MINUTES
BOX ELDER COUNTY COMMISSION
JULY 06, 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 4:45 p.m. on July 06, 2022. The following members were present:

Jeff Scott
Stan Summers
Jeff Hadfield
Marla R. Young
Chairman
Commissioner
Commissioner
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 4:54 p.m.

The regular session was called to order by Chairman Scott at 5:00 p.m. with the following members present, constituting a quorum:

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

The prayer was offered by Chairman Scott.
The Pledge of Allegiance was led by Fire Marshal Corey Barton.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF JUNE 01, 2022 AND JUNE 15, 2022 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SUMMERS, SECONDED BY COMMISSIONER HADFIELD AND UNANIMOUSLY CARRIED.

ATTACHMENT NO. 1 - AGENDA
ADMINISTRATIVE REVIEW/REPORTS/FUTURE AGENDA ITEMS – COMMISSION

There were no Administrative Review items discussed.

FORMER AGENDA ITEMS FOLLOW-UP – COMMISSIONERS

MOU #22-24 with Cache County - Corey Barton

Fire Marshal Corey Barton explained Jeff Munk came before the Commission a few meetings back explaining the issue with fire assistance due to his home being on a road that is shared with Cache County. It was suggested a Mutual Aid Agreement with Cache County be implemented. He explained they have put together the agreement and it has been reviewed by the County Attorney.

MOTION: Commissioner Hadfield made a motion to approve the MOU with Cache County for fire services. The motion was seconded by Commissioner Summers and carried unanimously with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

ATTACHMENT NO. 2 - MOU #22-24

EMERGENCY MANAGEMENT ISSUES

Human Resource Manager Jenica Stander stated the COVID Sick Leave Policy has expired on June 30th, but COVID is still happening and there are some employees needing the time off. She asked the Commissioners to extend the expiration date.

MOTION: Commissioner Summers made a motion to extend the COVID Sick Leave policy for ninety days to September 30, 2022. The motion was seconded by Commissioner Hadfield and unanimously carried with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

ARPA

There were no ARPA items discussed.

COMMISSIONERS

Jonathan Ficklin and Baseball Team-Commissioner Summers

Commissioner Summers stated he has followed the Riverdawgs baseball team and their accomplishments. He said they have won several championships in locations such as Arizona, Idaho, and Nebraska.
The Commissioners honored and presented the team members and coaches with a certificate.

Rocky Mountain Housing Fund – Participating Employer Agreement #22-22-Commissioners

Commissioner Summers explained the Rocky Mountain Housing Fund is a privately funded program to help first time home buyers to be able to get into homes with a lesser amount down.

Attorney Stephen Hadfield stated there was an agreement prepared but there is not a requirement for it to be signed, just a motion to participate in the program.

MOTION: Commissioner Hadfield made a motion to participate in the Rocky Mountain Housing Fund Program. The motion was seconded by Commissioner Hadfield and unanimously carried with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

Emergency Grasshopper Infestation Declaration-Commissioner Summers

Commissioner Summers explained many farmers are experiencing serious drought, grasshoppers, and mormon crickets. He said he received some pictures from a rancher in Park Valley that shows the infestation of grasshoppers and the devastation to their crops.

Emergency Manager Mark Millett stated there aren’t adjacent counties that have disaster declarations in Utah but neighboring counties in other states do.

MOTION: Commissioner Summers made a motion to pass an Emergency Declaration for Drought Pestilence and approve Resolution #22-23. The motion was seconded by Commissioner Hadfield and unanimously carried with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

ATTACHMENT NO. 3 - Resolution #22-23

AUDITOR’S OFFICE

Details of 2022 Tax Sale for Commission Ratification-Shirlene Larsen

Auditor Shirlene Larsen explained they did the tax sale online for the first time this year. She said they received bids on every property but eight bidders never paid due to the properties being parcels out west that are in non-compliance. She stated the Commission should make a motion to reject the eight unpaid bids, then the properties would be stricken back to the county.

