

**MINUTES  
BOX ELDER COUNTY COMMISSION  
FEBRUARY 26, 2025**

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 **February 26, 2025**. The following members were present:

Boyd Bingham	Chairman
Lee Perry	Commissioner
Tyler Vincent	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 Bingham at 11:30 a.m. with the following members present, constituting a quorum:

Boyd Bingham	Chairman
Lee Perry	Commissioner
Tyler Vincent	Commissioner
Marla Young	County Clerk

The prayer was offered by Chairman Bingham.

The Pledge of Allegiance was led by Fire Marshal Kevin Lloyd.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 26, 2025 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VINCENT, SECONDED BY COMMISSIONER PERRY AND UNANIMOUSLY CARRIED.**

**ATTACHMENT NO. 1 - AGENDA**

**ADMINISTRATIVE REVIEW/REPORTS/FUTURE AGENDA ITEMS – COMMISSION**

The Commissioners asked to have the Bessinger tax payments discussion on the next agenda.

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

There were no Former Agenda Items discussed.

**EMERGENCY MANAGEMENT ISSUES**

There were no Emergency Management Issues discussed.

**ARPA/LATCF**

There were no ARPA/LATCF issues discussed.

**BOX ELDER COUNTY EMPLOYEE RECOGNITION**

Commissioner Vincent stated they appreciate the county employees and their hard work. He read a nomination recommending Diana Gerhart of the Assessor’s Office for employee of the month. He said she is friendly and has a wonderful smile. She has a joyful personality and is very efficient. She handles everything professionally and is open to suggestions to come to a workable solution. She works hard to diffuse hard situations.

The Commissioners presented Diana Gerhardt with a certificate.

**PUBLIC INTERESTS / PRESENTATIONS / CONCERNS**

***Youth of the Year Speech-Warren Jensen Boys and Girls Club Youth of the Year***

Warren Jensen, Boys and Girls Club Youth of the Year, gave a summary of the benefits of being a part of the Boys and Girls Club. He spoke of a difficult time in his life and how the club helped him to have good adults in his life. He stated his future is brighter and better because of the club and is working to make a good life.

**CLERK'S OFFICE**

**Appoint Bryan E. Davis to the Corinne Cemetery Board-Marla Young**

Clerk Marla Young expressed appreciation to Roger Burt for serving on the Corinne Cemetery District board. She stated the district has advertised and recommends Bryan E. Davis to serve on the board to complete Roger Burt's term.

**MOTION:** Commissioner Perry made a motion to approve Bryan E. Davis as a board member on the Corinne Cemetery Board. The motion was seconded by Commissioner Vincent and unanimously carried on a roll call vote of Chairman Bingham voting Yea, Commissioner Perry voting Yea, and Commissioner Vincent voting Yea.

**Appoint Jeff Forsgren to Box Elder County and Willard City Flood Control Special Service District-Marla Young**

Clerk Marla Young thanked Zeke Marshall for serving on the Willard City Flood Control Special Service District board. The board has recommended that the Commission appoint Jeff Forsgren to fill the vacancy.

**MOTION:** Commissioner Vincent made a motion to appoint Jeff Forsgren to the Willard City Flood Control Special Service District. The motion was seconded by Commissioner Perry and unanimously carried on a roll call vote of Chairman Bingham voting Yea, Commissioner Perry voting Yea, and Commissioner Vincent voting Yea.

**COMMISSIONERS**

**Bear River Mental Health Audit Report-Rob Johnson**

Rob Johnson, Finance Director of Bear River Mental Health, stated that each year they give a report on the financial audit per state code. He shared the auditor's opinion and financial position to be in accordance with the accounting principles required. He gave the statement of financial position. He presented the expenditures and revenue and explained the purpose of the organization. He said they serve the mentally ill in the tri-county area including Box Elder, Cache, and Rich . They provide therapy, places for the mentally ill to stay, and provide early intervention with children.

**Addendum #25-08 to Contract for Bear River Mental Health Services-Rob Johnson**

Rob Johnson, Finance Director of Bear River Mental Health, explained Addendum #25-08 adjusts the reimbursement for services for 2025.

**MOTION:** Commissioner Vincent made a motion to approve Addendum #25-08. The motion was seconded by Commissioner Perry and unanimously carried on a roll call vote of Chairman Bingham voting Yea, Commissioner Perry voting Yea, and Commissioner Vincent voting Yea.

**ATTACHMENT NO. 2 - Addendum #25-08**

**Fee Waiver for use of Fairgrounds for Box Elder School District Foundation Jubilee of Trees-Keith Mecham and Linda Kuwani**

Keith Mecham and Linda Kiwana explained the Box Elder School District Foundation's main initiatives. The foundation is not tied to the school money. It supports fine arts clinics and workshops, stem projects, special teacher projects, and student health and wellness. One of the fundraisers is the Jubilee of Trees. They asked for a fee waiver of the fine arts building for the event on November 11-15, 2025.

Chairman Bingham gave some guidelines and conditions to use the building, such as cleaning and care of the building.

**MOTION:** Commissioner Vincent made a motion to authorize a fee waiver for the Jubilee of Trees event with the conditions discussed. The motion was seconded by Commissioner Perry and unanimously carried on a roll call vote of Chairman Bingham voting Yea, Commissioner Perry voting Yea, and Commissioner Vincent voting Yea.

**Resolution #25-04 Creating an Agricultural Protection Area in West Corinne-Marla Young**

Clerk Marla Young stated Resolution #25-04 creates and Agricultural Protection area in West Corinne. A public hearing was held at the last Commission meeting.

**MOTION:** Commissioner Vincent made a motion to approve Resolution #25-04. The motion was seconded by Chairman Bingham. The motion carried on a roll call vote of Chairman Bingham voting Yea, Commissioner Vincent voting Yea, and Commissioner Perry voting Nay.

