

**MINUTES  
BOX ELDER COUNTY COMMISSION  
MARCH 16, 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 **March 16, 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 11:22 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 Sheriff Kevin Potter.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF MARCH 02, 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**

**Thank you to Chairman Scott - Commissioner Summers**

Commissioner Summers acknowledged that Chairman Scott is serving as Chairman or Vice Chairman on several other boards such as BRAG and the Wasatch Regional Council. He commended him on the extra time and effort he puts into these extra assignments.

**Meeting with Governor Cox - Commissioner Summers**

Commissioner Summers reported that Governor Cox visited Box Elder County for a ribbon cutting ceremony for the broadband expansion in the county. He said they had a great visit with the Governor and visited many of the local businesses.

**FORMER AGENDA ITEMS FOLLOW-UP – COMMISSIONERS**

There were no Former Agenda Items discussed.

**EMERGENCY MANAGEMENT ISSUES**

There were no Emergency Management Items discussed.

**ARPA**

Chairman Scott stated they have received a request from the County Recorder to use ARPA funds to be able to digitize the rest of the documents in their office. This will allow all documents to be able to be viewed online and provide a good service to the public. He said there are other pending requests, but will need to wait for the next installment of ARPA funds.

**PUBLIC INTERESTS / PRESENTATIONS / CONCERNS**

**Requesting Permission to Build a Road on County Right of Way-Jason Grover**

**MOTION:** Commissioner Summers made a motion to table this item. The motion was seconded by Commissioner Hadfield and the item was tabled.

**AUDITOR'S OFFICE**

**Ordinance #555- Tax Sale Moved to Online-Tom Kotter**

Auditor Tom Kotter said the county will be moving to an online tax sale service. It is an opportunity for more bidders to have access to it. He reported there are currently an estimated 90 parcels in this year's sale. He explained Ordinance #555 outlines the new procedures.

**MOTION:** Commissioner Hadfield made a motion to approve Ordinance #555. The motion was seconded by Commissioner Summers and unanimously carried.

**ATTACHMENT No. 2 - Ordinance #555**

**CLERK'S OFFICE**

**Special Service District Resolution #22-03-Marla Young**

Clerk Marla Young stated they need to make a few changes to the resolution so they will bring it back in a later meeting.

**COMMISSIONERS**

**Addendum to Contract #22-08 for Mental Health Services-Chris Bennett**

Commission Secretary, Chrissee Bennett, explained Contract #22-08 is an addendum to the former contract with Bear River Mental Health. It makes changes to some of the costs.

**MOTION:** Commissioner Summers made a motion to approve Contract #22-08. The motion was seconded by Commissioner Hadfield and unanimously carried.

**ATTACHMENT NO. 3 - Addendum to Contract #22-08**

**COMMUNITY DEVELOPMENT**

**John Pickett Subdivision-Scott Lyons**

Community Development Director Scott Lyons presented the John Pickett Subdivision located at approximately 9470 N 11600 W. He stated it is a one-lot, one acre subdivision. The plat has been through the review process and has been approved by all applicable departments.

**MOTION:** Commissioner Hadfield made a motion to approve the John Pickett Subdivision. The motion was seconded by Commissioner Summers and unanimously carried.

**Corridor Preservation Fund- Brigham City Forest Street- Scott Lyons**

Community Development Director Scott Lyons explained the reimbursement request is from Brigham City for their Forest Street Project #CPF19-02. He stated this is the last request of this project in the amount of \$4,297.50.

**MOTION:** Commissioner Summers made a motion to approve the reimbursement from the Corridor Preservation Fund for Project #CPF19-02. The motion was seconded by Commissioner Hadfield and unanimously carried.

**Land Use Code Text Amendment- Removal of MPC (Master Plan Community )Zone-Scott Lyons**

Community Development Director Scott Lyons stated he is following up on the Planning Commission's proposed text amendment regarding the removal of the MPC Zone. The Commissioners wanted to wait and see what transpired in the Willard City meeting. He reported that Willard City added the MPC Zone into their code.

The Commissioners felt the MPC Zone should remain as it accommodates developments currently in place, after the recent changes made to the zone.