MOTION: Commissioner Hadfield made a motion to reject the eight unpaid bids made at the tax sale. The motion was seconded by Commissioner Summers and unanimously carried with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.
Auditor Larsen read the following statement: All property here offered for sale which has not been struck off to a private purchaser is hereby struck off and sold to the county of Box Elder and I hereby declare the fee simple title be vested in the county.

**MOTION:** Commissioner Summers made a motion to ratify the 2022 tax sale as presented. The motion was seconded by Commissioner Hadfield and unanimously carried with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

**COMMUNITY DEVELOPMENT**

*Salt Creek Subdivision Phase 3- 2 Lot - Scott Lyons*

Destin Christiansen, County Planner, explained the Salt Creek Subdivision Phase 3-2 Lot is located at 4700 N 2800 W. It is southwest of Honeyville and has been through all departmental reviews.

**MOTION:** Commissioner Hadfield made a motion to approve the Salt Creek Subdivision Phase 3-2 Lot. The motion was seconded by Commissioner Summers and unanimously carried with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

*Beak's Edge Subdivision Phase 2-Scott Lyons*

Destin Christensen, County Planner, presented the Bekam’s Edge Subdivision Phase 2. He explained it is a seven lot subdivision located at 11050 N 8300 W. He said it has been through all the necessary department reviews and comes with a Subdivision Improvement Agreement.

**MOTION:** Commissioner Summers made a motion to approve the Bekam’s Edge Subdivision Phase 2 and the Subdivision Improvement Agreement. The motion was seconded by Commissioner Hadfield and unanimously carried with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved: Claim numbers 118179 through 118184 in the amount of $1,614.25. Claim numbers 118185 through 118290 in the amount of 1,986,237.54 Claim Numbers 118291 through 118332 in the amount 260,932.64

**PERSONNEL ACTIONS/VOLUNTEER ACTION FORMS – COMMISSIONERS**
CLOSSED SESSION

There was not a closed session.

ADJOURNMENT

A motion was made by Commissioner Summers to adjourn. Commissioner Hadfield seconded the motion, and the meeting adjourned at 5:38 pm.

ADOPTED AND APPROVED in regular session this 20th day of July 2022.

Jeff Scott, Chairman

Stan Summers, Commissioner

Jeff Hadfield, Commissioner

ATTEST:

Marla R. Young, Clerk
AGREEMENT FOR FIRE SUPPRESSION AND OTHER EMERGENCY SERVICES

This AGREEMENT is made and entered into this 6th day of July 2022, by and between the CACHE COUNTY FIRE DISTRICT (the "FIRE DISTRICT"), a duly created basic local district within CACHE COUNTY ("CACHE"), and BOX ELDER COUNTY ("BOX ELDER"), a body corporate and politic of the State of Utah which operates a county fire department. The FIRE DISTRICT and BOX ELDER may be each be referred to individually herein as a Party and collectively herein at the Parties.

This AGREEMENT is made and entered into by and between the parties based upon the following:

A. CACHE has created a basic local district pursuant to Utah Code Annotated section 17B-1-102(2) to provide fire protection and other emergency services in Cache County, agreement 91-3-13. The FIRE DISTRICT includes all areas within CACHE, with the exception of the incorporated areas of Logan City, and is divided into 12 zones.

B. The FIRE DISTRICT is desirous of ensuring fire suppression and other emergency services in all areas of CACHE and is responsible under Utah law to provide for the above mentioned services in the unincorporated portions of CACHE.

C. BOX ELDER maintains and operates a municipal fire department that provides fire protection and other emergency services in the limits of BOX ELDER and is required by Utah law to provide these services.

D. Certain property owners have constructed homes located in the limits of BOX ELDER, accessible only by road through CACHE, making it impracticable for BOX ELDER to offer fire and EMS services alone.