**ATTACHMENT NO. 3 - Resolution #25-04**

**COMMUNITY DEVELOPMENT**

**Public Hearing for Easement Vacation in South Willard-Scott Lyons**

Community Development Director Scott Lyons explained they received a request to vacate a storm water easement in Bay View Estates Subdivision in South Willard. The basin is located in the Willard City Flood Control District. He said the two landowners of lots 7 and 8 approached the flood control district and asked for it to be vacated as it takes up a portion of their property and it has never functioned as it was intended. He said the flood control district has reassessed the engineering and there is another basin about 6 houses down that does function the way it is supposed to. The district came to the conclusion that this basin is non functional and could be vacated.

**MOTION:** Commissioner Vincent made a motion to open the public hearing. The motion was seconded by Commissioner Perry and the hearing was open for public comment.

**Bernie Rittenour** stated he is the owner of one of the lots and has lived there for twenty four years. He said there has never been water in the basin. It has never functioned properly or had maintenance to it from the service district. He has tried to maintain it.

**Sarah Jackman** stated she is the other owner and hasn't seen water in the basin and it isn't maintained. It takes up a huge part of their yard and they would like to utilize it.

**MOTION:** Commissioner Vincent made a motion to close the public hearing. The motion was seconded by Commissioner Perry and the hearing was closed.

**Ordinance #616 An Ordinance for Vacating an Easement-Scott Lyons**

Community Development Director Scott Lyons stated Ordinance #616 vacates the storm water easement.

**MOTION:** Commissioner Vincent made a motion to approve Ordinance #616. The motion was seconded by Commissioner Perry and unanimously carried on a roll call vote of Chairman Bingham voting Yea, Commissioner Perry voting Yea, and Commissioner Vincent voting Yea.

**ATTACHMENT NO. 4 - Ordinance #616**

**WEED DEPARTMENT**

**Final Approval for the new Weed Board Member Ryan Adams-Wyatt Freeze**

Wyatt Freeze, Weed Department Supervisor, explained Buzz Nelson's term has expired and the board recommended Ryan Adams as the replacement for the vacancy.

**MOTION:** Commissioner Vincent made a motion to appoint Ryan Adams to the Weed Board. The motion was seconded by Commissioner Perry and unanimously carried on a roll call vote of Chairman Bingham voting Yea, Commissioner Perry voting Yea, and Commissioner Vincent voting Yea.

**TREASURER'S OFFICE**

**Forgiveness on Greenbelt Taxes Parcel #01-041-0043 and #01-041-0044- Bob Davis**

Diana Gerhart, Chief Deputy Assessor, explained a quit claim deed was recorded on 4/20/2023 that divided two parcels for the 2024 tax year. The quit claim caused the need for a new greenbelt application by the owner. She gave a timeline and record of notifications sent from the county. Due to not having a new greenbelt application filed in time, the properties were removed from greenbelt and the property taxes were charged. Technically there should be a roll back tax on it but they are willing to waive the roll back or not apply the roll back because the use is there. They are not questioning that the use of the property is agriculture.

Shaun Thornley, County Treasurer, stated Mr. Davis came in on December 2, 2024 and paid a portion of the taxes on both parcels. There is still tax owing on them and there are penalties and interest on the taxes. The total tax still owed on the two parcels is \$7,134.41. Of that amount \$282.51 is penalties and interest. The Treasurer's Office is amenable to forgo the roll back tax but the remaining taxes should be charged.

Bob Davis stated he is guilty of misunderstanding tax laws. He said he is not trying to get out of the taxes but there was a lot of confusion with greenbelt. He said the county required him to do a lot line adjustment which forced him out of greenbelt.

**MOTION:** Commissioner Perry made a motion to forgive the charges for the roll back, but pay the property tax and penalties since the proper notification was done. The motion was seconded by Commissioner Vincent and unanimously carried on a roll call vote of Chairman Bingham voting Yea, Commissioner Perry voting Yea, and Commissioner Vincent voting Yea.

### **HUMAN RESOURCES**

#### **2025 Public Safety Compensation Procedures-Jenica Stander**

HR Manager Jenica Stander stated they made a change to the policy for public safety compensation procedures last year but they neglected to include the mid-year adjustments for detective, sergeant, and corporal. The policy change is for this year only.

**MOTION:** Commissioner Vincent made a motion to approve the 2025 Public Safety Compensation Procedures. The motion was seconded by Commissioner Perry and unanimously carried on a roll call vote of Chairman Bingham voting Yea, Commissioner Perry voting Yea, and Commissioner Vincent voting Yea.

#### **PUBLIC COMMENT (No action will be taken at this time)**

Chairman Bingham reviewed the guidelines for the public comment period.

**DeAnna Hardy of Brigham City** stated that after reviewing the Commission assignments it is evident our local government is doing more than they should. She said nearly all the assignments for each public program can and should be put back into the free market. All socialist programs should be closed and not allowed into our government. The citizens cannot afford to sustain all the socialism that has been allowed into our government. The Box Elder Committee of Liberty petitions the Commission to reduce and restore our local government to its limited and proper role. She stated her comments were removed on a recent facebook thread about the TTAB grants.

### **WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved: Claim numbers 125917 through 126015 in the amount of \$ \$1,460,097.31 with voided claim number 125523. Claim numbers 126016 through 126029 in the amount of \$157,648.66 were also approved.