**MOTION:** Commissioner Hadfield made a motion to keep the MPC zone. The motion was seconded by Commissioner Summers and unanimously carried.

**WARRANT REGISTER – COMMISSIONERS** The Warrant Register was signed on a motion and the following claims were approved. Claim numbers 117391 through 117451 in the amount of \$1,079,109.07 with voided claim numbers 20220302, 115628, 115857, 116105, 116475 and claim numbers 117452 through 117487 in the amount of \$70,496.88. With voided claim number 117123.

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

Employee Name:	Department:	PA Type:	Effective Date:
YATES, BRANDON	SHERIFF'S OFFICE	TRANSFER	03/14/2022
VALDEZ, AGUSTIN	SHERIFF'S OFFICE	COMPENSATION CHANGE	03/05/2022
BURNINGHAM, ORIA	FIRE MARSHAL'S OFFICE	COMPENSATION CHANGE	01/07/2022
JENSEN, TIFFINE	FIRE MARSHAL'S OFFICE	COMPENSATION CHANGE	03/06/2022
FOWERS, DANIEL	FAIRGROUNDS	NEW HIRE	03/07/2022
ADAMS, AMY	FAIRGROUNDS	CELL PHONE ALLOWANCE	03/01/2022
GIBBS, RENO	FAIRGROUNDS	CELL PHONE ALLOWANCE	03/01/2022
MC FARLAND, DARIN	ROADS	COMPENSATION CHANGE	03/13/2022
WARDLE, BRAXDEN	ROADS	SEPARATION	03/08/2022
MURRAY, SHANE	ROADS	CELL PHONE ALLOWANCE	02/28/2022
PETERSON, JODI	BUILDINGS/GROUNDS	COMPENSATION CHANGE	03/30/2022
GIBSON, TAMMY	CLERK'S OFFICE	COMPENSATION CHANGE	03/20/2022
BOWEN, DAVID	SHERIFF'S OFFICE	TRANSFER	03/13/2022
MURRAY, SHANE	ROAD DEPARTMENT	SEPARATION	03/10/2022
BASE, JANET	EMERGENCY MGMT.	VOLUNTEER	03/16/2022
LOVELL, BRENDA	RECORDER'S OFFICE	SEPARATION	03/18/2022
GUSTAFSON, JANET	AUDITOR'S OFFICE	SEPARATION	03/15/2022

**CLOSED SESSION**

**Strategy session to discuss pending or reasonably imminent litigation and 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;**

**MOTION:** At 11:56 a.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 12:28 p.m. a motion was made by Commissioner Summers to reconvene into regular commission meeting. Commissioner Hadfield seconded the motion. The motion carried unanimously and regular commission meeting was reconvened.

**ADJOURNMENT**

A motion was made by Commissioner Hadfield to adjourn. Commissioner Summers seconded the motion, and the meeting adjourned at 12:29 p.m.

**ADOPTED AND APPROVED** in regular session this 6th day of April 2022.

  
Jeff Scott, Chairman

  
Stan Summers, Commissioner



  
Jeff Hadfield, Commissioner

ATTEST:

 Clerk



**COUNTY COMMISSION MEETING**  
**Commission Chambers, 01 South Main Street, Brigham City, Utah 84302**  
**Wednesday, March 16, 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 March 16, 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: Sheriff Potter
- C. Approve Minutes from 3-02-2022

**3. ADMINISTRATIVE REVIEW / REPORTS / FUTURE AGENDA ITEMS**

**4. FORMER AGENDA ITEMS**

**5. EMERGENCY MANAGEMENT ISSUES**

**6. ARPA**

**7. PUBLIC INTERESTS / PRESENTATIONS / CONCERNS**

- A. 11:38 Requesting Permission to Build a Road on County Right of Way-Jason Grover

