

**MINUTES  
BOX ELDER COUNTY COMMISSION  
SEPTEMBER 09, 2008**

The Board of County Commissioners of Box Elder County, Utah met in an Administrative/Operational Session at the County Courthouse, 01 South Main Street in Brigham City, Utah at 8:00 a.m. on **SEPTEMBER 09, 2008**. The following members were present:

Jay E. Hardy	Chairman
Clark N. Davis	Commissioner
Rich VanDyke	Commissioner
LuAnn Adams	Recorder/Clerk

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports
4. Correspondence
5. Assignment Review

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

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

Jay E. Hardy	Chairman
Clark N. Davis	Commissioner
Rich VanDyke	Commissioner
LuAnn Adams	Recorder/Clerk

The prayer was offered by Chairman Hardy.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF AUGUST 26, 2008 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER DAVIS AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**STATISTICAL REPORT/FISCAL YEAR 2007-2008- SCOTT WOLFORD**

Scott Wolford made a presentation regarding the 9-1-1- calls. (*See Attachment No. 2 – 9-1-1 Statistics*) Mr. Wolford said they had significant enhancements in the software this year. Last year they received \$55,000 and added some EMS grant money in order to take the GIS data and merge it with the Spillman Software. Mr. Wolford said before the enhancements, any addresses were just words. Now the address is located and represents a real live location on a map. He said it allows them to do a bunch of different things. He said it tracks officers, and they check every officer every hour. In the past it was a large area they had to track for the officer and now they can go right to the officer. Mr. Wolford would like to see it expand into the EMS and Fire Department. The next step is to get with the fire chiefs. He said as addresses become plotted, we become very good. In the future they will customize maps and if there is a disaster, they can send people out and get an immediate update. Mr. Wolford said they are working on grant sources to keep updating.

Commissioner VanDyke said he was impressed with the communication he received during the Wells, Nevada earthquake.

**RENEWAL OF PUBLIC DEFENDERS CONTRACT – STEPHEN HADFIELD**

County Attorney Stephen Hadfield said the county's public defender contract will expire 12/31/08. The current public defenders have asked for a renewal of the contract. Attorney Hadfield would like to stay with the same public defenders. With the current contract, the county is paying \$159,720 per year. The public defenders are asking for a 5% increase every year. Attorney Hadfield needs to do a little bit of checking to see what other counties are paying. The court and state are very pleased with the county's public defenders and would like to stay with them. Attorney Hadfield said he has been very pleased with their work, and they are always available.

Commissioner Davis said he would like to see the attorneys held to the same COLA increase as our own county employees.

County Attorney Hadfield will follow-up and come back with a recommendation.

**SET PUBLIC HEARING DATE FOR ZONE AMENDMENT – TAMARA WRIGHT**

**MOTION:** A motion was made by Commissioner Davis to set a public hearing for the zone amendment on September 30 at 10:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried. (Furman Zone Amendment)

**APPROVAL OF A CONDITIONAL USE PERMIT – KEVIN HAMILTON**

County Planner Kevin Hamilton is requesting approval of a conditional use permit for water and sewer line right-of-ways across private lands in the Corinne and Bear River areas of Box Elder County.

MOTION: A motion was made by Commissioner Davis to approve the conditional use permit for Brigham City to construct the water and sewer lines to and from the Procter and Gamble site. The motion was seconded by Commissioner VanDyke and unanimously carried.

### **SET PUBLIC HEARING/ROCKY MOUNTAIN POWER – KEVIN HAMILTON**

County Planner Kevin Hamilton gave background on what has transpired with the Planning Commission. He said we are here to set the date for a public hearing. The county adopted a pending ordinance a year ago. There was a pending ordinance on large-scale utilities. Rocky Mountain Power agreed to submit to that process and submitted an application on June 26 to have an approval of a general plan amendment and a conditional use permit for the new transmission line that will run from Populous to Ben Lomond. The Planning Commission heard this in two meetings. The first meeting they requested that Rocky Mountain Power take the Planning Commissioners on a tour of the unincorporated areas of the proposed right-of-way so they could see what issues were involved with the construction of the new right-of-way. The Planning Commission went on that tour with a representative from Rocky Mountain Power and found three areas of concern. One was in South Willard where the lines were in the back yards of existing homeowners. The second was in the Garland/Tremonton area where one home would be lost and a couple of others seriously impacted and the third was in the Plymouth area of the county where the lines were off to the side of the freeway quite a way and cut through some fields. The Planning Commission requested the lines be moved closer to the freeway.