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

<b>Employee Name:</b>	<b>Department:</b>	<b>Change:</b>	<b>Effective Date:</b>
QUINTERO, ALYSSA	CLERK	NEW HIRE	2/19/2025
BURNETT, MICHAEL	ROAD DEPARTMENT	REHIRE	2/24/2025
PHELPS, LLOYD DELL	FIRE MARSHAL	STATUS CHANGE	1/12/2025
JORGENSEN, KAYDEN	FIRE MARSHAL	STATUS CHANGE	1/12/2025
BRAEGGER, SHANE	SHERIFF'S OFFICE	COMPENSATION CHANGE	1/31/2025
GABRIEL, TYLER	SHERIFF'S OFFICE	COMPENSATION CHANGE	1/14/2025
DYKENS, SHAUN	SHERIFF'S OFFICE	NEW HIRE	1/13/2025
HINDBERG, BRIAN	ROAD DEPARTMENT	SEPARATION	2/18/2025
ANDERSON, ROBERT	EMERGENCY MGMT	VOLUNTEER	2/26/2025
STEVER, DORENE	EMERGENCY MGMT	VOLUNTEER	2/26/2025
YOUNG, DANA	SEARCH AND RESCUE	VOLUNTEER	2/26/2025
MAES, MANUEL	SEARCH AND RESCUE	VOLUNTEER	2/26/2025
DAVENPORT, JUSTIN	FIRE MARSHAL	VOLUNTEER	2/26/2025
SCOTHERN, TYSON	FIRE MARSHAL	VOLUNTEER	2/26/2025
PACKER, JENNIFER	FIRE MARSHAL	VOLUNTEER	2/26/2025
COX, ANTHONY	FIRE MARSHAL	VOLUNTEER	2/26/2025
MUNOZ, JAVIER	FIRE MARSHAL	VOLUNTEER	2/26/2025
PREITAS, JOAO	FIRE MARSHAL	VOLUNTEER	2/26/2025
ABBOTT, MARK	FIRE MARSHAL	VOLUNTEER	2/26/2025
BENGTZEN, ROBERT	FIRE MARSHAL	VOLUNTEER	2/26/2025
HALES, STEVE	FIRE MARSHAL	VOLUNTEER	2/26/2025
HERMANN, TANNER	FIRE MARSHAL	VOLUNTEER	2/26/2025
PHILLIPS, TIMAREE	FIRE MARSHAL	VOLUNTEER	2/26/2025
GRAY, CHAD	FIRE MARSHAL	VOLUNTEER	2/26/2025
CARTER, BLAINE	FIRE MARSHAL	VOLUNTEER	2/26/2025
KUNZLER, BRADLEY	FIRE MARSHAL	VOLUNTEER	2/26/2025
PUGSLEY, BRICK	FIRE MARSHAL	VOLUNTEER	2/26/2025
KUNZLER, DANIELLE	FIRE MARSHAL	VOLUNTEER	2/26/2025
MORRIS, DAVID	FIRE MARSHAL	VOLUNTEER	2/26/2025
WESTMORELAND, EMILIE	FIRE MARSHAL	VOLUNTEER	2/26/2025
PUGSLEY, FLINT	FIRE MARSHAL	VOLUNTEER	2/26/2025
CARTER, JAY	FIRE MARSHAL	VOLUNTEER	2/26/2025



PUGSLEY, JORDAN	FIRE MARSHAL	VOLUNTEER	2/26/2025
KUNZLER, KELLIE	FIRE MARSHAL	VOLUNTEER	2/26/2025
WESTMORELAND, KELTON	FIRE MARSHAL	VOLUNTEER	2/26/2025
KUNZLER, KERRY	FIRE MARSHAL	VOLUNTEER	2/26/2025
LARSEN, KISTEA	FIRE MARSHAL	VOLUNTEER	2/26/2025
WESTMORELAND, LANCE	FIRE MARSHAL	VOLUNTEER	2/26/2025
TIDROW, LOGAN	FIRE MARSHAL	VOLUNTEER	2/26/2025
KUNZLER, NICK	FIRE MARSHAL	VOLUNTEER	2/26/2025
MORRIS, SPENCER	FIRE MARSHAL	VOLUNTEER	2/26/2025
KUNZLER, WILLIAM	FIRE MARSHAL	VOLUNTEER	2/26/2025
ROSE, WILLIAM	FIRE MARSHAL	VOLUNTEER	2/26/2025
MORA, REY	FIRE MARSHAL	VOLUNTEER	2/26/2025
RICHEY, JOSEPH	FIRE MARSHAL	VOLUNTEER	2/26/2025
MABUS, REML	LANDFILL	SEPARATION	2/26/2025

**CLOSED SESSION**

There was not a closed session.

**ADJOURNMENT**

A motion was made by Commissioner Vincent to adjourn. Commissioner Perry seconded the motion, and the meeting adjourned at 12:37 p.m.

**ADOPTED AND APPROVED** in regular session this 12th day of March 2025.

  
Boyd Bingham, Chairman

  
Lee Perry, Commissioner

  
Tyler Vincent, Commissioner



ATTEST:

  
Marla R. Young, Clerk



## COUNTY COMMISSION MEETING

Commission Chambers, 01 South Main Street, Brigham City, Utah 84302

Wednesday, February 26, 2025 at 11:30 AM

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### 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 February 26, 2025 in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah. Please be advised that a member of the Board of Commissioners may not be present at the upcoming meeting in person but may participate via phone or other electronic means.*

#### 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 Bingham
- B. Pledge of Allegiance Given by: Fire Marshall Kevin Lloyd
- C. Approve Minutes February 12, 2025

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

#### 4. FORMER AGENDA ITEMS

#### 5. EMERGENCY MANAGEMENT ISSUES

#### 6. ARPA/LATCF

#### 7. BOX ELDER COUNTY EMPLOYEE RECOGNITION

#### 8. PUBLIC INTERESTS/ PRESENTATIONS/ CONCERNS

- A. 11:40 Youth of the Year Speech-Warren Jensen Boys and Girls Club Youth of the Year

#### 9. CLERK'S OFFICE

- A. 11:50 Appoint Bryan E. Davis to the Corinne Cemetery Board-Marla Young
- B. 11:52 Appoint Jeff Forsgren to Box Elder County and Willard City Flood Control Special Service District-Marla Young