**8. AUDITOR'S OFFICE**

- A. 11:48 Ordinance 555- Tax Sale Moved to Online-Tom Kotter

**9. CLERK'S OFFICE**

- A. 11:53 Special Service District Resolution #22-03-Marla Young

**10. COMMISSIONERS**

- A. 11:55 Addendum to Contract #22-08 for Mental Health Services-Chris Bennett

**11. COMMUNITY DEVELOPMENT**

- A. 11:58 John Pickett Subdivision-Scott Lyons
- B. 11:59 Corridor Preservation Fund- Brigham City Forest Street- Scott Lyons
- C. 12:01 Land Use Code Text Amendment- Removal of MPC (Master Plan Community )Zone- Scott Lyons

**12. WARRANT REGISTER**

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

**14. CLOSED SESSION**

**15. ADJOURNMENT**

Prepared and posted this 11th day of March, 2022. Mailed to the Box Elder News Journal and the Leader on the 11th of March, 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.

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.

## **BOX ELDER COUNTY ORDINANCE 555**

AN ORDINANCE OF BOX ELDER COUNTY, UTAH, ESTABLISHING THE METHOD, RULES, AND PROCEDURES FOR CONDUCTING THE ANNUAL TAX SALE, ESTABLISHING AN EFFECTIVE DATE, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND RELATED MATTERS.

Whereas, Utah Code Annotated § 59-2-1351.1 authorizes the Box Elder County Commission to establish procedures, by ordinance, for the sale of properties which have delinquent property taxes due, in a manner which best protects the financial interests of the delinquent property owner and meets the needs of the County to collect delinquent property taxes due; and

Whereas, the Box Elder County Commission finds a public auction with the following defined rules and procedures, provides a fair opportunity for individuals to buy property with delinquent taxes, provides for a mechanism whereby multiple properties may be sold in one day, and protects the financial interests of the owner of property by selling a property to the highest bidder.

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF BOX ELDER COUNTY, UTAH ORDAINS AS FOLLOWS:

### **SECTION 1. DEFINITIONS**

**A. As used in this ordinance:**

- a. "Administrative cost" means expenses incurred by Box Elder County in preparation of the tax sale.
- b. "Bid" means an offer of a purchase price for a property.
- c. "Bidder" means a natural person, husband and wife, or license business entity.
- d. "Collusive bidding" means any agreement or understanding reached by two or more parties that in any way alters the bids the parties would otherwise offer absent the agreement or understanding.
- e. "Public employee" means a person who is not a public officer who is employed on a full-time, part-time, or contract basis by the County.
- f. "Public officer" means all elected or appointed officers of the County who occupy policy making posts.
- g. "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding capital stock of a corporation or interest in any other business entity.



- h. "Tax sale" means the sale of properties with delinquent property tax due as authorized in Utah Code Ann. § 59-2-1351 et. seq.

## SECTION 2. BIDDER REGISTRATION PROCEDURES

The Box Elder County Tax Sale auction will be conducted via an internet website ONLY. Each bidder must register with the online company conducting the Tax Sale. The name of the auction company will be indicated on the County website. Bid deposits may be necessary to register as a bidder. This process must be completed no later than the date and time indicated.

The County and the online auction company cannot or will not be held responsible for late or misdirected bid deposits, proxy bids or any other transmission, mailing, email or other correspondence necessary to participate in the bid.

## SECTION 3. REDEMPTION RIGHTS AND PROCEDURES

A property may be redeemed on behalf of the record owner, by any person, at any time prior to the start of the Tax Sale, on the scheduled date. Property is redeemed by paying to the County Treasurer, all delinquent taxes, interest, penalties, and administrative costs which have accrued on the property. Paying the delinquent amount does not grant ownership to the individual(s) or party(s) paying all delinquent taxes, interest, penalties, and administrative costs. This only removes the property from the Tax Sale.

## SECTION 4. PROHIBITED CONDUCT

Collusive bidding is not permitted and is punishable as a Class C Misdemeanor. Collusive bidding means to conspire to rig bids or fix prices to make it difficult or impossible for other individuals to take part in the bidding process.

## SECTION 5. CONFLICT OF INTEREST PROHIBITIONS AND DISCLOSURE REQUIREMENTS

Every County official or employee who purchases or has a substantial interest in any business entity which purchases property at the Tax Sale must disclose said interest in a sworn statement filed with the Box Elder County Clerk, and a copy of which is to be provided to the Box Elder County Commission, Box Elder County Attorney's Office, and their immediate supervisor. These disclosures are public information and shall be available to the public for inspection.

