

**MINUTES
BOX ELDER COUNTY COMMISSION
SEPTEMBER 28, 2010**

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 28, 2010**. The following members were present:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	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. Excavation Permits-Comcast/XL Cable & W Corinne Water Company – Bill Gilson
7. Road Issues/Highway 38 at 4575 North – Ray Blanchard

The Administrative/Operational Session adjourned at 8:59 a.m.

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

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

The prayer was offered by Chairman VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 21, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFER, SECONDED BY CHAIRMAN VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS – COMMISSIONERS**Justice Court Center Open House – Commissioners**

Commissioner Shaffer thanked the staff and all those that made the open house event happen as a pleasant experience. Commissioner Shaffer said several people from the community came and toured the building. This will be the only time the public will be able to enter the secure areas. Commissioner Shaffer thanked the buildings and grounds personnel from the county as well as the contractors and those that had a hand in putting the event together. He said the space will serve our county and community for a long time to come.

Commissioner Hardy said ex-commissioners Royal Norman, Suzanne Rees, Lee Allen and Scott Hansen attended the open house. The justice court issue started 12-15 years ago, and he is thrilled that it has finally reached fruition. The location is wonderful, and the night lighting added on the building is wonderful and adds to the building. He emphasized that you need to see the building at night. It is a wonderful addition to Brigham City Main Street and a great accomplishment for Brigham City and Box Elder County. He thanked Buildings and Grounds Manager Donnie Tarver, and the building contractor and architect Kelly Christofferson. He also thanked Jenica Child and Rebecca Dilg for showing up on the morning of the open house and supervising to make sure the building was up to the specifications for an open house. He thanked the citizens for their support.

Chairman VanDyke said salutations to Administrative Assistant Rebecca Dilg for organizing the entire get together. She took the bull by the horns so everyone could have a very pleasant and enjoyable experience. She was in charge of organizing the goodies. He said we as a Commission want to thank her for all of her efforts in putting on the open house event.

BID OPENING/NRCS PACKAGE E – BRENT SLATER/BILL GILSON

Road Supervisor Bill Gilson and County Surveyor Brent Slater opened Package E for the NRCS Emergency Watershed Project monies. Package E will do the cleanouts on the terraces and the structures on the farmland. Package E primarily consists of the Hansel Valley area and the private structures in that area. They opened the following bids:

Bidder	Bid Bond	Bid Total
Whitaker Construction	Yes	\$879,995.40
Staker Parson Company	Yes	\$569,941.20
Greg Chambers & Son	Yes	\$742,388.95
AAA Excavation	Yes	\$711,176.00
Sky View Excavation	Yes	\$624,221.30

MOTION: A motion was made by **Commissioner Shaffer** to direct staff to review the bids and come back in one week with a recommendation for Package E. The motion was seconded by **Commissioner Hardy** and unanimously carried.

AWARD NRCS PACKAGE D – BRENT SLATER

Brent Slater said on September 21 six bids were received and opened for Package D. All of the bids were checked and there was an addition error in Whitaker Construction's bid, but it did not affect the outcome. Mr. Slater recommends awarding the contract to Greg Chambers and Sons in the amount of \$649,866.27.

MOTION: A motion was made by **Commissioner Shaffer** to accept the recommendation of the bid committee and award the construction project for Package D of the Emergency Watershed Project in Bluecreek to Greg Chambers and Sons not to exceed the amount of \$649,866.27 and to authorize the chair to sign. The motion was seconded by **Commissioner Hardy** and unanimously carried.

B.R.H.D. REQUEST FOR SPONSORSHIP CDBG GRANT – TODD BARSON

Lloyd Berenson and Todd Barson came before the Commission to ask for support and sponsorship for a Community Development Block Grant through BRAG to use towards a building project in Tremonton. They would like to build a joint facility with Bear River Mental Health and Bear River Health Department and are currently working on the property acquisition.