Steve Rush, Rocky Mountain Power, said there were three areas of concern; they met with the property owners in South Willard and the issues have been resolved. They are moving the line 1,000 feet to the east thanks to Staker/Parsons. They met with the property owners in Plymouth, and they have moved the line to the other side of the freeway and late yesterday they reached a resolution with the Garland/Tremonton area. The Pierce Family owns the runway property, and Rocky Mountain Power was able to achieve a right-of-way with them that allows them to maintain the primary use of the property but takes away the runway. Rocky Mountain Power has acquired that right from them and the line will be coming along 2000 West in Tremonton and extends across the runway and stays on the runway. The line bypasses the homes in Garland, and the issue has been resolved.

Steve Rush said they met with Elwood, and they are on the agenda with Elwood City for a public hearing this evening. They had a meeting with the Planning Commission and the mayor two weeks ago which went much better. They are working with Elwood on the mitigation issues on the west side of the interstate. There is a meeting in two weeks with the city council. In Willard they met a week ago with the Planning Commissioners and did a work session out in the field. They spent 2 ½ hours with the Planning Commissioners working out issues. They are trying to do another informal work session with staff this week and are on the agenda next week with the city council. Mr. Rush said Rocky Mountain Power appears to be on track with the issues brought forward. The rerouting in Perry seems to be working. There are a couple of residents that are still not happy. He said after working with the gravel company and the administration they are on track. Rocky Mountain Power

is trying to decide in what forum to get the information out. The conditional use permit has been approved for Brigham City. They are working with the people in Harper Ward.

Chairman Hardy is upset the billboards have the power that they do and the protection they have. He feels it would have been best to go along where the billboards are located.

Steve Rush said Rocky Mountain Power will be meeting with the Board of Health and Tremonton regarding 2000 West. Mr. Rush said there is a question as to when Tremonton knew Rocky Mountain Power was coming down 2000 West. He has tried to work with the city using Rocky Mountain Power's notes. They did the same thing with Tremonton that they did with the other communities throughout the county. They did a preliminary visit saying they may be coming through your community. They had not established a route. During that time Rocky Mountain Power told Tremonton there might be a potential route through Tremonton and it could be on 2000 West. He said it is an industrial park, it aligns with the interstate and does not appear to conflict with residential. That was many months before they came back with a selected route. He said that is an area of dispute between the Health Department and Tremonton City. The Health Department has determined this is a concern having a line along 2000 West. He said the city has talked to Rocky Mountain Power, but they have not had conversations with the Health Department. He said Rocky Mountain Power's answer back has been really straight forward. There are no rules, there are no guidelines, and there are no regulations that indicate there is any kind of a hazard. They have worked with their EMF experts which seem to be the underlying issue. He said they would be delighted to talk and provide some information to the Health Department. The Health Department has indicated that if it is on the front side of the building, it is unacceptable, but if is at the rear lot line, that it is acceptable.

Commissioner Davis said the root of the problem isn't the EMF; it is the issue of the fair valuation in the property exchange agreement.

Steve Rush said they can show statistics of properties all along the Wasatch front and valuations with power lines and without power lines and can build a case that they have no impact. Mr. Rush said they would like to be of help if possible.

Steve Rush explained where Rocky Mountain Power is in regards to the time line. The 120 day clock starts when the CUP is filed with each community. He said it is essentially at the end of this month or the first week of October for the county. He said the critical time line for Rocky Mountain Power was three months ago. The driving thing is to have this line completed in 2010.

Commissioner Davis said a lot of the problems are the communication line. In some cases it is unfair because the public does not know what is going on behind the scene.

**MOTION:** A motion was made by Commissioner Davis to set the public hearing for September 30 at 10:30 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

**2008 TAX RATES/RESOLUTION 08-16- TOM BENNETT**

County Auditor Tom Bennett said on August 26 a public hearing was held to discuss the proposed tax increase for Box Elder County. In conjunction with that we are now proposing a resolution to adopt that proposed tax rate. He said we also need to approve the certified tax rates for the Box Elder County Library and Box Elder County/Perry Flood Control District.

**MOTION:** A motion was made by Commissioner Davis to adopt Resolution No. 08-16, a resolution adopting the tax rates that support our current 2008 budget. The budget amount is for the individual areas of the county general fund, debt service, state assessing and collecting, county assessing and collecting for a total of \$6,810,863 and the combined tax rate is .002603. The motion was seconded by Commissioner VanDyke and unanimously carried.