No official or employee may have a personal investment in a business entity which will create a substantial conflict between his private interests and his public duties related to the Tax Sale.

#### SECTION 6. CRITERIA FOR ACCEPTING OR REJECTING BIDS

All bidding shall be conducted through the online company conducting the Tax Sale for the County. Bidding will advance in increments of a minimum of \$100 or as indicated on each parcel listed for sale with the minimum acceptable bid starting at the sum of taxes, penalties, interest and administrative costs owed on the parcel.

All bids shall be considered conditional whether or not the bid is contested, until reviewed and accepted by the Board of County Commissioners acting at a regularly scheduled Commission meeting.

The County reserves the right to reject any and/or all bids.

#### SECTION 7. SALE RATIFICATION PROCEDURES

The Box Elder County Auditor, or assigned Deputy, shall present the results of the May Tax Sale no later than four regularly scheduled County Commission meetings after the sale. The County Auditor, or assigned Deputy, will inform the Commission regarding the number of properties sold, the number of properties struck off to the County, and the high bid amount for each property offered for sale at the Tax Sale.

The County Commission may ratify the results of the Tax Sale after hearing the details offered by the Box Elder County Auditor or assigned Deputy.

#### SECTION 8. CRITERIA FOR GRANTING BIDDER PREFERENCE

All bidders have an equal opportunity to offer a bid on properties. Bids may be placed incrementally, or by "Auto Bid," in which a bidder's maximum offer is confidentially recorded by the system. Bidders who make a bona fide bid in the highest amount for a property become the successful bidder of the property auction.

#### SECTION 9. METHOD AND PROCEDURE OF PAYMENT, FEES AND PREMIUMS

All bids are an irrevocable offer to purchase the property in question. A bidder is legally and financially responsible for all properties bid upon. Payment in full by certified check/money order or wire transfer will be required no later than three (3) business days after the Tax Sale

closes, unless otherwise advertised. No personal checks will be accepted, and no financing is available. Other payment methods may be accepted depending on on-line bid company's rules.

A minimum \$40 recording fee is required in addition to the winning bid, the fee amount is to be based on the fee scheduled of the Box Elder County Recorder's Office at the time of the sale. Premiums charged by the online auction company may be associated with the sale of properties. This amount will be added to the winning bid and will be included in the total purchase price paid by the Buyer to the Seller. If the payment policy is not adhered to, the successful bidder will be considered in default. Any bid deposits will be forfeited to the Box Elder County Treasurer and the successful bidder will be banned from future sales. The Box Elder County Treasurer reserves the right to pursue all available legal remedies against a non-paying bidder.

#### SECTION 10. PROCEDURES FOR CONTESTING BIDS AND SALES

Any person wishing to contest any action taken in connection with the Box Elder County Tax Sale must present such protest to the Box Elder County Commission through the Box Elder County Clerk's Office in writing, within ten (10) calendar days of the sale.

Box Elder County Clerk  
1 S. Main St.  
Brigham City, UT 84302

#### SECTION 11. CRITERIA FOR STRIKING PROPERTIES TO THE COUNTY

Any parcel which does not receive a minimum bid shall be struck off to Box Elder County. Parcels struck off to the County may be available for sale through the Box Elder County Auditor's Office when approved by the Box Elder County Commission.

Upon any final bid being rejected, the parcel may be offered to a bidder who offered the second highest bid in the amount of that bid. If the second highest bidder rejects the offer, the property shall be struck off to Box Elder County.

#### SECTION 12. PROCEDURES FOR DISCLOSING PROPERTIES WITHDRAWN FROM THE SALE

The Auction website will update the list of properties as often as possible, until the week leading up to the Tax Sale, then it will update once a day until the start of the sale. The Box Elder County website will be updated regularly with any changes in the available properties. If the list is published in a local newspaper, it will be updated with any changes prior to its publication each week.

Any properties which are redeemed or removed immediately prior to the beginning of the live auction the day of the Tax Sale, will be stricken and removed from live bidding prior to the close of the bid group.