Commissioner Shaffer said Mission Health has the old hospital property and is willing to donate a portion to the Bear River Mental Health and the Bear River Health Boards. The property has been surveyed, and is going before the Tremonton Planning Commission. There have been some title issues, but they are resolved. Commissioner Shaffer said as soon as the Planning Commission gives the approval, the project is ready to begin. The old hospital building will be taken down and a new building will be constructed on its site. It will be a great asset to the Tremonton City area, and Commissioner Shaffer looks forward to having its presence back for the citizens.

Todd Barson said they are asking for \$100,000 from the CDBG Grant Funds.

MOTION: A motion was made by **Commissioner Shaffer** to become a sponsor for the Bear River Health Department and the Bear River Mental Health to jointly aid them in applying for and acquiring a CDBG Grant for the purpose of building a mental health and health department building in Tremonton. The motion was seconded by **Commissioner Hardy** and unanimously carried.

UPDATE/DISPATCH PLANNING COMMITTEE – POLICE CHIEF NANCE

Police Chief Nance said the Dispatch Planning Committee is looking at the feasibility of coming up with a funding mechanism for future needs and growth of the Dispatch Center. They have looked into a special service district. On Oct 12 folks from Weber County will be talking about how they formed their special service district. He said the committee has looked at several different things, and they are progressing and coming up with ideas. One concern from a citizen on the committee is to not hit large property owners with a tax increase. They are looking at households. Chief Nance

said there are 14,812 households in Box Elder County, and they are currently paying \$29.23 per household for dispatch services. He said for less than \$50.00 per year it would cover the radio, etc. Chief Nance said they are able to secure a grant to purchase an 800 Mega Hurst radios for all of the law enforcement.

Commissioner Hardy said Box Elder County has been discriminated against. He said during the Olympics many counties were given the Mega Hurst System for nothing. He said the state is also paying a larger share of dispatch for some of our surrounding counties. He said we need to get with the state and work out a better deal than we have. He said we are being discriminated against by how we are being treated.

Police Chief Nance said the dispatch supervisor is trying to address that issue.

DISSOLVING INTER-LOCAL AGREEMENT/SPILLMAN SOFTWARE – POLICE CHIEF NANCE

Tremonton Police Chief Nance and Brigham City Police Chief Tittensor said the cities and county have been on the same software system, but recently the cities started looking into other options that have cheaper maintenance and other benefits. The county has an Interlocal Agreement between the county and cities for maintenance of Spillman. The agreement indicates an eighteen-month abandonment clause. The cities met with the county sheriff and county auditor who told them the county is in the budgeting process and it is not a problem to allow the cities out of the agreement. They will move towards acquiring the new software. The Sheriff's Office is still planning on staying with the current system.

Scott Wolford said there are some significant advantages. He said the current system doesn't allow for adding calls by GPS. The new system allows people to enter a longitude and latitude and see that point on the map, and it pushes to a fat pot mobile client enabling others to see the map point. The down sides are the deputies have maintained a license to the fat pot client. They would lose the ability for the dispatch center to pull case numbers, but they gain the ability to see all the officers in the county including the Highway Patrol Officers or other state departments like State Parks. They would be able to see all of the calls on the same map. The county currently maintains the fat pot. That portion would be new to the cities. There will not be a cost increase to the county, but the new program provides a lot of features. He said the downside is not seeing the history of a jailed person. He said currently you can see how many times an individual has been in jail. He said you will be able to see the old records, but you cannot add or modify a record. The county will be able to see the records, but will not be able to make changes. With the E-Force Program the municipalities will be able to get information from other counties.

MOTION: A motion was made by **Commissioner Hardy** to dissolve the Spillman Interlocal Agreement between Box Elder County and the city agencies, subject to County Attorney approval. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

TREMONTON ANIMAL CONTROL SERVICES AGREEMENT #10-64 – CHAIRMAN VANDYKE

MOTION: A motion was made by **Commissioner Hardy** to accept the Animal Control Agreement with Tremonton City #10-64/Resolution #10-35. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

DAVIS RANCH SUBDIVISION/RURAL ROAD AGREEMENT #10-63 – KEVIN HAMILTON

This item was cancelled.