*(See Attachment No. 3 – Resolution 08-16)*

**MOTION:** A motion was made by Commissioner Davis to adopt the certified tax rates for the Box Elder Library of .000149 with projected revenue of \$227,716 and the Box Elder County/Perry Flood Control rate of .000256 with projected revenue of \$58,781. The motion was seconded by Commissioner VanDyke and unanimously carried.

**COMPUTER SYSTEM – MONTE MUNNS**

County Assessor/Treasurer Monte Munns said he was given the assignment to review the computer system and come up with some sort of financial analysis to justify the purchase of new software. Mr. Munns said he cannot figure out a way to get what the Commissioners want. He said if we analyze going forward in six months down the road he can have documentation and put numbers on time spent. He does not know how to go backwards; he cannot get his arms around it. Mr. Munns still believes there is a need. He said we have issues, and we have a problem.

Commissioner Davis said he would like to see a return on the investment. How do we cost justify our investment. He said we got Doug West's input who said before buying software; we need to identify what the problems are with the current product we have and attempt to try and solve those specifically identified problems. The charge was to go back and do an analysis of the critical areas where we are having difficulty and how we are best able to solve those problems. He said we need to know the critical issues and then shop for the software.

Commissioner VanDyke said the system is window based and uses XP; it is his understanding XP is no longer being offered as an operating system. This new program is Java based and allows itself to run on multiple operating systems. He said the people that are working with the numbers within the courthouse really don't have much confidence in them. There is a large amount of time being used to discover errors. Commissioner VanDyke would hate to see the county get backed into a corner where we would eventually have to break out anyway.

Commissioner Davis said part of his concern is that as a Commission we adopt an annual budget and then we have lots of requests for additional expenditures throughout that year, and we try to refer it back to the budget. In the last 60 days we had a request for \$500,000 for new software, up to \$2M for new buildings and remodeling expenses that we think are important to do but we have not budgeted for. He keeps trying to go back to the budget process of saying these projects should compete on an equal playing field with all other projects for capital expenditure monies going forward. He said Doug West is involved in pinpointing the problems. Mr. West does believe the ACT Program is not a sustainable program going forward. We don't have sufficient competent professional independent consulting help to continue to support that product, and it is inevitable we are all looking and saying we will have to change. He would like to cost justify it in some fashion, and we want to identify the critical issues in setting priorities and how we will get our arms around it going forward. He has been a little bit nervous about purchasing this expensive software because software is highly negotiable. He would prefer to go forward with Doug West's assessment of prioritizing the problem areas and identifying the problem areas and try to incorporate it within the budget process. We recognize we cannot continue to stay on with ACT, and that we move forward with the best solution in a collaborative teamwork approach.

#### **WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 58989 thru 59134 in the amount of \$314,845.47. Claims 59141 thru 59255, 990164 thru 990173 in the amount of \$744,980.96. Claims 54224 and 58873 were voided.

#### **PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF:	Jonathan Whitely, compensation change, effective 08/25/2008
SHERIFF:	Trent L Buckley, compensation change, effective 09/03/2008
SHERIFF:	F. Tucker Jennings, separation, effective 09/02/2008
SHERIFF:	Brody H. Wells, new hire, effective 09/03/2008
SHERIFF:	Sylvia Greenhalgh, change of status, effective 08/25/2008

#### **OTHER BUSINESS**

##### **Election Pamphlet – Commissioners**

**MOTION:** A motion was made by Commissioner Davis to instruct County Attorney Hadfield to contact legal counsel for those positions both for and against the referendum and the proposition to be placed on the ballot and in connection with that supply the verbiage of the current statute from Utah State Code and that Mr. Hadfield request a response by September 16. The motion was seconded by Commissioner VanDyke and unanimously carried.

**ADJOURNMENT**

A motion was made by Commissioner VanDyke to adjourn. Commissioner Davis seconded the motion, and the meeting adjourned at 10:51 a.m.

**ADOPTED AND APPROVED** in regular session this 16th day of September 2008.

---

Jay E. Hardy, Chairman

---

Clark N. Davis, Commissioner

---

Rich VanDyke, Commissioner

ATTEST:

---

LuAnn Adams, Recorder/Clerk

The following items were discussed in Administrative/Operational Session after Commission Meeting had adjourned:

1. Personnel – Peggy Madsen
2. Update on Planning Commission Meeting – Kevin Hamilton/Commissioner Davis

The Administrative/Operational Session adjourned at 12:15 p.m.