### SECTION 13. DISCLAIMER BY COUNTY WITH RESPECT TO TAX SALE PROCEDURES

Properties sold via the online Box Elder County Tax Sale shall be conveyed by Auditor's Tax Deed. This form of deed is not a warranty deed. No warranty or guarantee is made, expressed or implied, relative to the title, location, or condition of properties for sale. In addition, the County assumes no responsibility, implied or otherwise, that Tax Sale properties are in compliance with zoning ordinances, mining and reclamation regulations, building codes and permits, and/or any other applicable regulations or permits. In addition, Box Elder County makes no warranties or representations as to whether the property is buildable or developable.

Any property sold pursuant to the Tax Sale is without guarantee or warranty whatsoever as to existence, correctness of ownership, size, boundaries, location, structures or lack of structures upon the land, liens, titles, or any other matter or thing whatsoever. Box Elder County does not warrant or represent that any property purchased during the Tax Sale is habitable or in any particular condition.

Box Elder County also makes no warranties or representations regarding the accuracy of the assessment of the property or accuracy of the legal description of the real estate or improvements thereon. It is the responsibility of the bidder to determine the physical aspects of the property, its geographical location, and accessibility. Box Elder County makes no warranties regarding the availability, validity, or existence of water rights associated with any of the properties sold during the Tax Sale.

It is the bidder's responsibility to determine the liabilities, including other liens and encumbrances that exist on each property before and after the sale. The properties are sold "as is." Additionally, Box Elder County is not liable in any way whatsoever for damages sustained to property purchased from the time of sale until the recordation of the Auditor's Tax Deed to a purchaser.

All properties sold at the Box Elder County Tax Sale fall under the rule of *caveat emptor*, or "let the buyer beware", and all purchasers are accordingly hereby so notified.

#### SECTION 14. SEVERABILITY

Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

#### SECTION 15. REPEAL OF CONFLICTING ORDINANCES

To the extent that any ordinances, resolutions, or policies of Box Elder County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

#### SECTION 16. EFFECTIVE DATE

This Ordinance, Box Elder County Ordinance 555, shall become effective immediately after the required publication thereof, as set forth in Utah Code § 17-53-208(6).

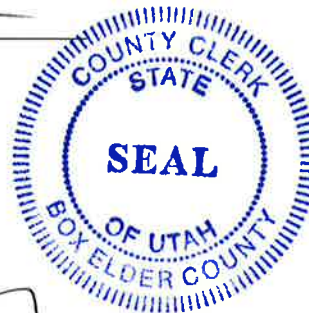
PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF  
BOX ELDER COUNTY, UTAH this 16<sup>th</sup> day of March 2022.

BOARD OF COUNTY COMMISSIONERS  
BOX ELDER COUNTY, UT

BY:   
JEFF SCOTT, COMMISSION CHAIR

ATTEST:

  
MARLA YOUNG, COUNTY CLERK



## **ADDENDUM TO CONTRACT FOR MENTAL HEALTH SERVICES**

This Addendum is made and entered into by and between **BOX ELDER COUNTY**, a body politic, which shall be called "**COUNTY**" in this Addendum and **BEAR RIVER MENTAL HEALTH SERVICES, INC.**, a Utah non-profit corporation, which shall be called the "**CENTER**" in this Addendum.

This Addendum amends item 3, page 3, "**Compensation or Reimbursement**".

The reimbursement for services provided by the **CENTER**, as described in the original agreement, shall be for the period from January 1, 2022 through December 31, 2022 in the amount of \$143,144

All remaining sections of the current contract remain as described in the original document, including the **Term**: January 1, 2017 through December 31, 2022.

**IN WITNESS WHEREOF**, the parties have executed this Addendum in duplicate, each of which will be deemed an original, on the 16<sup>th</sup> day of March, 2022.

**BOX ELDER COUNTY**

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**

  
\_\_\_\_\_  
Jeff Scott, Board Chairman  
Box Elder County Commissioners

\_\_\_\_\_  
Beth Smith, President/CEO  
Bear River Mental Health Services, Inc.