E. This agreement for fire protection and other emergency services is deemed to be in the best interest and for the general welfare of BOX ELDER, the FIRE DISTRICT, and CACHE.

F. This agreement is made pursuant to Utah Code Annotated section 11-7-1 et. seq.

NOW THEREFORE, based upon the mutual consideration and mutual conditions contained herein, the parties hereto do hereby agree as follows:

1. MUTUAL AND AUTOMATIC AID:

   a. BOX ELDER Fire Department shall have, through this Agreement, mutual and/or automatic aide from any other department or agency which holds a current agreement with the FIRE DISTRICT. In return, BOX ELDER agrees to provide the same service to other departments contracting with the FIRE DISTRICT.

   b. BOX ELDER agrees to respond with only those resources requested by dispatch when responding to automatic/mutual aid calls. Furthermore, BOX ELDER agrees to send only certified firefighters to calls outside of the Zone.
2. This Agreement does not supersede any responsibilities, regulations, and/or requirements imposed by state laws or local ordinances upon the FIRE DISTRICT’s Fire Chief or BOX ELDER’s Fire Chief as Authority Having Jurisdiction under the Utah State Fire Code.

3. This Agreement supersedes any previous agreement entered into by and between BOX ELDER and CACHE/FIRE DISTRICT for fire protection and/or other emergency services.

4. Unless sooner terminated as hereinafter provided, the term of this Agreement shall be for a period of 4 years commencing July 1, 2022. The Agreement shall automatically renew for an additional 4 years on each four year anniversary date of this Agreement under the same terms and conditions as set forth herein, unless a Party delivers written notice to the contrary to the other Party at least thirty (30) days prior to the date of expiration.

5. This contract may be terminated by either Party because of the other Party’s failure to perform any of its obligations under the Agreement by giving written notice of termination to the defaulting Party. Termination of the Agreement will become effective ninety (90) days after such written notice is delivered to the defaulting Party.

6. This Agreement and the Parties’ performance under this Agreement shall be governed by the laws of the State of Utah.

7. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the Parties and their permitted successors and assigns; provided, however, that this Agreement cannot be assigned, transferred or conveyed by either Party, without the express, written consent of the other Party.

8. This Agreement and the Attachments thereto constitute the entire agreement for fire/hazmat response between CACHE and BOX ELDER. The Parties acknowledge that there are no other underlying agreements, oral or written, pertaining to the terms of this Agreement.

9. The FIRE DISTRICT and BOX ELDER can amend this contract only by a writing executed during the time this Agreement is in force.

David Zook, Executive
Cache County
Fire Board Chairman

Date

Jeff Scott, County Commissioner
Box Elder County

Date

7/6/2022
PROCLAMATION DECLARING A DISASTER
AND
LOCAL STATE OF EMERGENCY
IN
AREAS OF WESTERN BOX ELDER COUNTY

WHEREAS, a disaster has already occurred or is imminent in that several areas of western Box Elder County have begun to suffer and are continuing to suffer heavy and severe crop damage and loss due to abnormally large insect infestations occurring simultaneously with severe drought conditions; and

WHEREAS, the crop damage from this insect infestation and severe drought is ongoing and increasing, and is expected to continue for the next several days and weeks; and

WHEREAS, this insect infestation and severe drought have already caused serious damage to crops, agricultural lands, agricultural businesses, and various other agricultural activities; and

WHEREAS, this insect infestation and severe drought have caused a condition in areas of western Box Elder County which requires that emergency assistance be provided by Box Elder County to save crops and protect property within its jurisdiction in response to this disaster and avoid the threat of increased disaster; and

WHEREAS, emergency response operations continue throughout areas of western Box Elder County and are severely straining the resources of all responding agencies, and a disaster response plan is in effect; and

WHEREAS, the cost and magnitude of responding to and recovering from the impact of this insect infestation and severe drought are far in excess of Box Elder County’s available resources; and

WHEREAS, Box Elder County is a political subdivision of the State of Utah; and

WHEREAS, these conditions do create and constitute a “local emergency” as defined by §53-2a-201 through §53-2a-219 of the Utah Code; and
NOW THEREFORE, pursuant to §53-2a-208 of the Utah Code, on behalf of the citizens of Box Elder County, Commissioner Jeff Scott, Chairman of the Box Elder County Commission and acting as the chief executive officer of Box Elder County, declares Box Elder County to be in a state of “Local Emergency,” requiring the aid, assistance and relief available pursuant to the provisions of local, state and federal laws.