#### 10. COMMISSIONERS

- A. 11:54 Bear River Mental Health Audit Report-Rob Johnson
- B. 11:59 Addendum #25-08 to Contract for Bear River Mental Health Services-Rob Johnson
- C. 12:01 Fee Waiver for use of Fairgrounds for Box Elder School District Foundation Jubilee of Trees- Keith Mecham and Linda Kuwani

- D. 12:03 Resolution #25-04 Creating an Agricultural Protection Area in West Corinne-Marla Young

**11. COMMUNITY DEVELOPMENT**

- A. 12:05 Public Hearing for Easement Vacation in South Willard-Scott Lyons
- B. 12:15 Ordinance #616 An Ordinance for Vacating an Easement-Scott Lyons

**12. WEED DEPARTMENT**

- A. 12:17 Final Approval for the new Weed Board Member Ryan Adams-Wyatt Freeze

**13. TREASURER'S OFFICE**

- A. 12:19 Forgiveness on Greenbelt Taxes Parcel #01-041-0043 and #01-041-0044- Bob Davis

**14. HUMAN RESOURCES**

- A. 12:24 2025 Public Safety Compensation Procedures-Jenica Stander

**15. PUBLIC COMMENT (No action will be taken at this time)**

- A. Those wishing to make a public comment shall sign the comment roll and will be responsible for following the rules outlined in the County Commission Rules and Procedures.
- B. Speakers will have one, three (3) minute opportunity to speak regardless of the number of items they wish to address.
- C. Speakers shall address their comments to the County Commission only. This is a time to be heard, there will not be a back and forth dialogue with the Commissioners.
- D. Speakers may file copies of their remarks or supporting information with the County Clerk. The County Clerk will make the information available to the County Commission.

**16. WARRANT REGISTER**

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

**18. CLOSED SESSION**

**19. ADJOURNMENT**

Prepared and posted this 21st day of February, 2025. Mailed to the Box Elder News Journal and the Leader on the 21st of February, 2025. 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.



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.

**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, 2025 through December 31, 2025 in the amount of \$177,296.

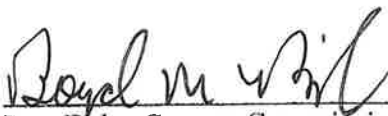
All remaining sections of the current contract remain as described in the original document, including the **Term**: January 1, 2023 through December 31, 2033.


**IN WITNESS WHEREOF**, the parties have executed this Addendum in duplicate, each of which will be deemed an original, on the 9<sup>th</sup> day of

January, 2025.

**BOX ELDER COUNTY**

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

  
Box Elder County Commissioner

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



State of Utah

SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor

Department of Human Services

TRACY S. GRUBER  
Executive Director

NATE CHECKETTS  
Deputy Director

DAVID LITVACK  
Deputy Director

Certification of Audit Review by County

As required under the provisions of contracts with Local Substance Abuse and Mental Health Authorities

The requirement for members of the Local Substance Abuse and Mental Health Authorities to annually certify receipt and review of the independent audit and interview with the provider's executive officers is to assure compliance with the following statutory mandates:

Each member of the Local Substance Abuse and Mental Health Authority shall annually certify that they have received and reviewed the independent audit and have participated in a formal interview with the provider's Executive Officers. (See Utah Code 26B-5-108-1-d)

That an independent audit shall be conducted pursuant to title (51-2a-2-201.5-2) and that the prescribed Guidelines and procedures are in accordance with the State Auditor. (See Utah Code 67-3-1)

That the Local Substance Abuse and Mental Health Authority is exercising sufficient oversight and control over public funds allocated for substance abuse and mental health programs and services.

The Local Mental Health Authority of Box Elder County provides this assurance.

County Commissioner/Councilmember

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County Commissioner/Councilmember

County Commissioner/Councilmember

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County Commissioner/Councilmember

County Commissioner/Councilmember

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County Commissioner/Councilmember

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County Commissioner/Councilmember

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County Manager/Executive/Mayor

Date: February 26, 2025

Please submit this certification electronically to:

The Utah Division of Substance Abuse and Mental Health  
Attention: Kelly Ovard  
kovard@utah.gov



RESOLUTION NO. 25-04

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF BOX ELDER COUNTY, UTAH APPROVING A PROPOSAL TO CREATE AN AGRICULTURE PROTECTION AREA.

The Board of Commissioners of Box Elder County, Utah as the county legislative body of Box Elder County, Utah, referred to herein as the “County Commission” recite the following as the basis for adopting this Resolution:

- A. A proposal was filed by a landowner or landowners that a total of 652.66 acres of land in agriculture production located in Box Elder County be established and created as an agriculture protection area.
- B. Notice of the filing of the proposal was published pursuant to UCA Section 17-41-402 and all proposals for modification and objections were received by the County Commission.
- C. The County Commission referred the proposal and all proposed modifications and objections to the Box Elder County Agriculture Protection Area Advisory Board and the Box Elder County Planning Commission. Reports from each of these boards were received and reviewed by the County Commission.
- D. The County Commission conducted a public hearing pursuant to notice as required by UCA Section 17-41-304 and received public comment from all persons who appeared at the public hearing held on February 12, 2025 and spoke in favor or against the proposal, any proposed modifications to the proposal or the recommendations of the Advisory Board and the Planning Commission
- E. The County Commission has considered all of the reports, comments and information provided to it and has considered whether the land within the proposed agriculture protection area is currently being used for agriculture production, whether the land is zoned for agriculture use, whether the land is viable for agriculture production, the extent and nature of existing or proposed farm improvements and anticipated trends in agricultural and technological conditions that might affect the proposed agriculture protection area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Box Elder County, Utah:

Section 1. Agriculture Protection Area Created. The following land is hereby created and established as an agriculture protection area pursuant to Utah Code Annotated Title 17, Chapter 41:

*(See Attachment A)*

Section 2. Notice of Creation of Agriculture Protection Area. The Box Elder County Clerk shall maintain on file a copy of this Resolution within ten days from the adoption of this



Resolution in order to give constructive notice of the existence of this agriculture protection area as provided in Utah Code Annotated Section 17-41-304.4. The Box Elder County Clerk shall also provide a copy of this Resolution to the Box Elder County Planning Commission within ten days from the date hereof. The Box Elder County Clerk is further ordered to send a copy of this Resolution, with the stamp of the County Clerk of deeds, to the Utah Commissioner of Agriculture within ten days after recordation of this Resolution.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 26<sup>th</sup> day of February, 2025.