INDIGENT TAX ABATEMENT – REMONA ATKINSON

Remona Atkinson and her son Steve Atkinson came before the Commissioners. Remona Atkinson said she applied for an abatement, but she was a few hundred dollars above the allowable amount, and was denied. She wrote a letter to the County Commission Secretary and told her a little bit about the expenses that she has incurred this year. She asked the Commissioners for a tax break so that she would not have to borrow money to pay her taxes. She said her taxes are \$1,000.

Lee Beverley from the County Auditor's Office said he processed her application and tried working with the numbers to get her to qualify but it came out too high to meet the circuit breaker requirements. He said these requirements are set by the state, and there are very strict guidelines. The Auditor's Office cannot adjust these amounts.

MOTION: A motion was made by **Commissioner Shaffer** that we forgive half of her tax liability due November 30 and accept \$500.00 as payment in full for her 2010 tax liability. The motion was seconded by **Commissioner Hardy** and unanimously carried.

LANDFILL TRAINING BOSTON MA UPDATE – GINA ALLEN

Landfill Supervisor Gina Allen gave an update on a landfill conference she recently attended. She said the trend is to be greener. The main focus of this year's conference was recycling. Some of the classes she attended gave a brief description on the recycling side. She said a lot of stuff is not mandatory in Utah. California is more proactive and does not allow C & D material in their landfills. They recycle all C & D waste. They grind concrete up and reuse it. They do not bury C & D waste. Ms. Allen met with Randy Moulding about allowing Box Elder County to put our C & D waste in his landfill.

Ms. Allen said E Waste (electronic waste) is a problem. A lot of the states are requiring that these items be recycled. In Utah none of this has passed the legislature. There is going to be some legislation this next session.

Ms. Allen said she went to a couple of flow control classes and talked to people from New York, Washington, and Missouri where they have a flow control ordinance. They have determined it is legal if it does not affect local commerce. She said in our case, we are a municipality and owe money for our landfill. Because of the debt, all of the municipalities are required to bring their waste to the county's landfill. She is working with County Attorney Hadfield on getting the ordinance drafted. She said a municipality can control the waste without too many challenges.

Chairman VanDyke feels the Flow Control Ordinance is a step in the right direction to protect our county asset.

REPORT ON SPICE IN BOX ELDER COUNTY – COMMISSIONER SHAFFER

Commissioner Shaffer said there has been a lot of talk about Spice. Deputy Sheriff Kevin Potter has provided some information regarding Spice and the activities of Spice in Box Elder County. Bear River Valley Hospital has seen 6-7 overdoses from spice within the last two months. Brigham City Community Hospital said it has slowed down to approximately one per week for the last month, before last month they were seeing 5-6 per week. Drug court has had seven individuals who tested positive for Spice. The judge sent them to jail. Drug court has no leniency for the use of Spice; they will not tolerate the use of Spice. Cache County Drug Court has sent 20 to jail. Spice is a difficult problem and easy to purchase. There is evidence that this drug causes respiratory distress and even death. Overdoses can occur with a minimal amount of usage. Commissioner Shaffer said it is in our community, and it causes intoxicating type symptoms. These drivers on the road are just as dangerous as drivers under the influence of any other drug. Commissioner Shaffer is glad that all the Commissioners felt the need to pass a letter of support for the Bear River Health Department. Commissioner Shaffer said Spice is affecting our children and people, and it is very important to take a look at it and encourage the state legislature to take a look at the law to control this substance.

Chairman VanDyke said spice is all over the state.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 72266 through 72377 in the amount of \$83,416.26.