BOX ELDER COUNTY

Jeff Scott, Chairman
Box Elder County Commission

Marla Young
Box Elder County Clerk
RESOLUTION NO. 22-23

A RESOLUTION OF THE BOX ELDER COUNTY COMMISSION
DECLARING THE EXISTENCE OF A DROUGHT EMERGENCY IN BOX ELDER
COUNTY, UTAH PURSUANT TO §17-8-7 OF THE UTAH CODE

WHEREAS, Box Elder County is currently experiencing drought conditions which are creating a threat to human health and safety, the environment, and the agricultural industry; creating the potential for significant wildfire risks; and negatively impacting culinary, secondary and agriculture water supplies, as well as the general economy of Box Elder County; and

WHEREAS, the continued lack of adequate snowpack and moisture has resulted in lower stream and well water flows, little or no flows into reservoirs and pond levels, decreasing the culinary water supply and reducing supplies of available irrigation water necessary for cultivation of crops, livestock feed resources, and other public uses; and

WHEREAS, the ongoing drought has caused many livestock producers in Box Elder County and throughout Northern Utah to reduce the size of their herds and forced many of them to import feed from other states, which has created a major financial impact on livestock producers; and

WHEREAS, the continued lack of adequate precipitation, coupled with insect infestations and plant stress will likely result in less than normal agricultural production upon Box Elder County farms and ranches through 2022, as well as a reduction of forage growth on the public and private rangelands within Box Elder County; and

WHEREAS, the use of public and private rangelands within Box Elder County has been and will likely continue to be severely restricted or even temporarily suspended as a result of the continued lack of precipitation; and

WHEREAS, the long range weather forecast does not predict significant increases in precipitation in Box Elder County and the State of Utah in general during 2022; and

WHEREAS, it is anticipated that if the current conditions continue into the spring and summer, fire restrictions will be put into place and that the availability for firefighting resources are expected to be limited; and

WHEREAS, fire restrictions and drought conditions will likely impact the
visitor and tourism industry as many will make plans to go to other areas; and

WHEREAS, drought conditions will impact the ability of the Box Elder County Road Department to properly and adequately maintain the County’s roads;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOX ELDER COUNTY COMMISSION, ACTING AS THE LEGISLATIVE BODY OF BOX ELDER COUNTY, UTAH, WITH ______ MEMBERS PRESENT AND ______ MEMBERS IN FAVOR THEREOF, AS FOLLOWS:

Section 1: DECLARATION OF DROUGHT EMERGENCY. Pursuant to §17-8-7 of the Utah Code, we, the Box Elder County Commission, do hereby declare that a drought emergency exists within the jurisdictional boundaries of Box Elder County, Utah.

Section 2: EFFECTIVE DATE. This Declaration of Drought Emergency is necessary for the immediate preservation of the peace, health, and safety of Box Elder County and the inhabitants of the County, so this resolution shall take effect immediately upon approval and adoption.

Section 3: APPOINTMENT OF DROUGHT RESPONSE COORDINATOR. Mark Millet, the Box Elder County Emergency Manager, is hereby appointed as the Box Elder County Drought Response Coordinator during this Declaration of Drought Emergency.

PASSED AND ADOPTED this 6th day of July, 2022.

Box Elder County

JEFF Scott, Chairman
Box Elder County Commission

ATTEST:

Maria R. Young
Box Elder County Clerk