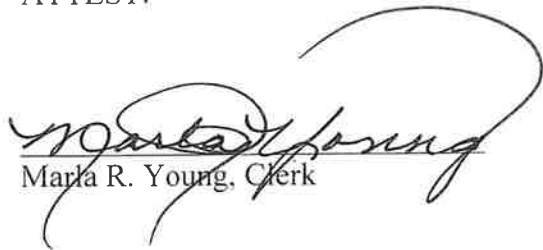
  
Boyd Bingham, Chairman

  
Lee Perry, Commissioner

  
Tyler Vincent, Commissioner



ATTEST:

  
Marla R. Young, Clerk

# Acknowledgment

State of Utah )

County of Box Elder<sup>s</sup>

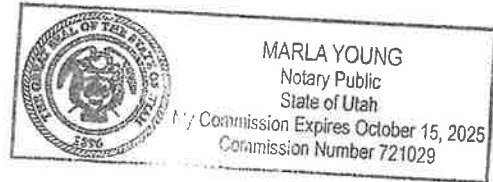
On this 28<sup>th</sup> day of February, in the year 2025, before me, Marla R. Young a notary  
date month year notary public name

public, personally appeared Boyd Bingham, Lee Perry,  
and Tyler Vincent, proved on the basis of satisfactory  
name of document signer

evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged  
(he/she/they) executed the same.

Witness my hand and official seal.

Marla Young  
(notary signature)



(seal)

ATTACHMENT A

03-166-0001

BEG AT NW CORNER OF SEC 11, T 09N, R 03W, SLM. THENCE EAST 2640 FT; SOUTH 726 FT; WEST 1320 FT; SOUTH 594 FT; WEST 1320 FT; NORTH 1320 FT TO BEG.

03-166-0003

AT SE COR OF NW/4 OF NW/4 OF SEC 11 TWP 9N, R 3W, SLM, RUNNING S 660 FT W 330 FT, S 660 FT, W 990 FT, N 1320 FT, E 1320 FT TO BEG.

03-166-0004

BEG AT SE COR OF NW/4 OF SEC 11, TWP 9N, R 3W, SLM, RUNNING W 100 RD N 40 RDS, E 100 RDS, S 40 RDS TO BEG.

SUBJECT TO A 16 FT R/W ON E LINE (Z OF MISC PG 471)

04-075-0006

BEG AT A PART 120 RODS N OF SE COR OF SEC 32, TWP 10N, R 3W, SLM, W 212 RODS, N 40 RODS, E 52 RODS, N 40 RODS, E 160 RODS, S 80 RODS TO BEG.

EXCEPTING THEREFROM EXIST ROADS AND R/W.

LESS: BEG AT NW COR OF SE/4 OF SD SEC, E 181.5 FT, S 621 FT, W 33 FT, N 588 FT, W 148.5 FT, N 33 FT TO POB

LESS: BEG AT A PART ON THE W R/W LINE OF 7600 W ST LOCATED S 00°00'00" W ALONG THE EAST LINE OF SD SEC 2221.39 FT & N 90°00'00" W 33 FT FROM NE COR OF SD NE/4, S 00° 00'00" W 164.38 FT, S 89°46'00" W 396.61 FT, N 00°00'00" W 164.38 FT, N 89°46'00" E 396.61 FT TO POB.

03-162-0013

PRT SE/4 SEC 03 T09N R03W SLM. BEG AT PT LOC 33.00 FT N89°01'50"W FRM NE COR SD SE/4 SD POB BEING ON W/L 6000 W ST, N89°01'50"W 1288.17 FT ALG E/W 1/4 SEC/L TO NW COR NE/4 SD SE/4, S00°04'20"W 1622.79 FT, N75°59'32"E 828.49 FT, N54°34'01"E 594.36 FT TO W/L SD 6000 W ST, N00°06'38"W 483.49 FT ALG SD/L, S89°53'22"W 181.50 FT, N00°06'38"W 120.00 FT, N89°53'22"E 181.50 FT TO SD W/L, N00°06'38"W 423.24 FT TO POB.

04-075-0021

BEG ON W/L OF 7600 W ST AT PT 1654.80 FT N ALG SEC/L & 33.0 FT W FRM SE COR SEC 32 T10N R03W SLM, W1308.17 FT TO FENCE/L, TH FOLLOWING FOUR COURSES ALG FENCE/L: (1) N00°02'24"W 342.46 FT (TO ANCIENT FENCE/L BEING SLY BDY OF ADJOINERS PROP, REC AS LYING 120 RDS N OF SE COR SD SEC), (2) S89°27'41"E 847.72 FT ALG SD ADJOINERS BDY, (3) S89°03'47"E 460.79 FT ALG SD ADJOINERS BDY TO W/L OF 7600 W ST, & (4) S326.95 FT ALG SD W/L OF 7600 W ST TO POB.

