Stander

12. WARRANT REGISTER

13. PERSONNEL ACTIONS / VOLUNTEER ACTION FORMS / CELL PHONE ALLOWANCE

14. CLOSED SESSION

15. ADJOURNMENT

Prepared and posted this 12th day of August, 2022. Mailed to the Box Elder News Journal and the Leader on the 12th of August, 2022. These assigned times may vary depending on the length of discussion, cancellation of scheduled agenda times and agenda alteration. Therefore, the times are estimates of agenda items to be discussed. If you have any interest in any topic you need to be in attendance at 11:30 a.m.

A handwritten signature in cursive script, reading "Marla R. Young". The signature is written in dark ink and is positioned above the printed name of the County Clerk.

Marla R. Young - County Clerk

Box Elder County

NOTE: Please turn off or silence cell phones and pagers during public meetings. This facility is wheelchair 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 (435) 734-3347 or FAX (435) 734-2038 for information or assistance.

Utah Subdivision Agreement to Establish Utah Attorney Fee and Expense Fund

Pursuant to sections 3.1, 4.2, and 6.2 of the One Utah Opioid Settlement Memorandum of Understanding ("MOU") entered into by the undersigned governmental entity ("Governmental Entity") and the State of Utah in 2022 concerning the Janssen and opioid distributor settlement agreements ("Settlement Agreements"), the Governmental Entity agrees as follows:

1. The Governmental Entity acknowledges that outside counsel for litigating subdivisions identified in the MOU ("Subdivision Outside Counsel") have applied for payment of attorney fees through national fee funds created pursuant to the Settlement Agreements ("National Funds").
2. The Governmental Entity acknowledges that payments from the National Funds may not be sufficient to pay the entirety of the fees and costs incurred by Subdivision Outside Counsel and payable under their contingency fee contracts with their Government Entity clients.
3. The Governmental Entity acknowledges that BrownGreer PLC ("Administrator") was designated to administer the disbursement of payments to the State of Utah and its subdivisions pursuant to the Settlement Agreements.
4. Therefore, the Governmental Entity agrees that the Administrator shall disburse a portion of Settlement Agreements payments to the "Utah Fund" defined in Section 6.2 of the MOU. The portion directed to the Utah Fund shall be twenty (20) percent of the "Local Government Share" (as defined in Section 3.3 of the MOU). No portion of the "State Share" (as defined in Section 3.2 of the MOU) shall be directed to the Utah Fund.
5. Payments to Subdivision Outside Counsel from the Utah Fund shall be disbursed in the same proportion as the allocation percentages defined in Exhibit B to the MOU. *E.g.*, where Salt Lake County is allocated 42.271% of funds in Exhibit B, the Administrator will direct 42.271% of the Utah Fund to the outside counsel representing Salt Lake County. Each Government Entity shall designate the attorney or law firm to which Administrator will make each payment, and that attorney or law firm will be responsible for distributing those funds among the Subdivision Outside Counsel for that Government Entity. Portions of the Utah Fund that would otherwise be due to outside counsel for participating but non-litigating subdivisions shall be reapportioned to the outside counsel for litigating subdivisions on a pro rata basis based on the percentages in Exhibit B.
6. Disbursement to the Utah Fund shall commence with the initial disbursement of payments under the Settlement Agreements and shall continue until fees and costs of the Subdivision Outside Counsel are paid in full subject to Section 6.5 of the MOU. Any funds remaining in the Utah Fund beyond what is required to pay the attorney fees and expenses of Subdivision Outside Counsel shall revert to the Local Government Share and be distributed to the counties according to the percentage allocation defined in Exhibit B to the MOU.

Governmental Entity: Box Elder County
 Signed By: Jeffrey D. Stapp
 Title: Commission Chair
 Date: 8-17-2022

Public Hearing - Vacate County Road in
Riverside: 15500 N. 5450 W.

<u>Name</u>	<u>Phone #</u>
Chrissie Bennett	734-3347
Dulinda Hardy	
Tamie Tallant	435-734-3369
Cheryl Burgan	
Matt Gibbs	435-794-7637
Brent MacFarlane	435-279-7631
Jenica Stander	435-734-3364
Monica Holdaway	435-225-3931
Kevin Potter	435-734-3818
Darin McFarland	435-695-2580
Shand Hardy	435-720-3957
Scott Lyons	3316
Robert Barnhill	435-723-6464
Shirlene Larsen	435-734-3360