

**MINUTES
BOX ELDER COUNTY COMMISSION
SEPTEMBER 16, 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 16, 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
6. Insurance Recommendations – Peggy Madsen
7. Outside Lease for DMV & Justice Court – Donnie Tarver

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 Commissioner VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 09, 2008 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

INMATE PHONE CONTRACT –SANDRA HUTHMAN

Jail Commander Sandra Huthman said Box Elder County gets 45% off of the phones at the jail. The jail started selling phone cards and the county lost out on 20%, but the jail still makes approximately \$2,500 a month. She said this is the state contract. She presented a contract to the Commissioners that ends July 2011.

MOTION: A motion was made by Commissioner Davis to sign the service agreement between Box Elder County and FSH Communications, LLC whose terms last through July 31, 2011. The motion was seconded by Commissioner VanDyke and unanimously carried.

REQUEST FOR EXTENSION OF HIGH COUNTRY ESTATES – KEVIN HAMILTON

County Planner Kevin Hamilton said Alton Veibel is requesting an extension on his High Country Estates in order to get his financing together. The Planning Commission has recommended a six-month extension.

MOTION: A motion was made by Commissioner Davis to approve the six-month extension recommended by the Planning Commission for High Country Estates. The motion was seconded by Commissioner VanDyke and unanimously carried.

FIRE PROTECTION SERVICES CONTRACT/BRIGHAM CITY – STEPHEN HADFIELD

Attorney Hadfield expressed his concerns regarding the fire protection contract with Brigham City. The Commissioners asked Attorney Hadfield to research the contract further.

VICTIM ADVOCATE GRANT – PEGGY MADSEN/STEPHEN HADFIELD

County Attorney Stephen Hadfield said in reviewing the renewal grant for the victim advocate, it was discovered that the benefits had been underestimated. The grant will pay for what the county applied for, but the grant is short by 36.52% of the salary benefits. He said if the grant is approved, the county will need to pick up the remaining benefits.

Personnel Director Peggy Madsen said when we first entered into the victim advocate grant position, we agreed to approve the position as long as there was grant funding. Ms. Madsen feels it should be a full-time position because there is a need and it frees up the attorneys. She understands we need the position or there is a liability.

Attorney Hadfield recommends approving the grant as is and looking to see if the hours can go down in the future.

MOTION: A motion was made by Commissioner Davis to approve the Victim Advocate Grant. The motion was seconded by Commissioner VanDyke and unanimously carried.

A RESOLUTION OF THE BOX ELDER COUNTY COMMISSION MAKING AND MEMORIALIZING A DETERMINATION THAT CERTAIN PUBLICLY OWNED INFRASTRUCTURE AND IMPROVEMENTS INSTALLED OUTSIDE THE BOX ELDER COUNTY ECONOMIC DEVELOPMENT PROJECT AREA #2008-01 WILL BENEFIT SUCH PROJECT AREA AND CONSENTING TO THE USE OF TAX INCREMENT FOR THE SAME – STPEHEN HADFIELD

Cody Deeter, RDA Specialist, said Procter and Gamble will be making improvements outside of the Economic Development Area, and state law says if improvements are made outside of the area the Box Elder County Commission has to approve it and define how it will benefit the area. He said the pipeline will be outside of the project area. It will benefit the EDA and the county in general.

MOTION: A motion was made by Commissioner Davis to approve Resolution 08-17 as amended. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 2 – Resolution 08-17.)

PUBLIC HEARING – BITNER RE-ZONE – COMMISSIONERS

(See Attachment No. 3 – Attendance List.)

Chairman Hardy opened the public hearing up for the Bitner re-zone at 10:00 a.m.

County Planner Tamara Wright said Matthew and Sally Bitner are requesting a re-zone on the border of Deweyville and the county northeast of Hwy 38. Ms. Wright said they own 98 acres. They would like to re-zone their property from a MU-160 to a RR-5 in order to develop one lot.

Chairman Hardy asked for comments from those in attendance.

Sally Bitner said she and her husband want a farm. The property has all of the utilities and a well is dug. She said everything is in place except the re-zone so they can make the boundary.

MOTION: A motion was made by Commissioner Davis to close the public hearing for the Bitner rezone. The motion was seconded by Commissioner VanDyke and the public hearing was closed at 10:21 a.m.

MOTION: A motion was made by Commissioner Davis to approve the Bitner rezone request as recommended by the Planning Commission and to direct the Planning Department to prepare the appropriate documentation. The motion was seconded by Commissioner VanDyke and unanimously carried.

PUBLIC HEARING – PUGSLEY ROAD VACATE – COMMISSIONERS

Chairman Hardy declared the Pugsley Road Vacation open at 10:00 a.m.

County Planner Tamara Wright said the road vacation is located on an old county frontage road in Portage west of the interstate and east of an existing county road. The road affects three landowners. Ms. Wright said there is no visible sign of use. All of the land owners are in agreement with the vacation. The Planning Commission recommends vacation.

Chairman Hardy asked for comments from those in attendance. There were none.

MOTION: A motion was made by Commissioner Davis to close the public hearing. The motion was seconded by Commissioner VanDyke. The public hearing was closed at 10:23 a.m.

MOTION: A motion was made by Commissioner Davis to direct the Planning Department to prepare the appropriate documentation to vacate a road. The motion was seconded by Commissioner VanDyke and unanimously carried.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 59256 thru 59351 in the amount of \$180,782.46.

PERSONNEL ACTIONS – COMMISSIONERS

ATTORNEY:	Loreen D. Henry, re-hire, effective 09/15/2008
EXTENSION:	Lacy Pope, separation, effective 08/27/2008
PERSONNEL:	Shirlene Larsen, new hire, 09/11/2008
ROAD DEPT:	Mick Udy, new hire, effective 09/15/2008
SHERIFF DEPT:	Sylvia (Lynn) Greenhalgh, change of status, effective 08/25/2008
SHERIFF DEPT:	Suzanne Mitchem, new hire effective 09/08/2008
SHERIFF DEPT:	Estelle J. Price, compensation change, effective 09/07/2008
SHERIFF DEPT:	Ken L. Sheridan, compensation change, effective 09/07/2008
SHERIFF DEPT:	Scott Craig Young, compensation change, effective 08/25/2008
WEED DEPT:	Betty Spencer, separation, effective 08/28/2008

OTHER BUSINESS**Setting of Public Hearing – Kevin Hamilton**

County Planner Kevin Hamilton said a public hearing needs to be set for the adoption of a moderate income housing element of the Box Elder County General Plan.

MOTION: A motion was made by Commissioner Davis to set a public hearing for the adoption of a moderate income housing element of the Box Elder County General Plan on September 30 at 11:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

RECESS

The Commissioners took a recess at 10:41 a.m. and reconvened at 11:20 a.m.

EXECUTIVE SESSION

MOTION: At 11:20 a motion was made by Commissioner Davis to go into an emergency executive session to discuss real property negotiations. The motion was seconded by Commissioner VanDyke and unanimously carried.

MOTION: At 12:09 p.m. a motion was made by Commissioner Davis to reconvene into regular Commission Meeting. Commissioner VanDyke seconded the motion, and regular Commission Meeting was reconvened.

Chairman Hardy explained that property negotiations were discussed in the executive session.

ADJOURNMENT

A motion was made by Commissioner VanDyke to adjourn. Commissioner Davis seconded the motion, and the meeting adjourned at 12:10 p.m.

ADOPTED AND APPROVED in regular session this 23 day of September 2008.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

ATTEST:

Rich VanDyke, Commissioner

LuAnn Adams, Recorder/Clerk