04-075-0022

BEG AT PT 1654.80 FT N ALG SEC/L & 1341.17 FT W FRM SE COR SEC 32 T10N R03W SLM, TH FOLLOWING TEN COURSES ALG FENCE/L: (1) S00°26'42"W 72.74 FT, (2) S25°24'17"W 219.96 FT, (3) S00°00'53"E 211.28 FT, (4) N88°18'37"W 449.19 FT, (5) S01°14'40"W 366.58 FT, (6) S00°18'59"E 775.06 FT, (7) N89°40'21"W 586.41 FT, (8) N00°00'56"W 1962.29 FT TO ANCIENT FENCE/L BEING SLY BDY OF ADJOINERS PROP, REC AS LYING 120 RDS N OF SE COR SD SEC, (9) S89°23'05"E 1134.32 FT ALG SD ADJOINERS SLY BDY, (10) S00°02'24"E 342.46 FT TO POB.

04-075-0023

BEG AT PT 2475.16 FT N89\*40'21"W ALG SEC/L & 33.00 FT N00\*00'56"W FRM SE COR SEC 32 T10N R03W SLM, TH FOLLOWING FOUR COURSES ALG FENCE/L: (1) N89\*40'21"W 1017.25 FT, (2) N00\*08'37"W 1967.96 FT TO ANCIENT FENCE/L BEING THE SLY BDY/L OF ADJOINERS PROP, REC AS LYING 120 RDS N OF SE COR SD SEC, (3) S89\*21'23"E 1021.70 FT ALG SD ADJOINERS SLY BDY, (4) S00\*00'45"E 1962.29 FT TO POB.

04-075-0027

BEG ON W/L OF 7600 W ST AT PT 1654.80 FT N ALG SEC/L & 33.00 FT W FRM SE COR SEC 32 T10N R03W SLM. W 1308.17 FT. THE FOLLOWING SIX COURSES ALG FENCE/L: (1) S00\*26'42"W 72.74 FT, (2) S25\*24'17"W 219.96 FT, (3) S00\*00'53"E 211.28 FT, (4) N88\*18'37"W 449.19 FT, (5) S01\*14'40"W 366.58 FT, (6) S00\*18'59"E 775.06 FT, S89\*40'21"E 478.93 FT, N00\*58'56"W 488.85 FT, N40\*49'39"E 108.49 FT, N01\*42'50"E 165.68 FT, S88\*56'08"E 131.28 FT, S68\*03'42"E 123.23 FT, N80\*58'43"E 104.41 FT, N89\*53'51"E 143.08 FT, N 526.46 FT, N85\*55'10"E 307.44 FT, N 195.61 FT, E 510.87 FT TO SD W/L OF 7600 W ST, N 165.17 FT ALG SD W/L TO POB.

03-161-0042

W 33 FT NE/4 NW/4 NW/4 SEC 02 T09N R03W SLM.

LESS CO RD R/W ALG N/ SIDE OF SUBJECT PROP.

03-166-0014

BEGINNING 40 RODS NORTH OF THE SE CORNER OF THE NW/4 OF SEC 11, T 09N, R 03W, SLBM. THENCE WEST 80 RODS, NORTH 76 RODS, EAST 80 RODS, SOUTH 76 RODS TO THE POINT OF BEGINNING.

LESS: BEGINNING AT THE NW CORNER OF THE SW/4 OF THE NE/4 OF SAID SEC 11. THENCE NORTH 66 FT, WEST 43 FT, SOUTH 726 FT TO GRANTORS SOUTH LINE, EAST 43 FT, NORTH 660 FT TO THE POINT OF BEGINNING.

03-161-0074

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2,  
TOWNSHIP 9 NORTH, RANGE 3 WEST, SALT LAKE BASE AND MERIDIAN.

LESS: ALL OF BRADEN HANCOCK SUBDIVISION.

04-077-0052

PART OF THE SE/4 OF SEC 34, T 10N, R 03W, SLBM. BEGINNING AT A POINT 365 FT  
NORTH OF THE SE CORNER OF SAID SEC 34. THENCE NORTH 2275.00 FT M/L TO THE  
NORTH LINE OF THE SE/4 OF SAID SEC, WEST ALONG SAID SEC LINE 484.55 FT,  
SOUTH 2640 FT M/L TO THE SOUTH LINE OF SAID SEC, EAST ALONG THE SOUTH  
LINE OF SAID SEC 112.55 FT, NORTH 33.00 FT, EAST 26.00 FT, NORTH 332.00 FT, EAST  
346 FT TO THE POINT OF BEGINNING.

04-077-0004

NE/4 OF SEC 34, T 10N, R 03W, SLM, NORTH OF C.P.R.R.

LESS: RES.

04-071-0004

E/2 OF SE/4 & E/2 OF W/2 OF SE/4 OF SEC 27, T 10N, R 3W, SLM.

EXC: A STRIP ON SOUTH & EAST SIDE 33' WIDE FOR COUNTY HWYS.

04-072-0035

BEG AT PT 33 FT S & 33 FT E OF THE NW COR OF SEC 28 T10N R03W SLM SD PT BEING ON THE S & E SIDES OF CO RDS. E ALG THE S/L OF CO RD 352.40 FT. S1\*24'E 318 FT. E 652 FT M/L TO A N/S IRRIGATION DITCH. S ALG SD DITCH 854 FT, M/L TO AN E/W CONCRETE IRRIGATION DITCH. W ALG SD DITCH 718 FT M/L TO A PT LYING 293 FT E OF THE SEC/L. N 450 FT, W 260 FT M/L TO THE E/L OF A CO RD. N ALG SD E/L 722 FT M/L TO POB.

LESS 04-072-0020 #142839 DESC AS: BEG AT PT 33 FT E & 755 FT S FRM NW COR SEC 28 T10N R03W SLM SD PT BEING ON E/L CO RD & GRANTORS N/L. E 260 FT, N 119 FT, W 260 FT TO E/L CO RD, S ALG E/L 119 FT TO POB.