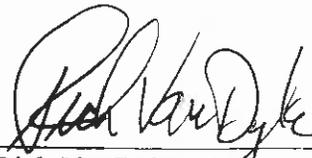
PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF'S DEPT:	Brody Wells, compensation change, effective 09/03/2010
SHERIFF'S DEPT:	Paula Anderson, compensation change, effective 09/22/2010
SHERIFF'S DEPT:	Trent Buckley, compensation change, effective 09/03/2010
COUNTY ATTY:	Loreen Henry, compensation change, effective 09/15/2010
WEED DEPT:	Terry Harrison, compensation change, effective 09/23/2010

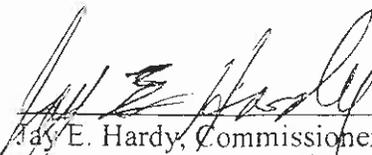
ADJOURNMENT

A motion was made by **Commissioner Hardy** to adjourn. **Commissioner Shaffer** seconded the motion, and the meeting adjourned at 10:25 a.m.

ADOPTED AND APPROVED in regular session this 5th day of October 2010.



Rich VanDyke, Chairman



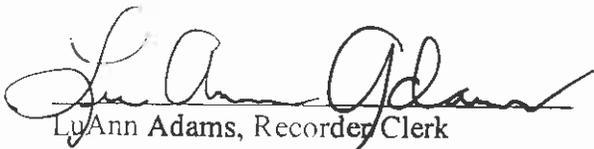
Jay E. Hardy, Commissioner



Brian K. Shaffer, Commissioner



ATTEST:



LuAnn Adams, Recorder/Clerk

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

1. Personnel Items

The Administrative/Operational Session adjourned at 11:38 a.m.

BOX ELDER COUNTY RECORDER/CLERK
Box Elder County Courthouse
01 South Main Street
Brigham City, Utah 84302

NOTICE and AGENDA

Public Notice is hereby given that the Box Elder County Board of County Commissioners will hold an **Administrative/Operational Session** commencing at **8:00 a.m.** and a regular **Commission Meeting** commencing at **9:00 a.m.** **TUESDAY, SEPTEMBER 28, 2010** in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.

Administrative/Operational Session

*8:00 a.m.

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

*8:20 a.m.

6. Excavation Permits-Comcast/XL Cable & W. Corinne Water Company–Bill Gilson
7. Road Issues/Highway 38 at 4575 North – Ray Blanchard

- *9:00 – 9:05 Call to Order: Chairman VanDyke
Invocation: Chairman VanDyke
Approval of Minutes of September 21, 2010
- *9:05 – 9:10 Follow-Up Business
- *9:10 – 9:20 Bid Opening/NRCS Package E – Brent Slater/Bill Gilson
- *9:20 – 9:25 Award NRCS Package D – Brent Slater
- *9:25 – 9:35 B.R.H.D. Request for Sponsorship CDBG Grant – Todd Barson
- *9:35 – 9:45 Update/Dispatch Planning Committee – Police Chief Nance

- *9:45 – 9:55 Dissolving Inter-Local Agreement/Spillman Software – Police Chief Nance
- *9:55 – 10:00 Tremonton Animal Control Services Agreement #10-64 – Chairman VanDyke
- *10:00 – 10:05 Davis Ranch Subdivision/Rural Road Agreement #10-63 – Kevin Hamilton
- *10:05 – 10:10 Indigent Tax Abatement – Remona Atkinson
- *10:10 – 10:20 Landfill Training Boston MA Update – Gina Allen
- *10:20 – 10:25 Report on Spice in Box Elder County – Commissioner Shaffer
- *10:25 – 10:30 Warrant Register & Personnel Actions – Commissioners
- *10:30 – 10:35 Assignment Review – Commissioners

Adjournment

Work Session

1. Personnel – Peggy Madsen

These assigned times may vary depending on length of discussion, cancellation of scheduled agenda items or agenda alteration. Therefore, the times are estimates of the agenda items to be discussed. If you have any interest in any topic, you need to be in attendance at 9:00 a.m.

Prepared and posted this 23rd day of September 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 23rd day of September 2010.

LuAnn Adams
Recorder/Clerk

NOTE: Please turn off or silence cell phones and pagers during public meetings

This facility is wheel chair 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 734-3347 or FAX 734-2038 for information or assistance.