LESS [04-072-0034] BEGINNING AT A POINT 370.4 FEET EAST ALONG THE SECTION LINE AND 33.0 FEET SOUTH FROM THE NORTHWEST CORNER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 3 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING EAST 15 FEET, THENCE SOUTH 01\*24' EAST 196 FEET, THENCE WEST 15 FEET, THENCE NORTH 01\*24' WEST 196 FEET TO THE POINT OF BEGINNING.

04-075-0029

BEGINNING ON WEST LINE OF 7600 WEST ST AT POINT 1654.80 FT NORTH ALONG SEC LINE & 33.00 FT WEST FROM SE CORNER SEC 32, T 10N, R 03W, SLM. THENCE WEST 1308.17 FT; FOLLOWING SIX COURSES ALONG FENCE LINE: 1) S 00\*26'42" W 72.74 FT; 2) S 25\*24'17" W 219.96 FT; 3) S 00\*00'53" E 211.28 FT; 4) N 88\*18'37" W 449.19 FT; 5) S 01\*14'40" W 366.58 FT; 6) S 00\*18'59" E 775.33 FT; S 89\*40'21" E 795.78 FT; N 02\*20'26" W 240.51 FT; N 24\*42'14" E 91.43 FT; N 39\*06'19" E 48.92 FT; N 62\*57'36" E 109.14 FT; N 82\*32'05" E 86.71 FT; NORTH 323.62 FT; EAST 189.96 FT; N 07\*29'09" E 270.91 FT; N 71\*42'31" E 298.11 FT; N 85\*09'46" E 69.82 FT; N 11\*23'40" E 165.78 FT; N 76\*41'44" E 212.61 FT TO WEST LINE OF 7600 WEST ST; NORTH 290.17 FT ALONG SAID WEST LINE TO POB.

LESS: [04-075-0027] BEGINNING ON WEST LINE OF 7600 WEST ST AT POINT 1654.80 FT NORTH ALONG SEC LINE & 33.00 FT WEST FROM SE CORNER SEC 32, T 10N, R 03W, SLM; WEST 1308.17 FT; THENCE FOLLOWING SIX COURSES ALONG FENCE LINE: 1) S 00\*26'42" W 72.74 FT; 2) S 25\*24'17" W 219.96 FT; 3) S 00\*00'53" E 211.28 FT; 4) N 88\*18'37" W 449.19 FT; 5) S 01\*14'40" W 366.58 FT; 6) S 00\*18'59" E 775.06 FT; S 89\*40'21" E 478.93 FT; N 00\*58'56" W 488.85 FT; N 40\*49'39" E 108.49 FT; N 01\*42'50" E 165.68 FT; S 88\*56'08" E 131.28 FT; S 68\*03'42" E 123.23 FT; N 80\*58'43" E 104.41 FT; N 89\*53'51" E 143.08 FT; NORTH 526.46 FT; N 85\*55'10" E 307.44 FT; NORTH 195.61 FT; EAST 510.87 FT TO SAID WEST LINE OF 7600 WEST ST; NORTH 165.17 FT ALONG SAID WEST LINE TO POB.

04-075-0028

BEGINNING ON WEST LINE 7600 WEST ST AT POINT 990.71 FT NORTH ALONG SEC LINE & 33.00 FT WEST FROM SE CORNER SEC 32, T 10N, R 03W, SLM. THENCE WEST 152.67 FT; S 51°28'58" W 849.75 FT; NORTH 323.62 FT; EAST 189.96 FT; N 07°29'09" E 270.91 FT; N 71°42'31" E 298.41 FT; N 85°09'46" E 69.82 FT; S 88°00'23" E 50.96 FT. N 88°27'58" E 188.80 FT TO WEST LINE 7600 WEST ST; SOUTH 165.77 FT ALONG SAID WEST LINE TO POB.

LESS: [04-075-0027] BEGINNING ON WEST LINE OF 7600 WEST ST AT POINT 1654.80 FT NORTH ALONG SEC LINE & 33.00 FT WEST FROM SE CORNER SEC 32, T 10N, R 03W, SLM. THENCE WEST 1308.17 FT; FOLLOWING SIX COURSES ALONG FENCE LINE: 1) S 00°26'42" W 72.74 FT; 2) S 25°24'17" W 219.96 FT; 3) S 00°00'53" E 211.28 FT; 4) N 88°18'37" W 449.19 FT; 5) S 01°14'40" W 366.58 FT; 6) S 00°18'59" E 775.06 FT; S 89°40'21" E 478.93 FT; N 00°58'56" W 488.85 FT; N 40°49'39" E 108.49 FT; N 01°42'50" E 165.68 FT; S 88°56'08" E 131.28 FT; S 68°03'42" E 123.23 FT; N 80°58'43" E 104.41 FT; N 89°53'51" E 143.08 FT; NORTH 526.46 FT; N 85°55'10" E 307.44 FT; NORTH 195.61 FT; EAST 510.87 FT TO SAID WEST LINE OF 7600 W ST; NORTH 165.17 FT ALONG SAID WEST LINE TO POB.

04-077-0039

BEG AT A POINT LOCATED 33 FT NORTH AND 24.75 FT WEST OF THE SE CORNER OF SW/4 OF SEC 34, T 10N, R 03W, SLBM. THENCE NORTH 350 FT; WEST 635.25 FT TO WEST LINE OF E/2 OF E/2 OF SD SW/4; SOUTH 350 FT TO NORTH LINE OF 2400 NORTH ST; EAST 635.25 FT TO POB.

LESS: [04-077-0038] LOT 01, HARPER SUBDIVISION, CCS, PART OF SW/4 OF SEC 34, T 10N, R 03W, SLBM.

SUB/TO: BOUNDARY LINE AGREEMENT (ENT# 203945, BK 902, PG 389). PARCEL 01 - PART OF SW/4 SEC 34, T 10N, R 03W, SLM. BEG AT POINT AT INTERSECTION OF NORTH R/W LINE OF 2400 NORTH ST & WEST R/W LINE OF 6400 WEST ST. SD POINT BEING LOCATED N 89°58'27" W 33.30 FT ALONG SOUTH LINE OF SD SW/4 & N 00°01'33" E 33.30 FT FROM SE CORNER OF SD SW/4. THENCE N 89°58'27" W 656.06 FT M/L TO EXISTING FENCE LINE; N 00°29'16" W 350.00 FT ALONG SD FENCE TO GRANTORS NORTH PROPERTY LINE; S 89°58'27" E 656.08 FT M/L ALONG SD NORTH PROPERTY LINE TO WEST R/W LINE OF SD 6400 WEST ST; S 00°29'04" E 350.00 FT ALONG SD WEST R/W LINE TO POB.



# Agriculture Protection Zone



**BOX  
ELDER  
COUNTY**

This is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon.



# PUBLIC HEARING

EVENT : BOX ELDER COUNTY COMMISSION      DATE : FEBRUARY 26, 2025

NO	NAME	Phone	
1	Jenica Stander	435-734-3364	
2	Kevin Wdye	435-730-2625	
3	Cade Palmer	435-734-3800	
4	Lynnette Crockett	784-2331	
5	Mark Miuatt	435-452-1772	
6	Bob Davis	801-721-1535	
7	Shirlene Larsen	435-734-3360	
8	DeAnn Hardy	On Record	
9	Janner Bush	1-435-730-3877	
10	Ty Erickson	801-844-508	
11	Wyatt Freeze	(435) 230-1556	
12	Courtland Richards	(435) 279-7026	
13	Darin McFarland	435-695-2580	
14	Bernie Rittenour	801-391-2656	
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**ORDINANCE NO. 616**

**AN ORDINANCE OF BOX ELDER COUNTY, VACATING AND EXTINGUISHING AN EASEMENT FOR THE BOX ELDER COUNTY & WILLARD CITY FLOOD & DRAINAGE SPECIAL SERVICE DISTRICT IN THE SOUTH WILLARD AREA OF BOX ELDER COUNTY.**

**WHEREAS**, the Box Elder County Commission has been petitioned to vacate an easement on lots 7 & 8 of the Bay View Estates Subdivision being in the NE/4 of Section 2 of Township 7 North Range 2 West in the South Willard area of Unincorporated Box Elder County; and

**WHEREAS**, pursuant to §17-27a-208 of the Utah Code, the County Commission scheduled a public hearing on the petition to vacate and provided notice of such public hearing by, at least ten (10) days before the public hearing, mailing such notice to the record owner of each parcel that is accessed by the portion of the easement being vacated and to each affected entity, posting of such notice on or near the portion of the easement being vacated in a manner that is calculated to alert the public, and publishing such notice in a newspaper of general circulation in Box Elder County and on the Utah Public Notice Website; and

**WHEREAS**, the Box Elder County Commission, after appropriate notice, held a public hearing on February 26, 2025 to allow the general public to comment on this proposed easement vacation; and

**WHEREAS**, after providing for public comment from the general public, the Board of County Commissioners of Box Elder County, Utah finds that the vacation of the easement as set forth below shows that there is good cause that exists for the vacation and that neither the public interest nor any person will be materially injured by the vacation, that it is in compliance with all Box Elder County land use and development code requirements, state, federal or other local regulations, and that county will not vacate any other public utility easements that are there; and

**WHEREAS**, all requirements pertaining to the vacation process have been fully observed, pursuant to the provisions of §17-27a-609.5 of the Utah Code; and

**NOW THEREFORE**, the Board of Box Elder County Commissioners, being the legislative body of Box Elder County, State of Utah, hereby ordains as follows:

**SECTION 1: Easement Vacate.** That the easement for the Box Elder County & Willard City Flood & Drainage Special Service District, on Lots 7 and 8 of the Bay View Estates Subdivision being in the NE/4 of Section 2 of Township 7 North Range 2 West in the South Willard area of Unincorporated Box Elder County, is hereby vacated.

**SECTION 2: Effect of Vacation upon Easements.** That this vacation shall not effect or eliminate any other easements or other rights of way, public or private, above ground or underground, that existed prior to the vacation.

**SECTION 3: Recording by County Recorder.** The County Recorder is hereby authorized and directed to cause certified copies of this ordinance and proof of publication of the notice of the public meetings on this matter to be properly filed in the office of the Recorder of Box Elder County.

SECTION 4: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 26<sup>th</sup> day of February, 2025, by the Board of County Commissioners of Box Elder County, Utah,

Commissioner Perry  
Commissioner Vincent  
Commissioner Bingham

Voting Aye  
Voting Aye  
Voting Aye



Attest:

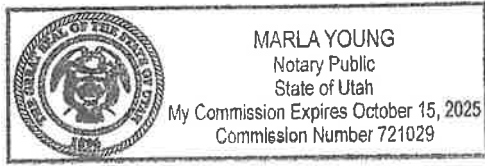
Marla Young  
Marla Young  
Box Elder County Clerk

Boyd Bingham  
Chair  
Chair, Box Elder County Commission

State of Utah )  
.ss )  
County of Box Elder )

On this 26<sup>th</sup> day of February, 2025, personally appeared before me, the undersigned notary public, **Boyd Bingham**, whose identity is personally known to me (or proved on the basis of satisfactory evidence) and who by me duly sworn (or affirm), did say he is the **Commission Chairman for Box Elder County** and said document was signed by him in behalf of said Corporation and acknowledged to me that said Corporation executed the same.

My Commission Expires: Oct. 15, 2025



Marla Young  
Notary Public