

**MINUTES
BOX ELDER COUNTY COMMISSION
APRIL 14, 2009**

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 **April 14, 2009**. The following members were present:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
Diane Fuhriman	Deputy Recorder/Clerk

EXCUSED: 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 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
Diane Fuhriman	Deputy Recorder/Clerk

EXCUSED: LuAnn Adams Recorder/Clerk

The prayer was offered by Chairman VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF APRIL 7, 2009 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER HARDY, SECONDED BY COMMISSIONER SHAFFER AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1**FOLLOW-UP BUSINESS****Box Elder School District**

Commissioner Shaffer attended a meeting with the Bear River Health Department. He said there are some ongoing issues with the Box Elder School District concerning inspections and plan reviews. A time has been scheduled for the School Board to meet with the Board of Health on April 22nd to discuss compromises and conclusions of health inspections of the schools.

Wal-Mart Distribution Center

Chairman VanDyke had the opportunity to meet with the Local Emergency Planning Committee at the Wal-Mart Distribution Center.

Chairman VanDyke was very, very impressed with the distribution center and Asset Protection Manager, Daniel Freeman. Mr. Freeman outlined the distribution center's history and physical description of their business. Chairman VanDyke said the thing that was the most impressive of all, is how involved they are in providing emergency services not only to the local community, but also related to Hurricane Katrina. Mr. Freeman said they have centers, primarily along the coasts, which have food stuffs and water stored for shipment to areas within the United States in the event of a disaster.

Chairman VanDyke related information about the business he wanted the public to know. The distribution center was open in 2000 and is about 900,000 sq. ft. They currently employ in the neighborhood of 800 people including management. This distribution center services 68 Super Centers, 14 neighborhood markets and 36 Sam's Clubs in 10 western states. Last year they had 1.6 billion dollars in sales. Of the 40 distribution centers that are in the United States, our local center earned the grocery distribution center of the year award for excellence in logistics in 2006. They were the top operational distribution center in the country in 2008 and in 2007 was chosen as business of the month by the Brigham City Chamber of Commerce. Chairman VanDyke told of the impact the center also has on the local communities. He said last year they donated \$35,000 to local community interests including Police and Fire Departments, Box Elder Food Pantry, the Boys & Girls Club and the Brigham City Senior Center. In May 2007 they presented a check to the Primary Children's Hospital for \$31,000. They also raised \$21,000 for the local United Way and are involved in fund raising efforts for the Relay for Life and Children's Miracle Network.

Chairman VanDyke feels the Wal-Mart Distribution Center is a great asset to Box Elder County.

Urban North Region Community Financial Services Advisory Council of Intermountain HealthCare

Chairman VanDyke said this meeting was held with a number of business and political leaders to address some of the financial concerns the economy is bringing to the healthcare industry. The focus was to try to alleviate some of the pressures experienced in charity care and free work.

Chairman VanDyke said he pointed out that in our community, close to 1000 jobs have been lost in the last 6-8 months. In many cases, people in need of healthcare, simply don't have healthcare coverage due to being laid off from their jobs.

Chairman VanDyke said it was a very interesting meeting and is held annually to take responses from communities and their leaders to formulate plans for the future.

NURLA LETTER DECISION - COMMISSIONERS

Chairman VanDyke said on February 26 the Commission received a letter from the NURLA organization requesting an official response as to the county's intentions with Little Mountain Landfill. Since that time two public hearings have been held to receive public input on the options available concerning the landfill.

MOTION: A motion was made by Commissioner Shaffer to call a work session to determine the wording for a letter to NURLA conveying the basic decision to withdraw from that group and to propose some alternatives the County has going forward to the group or individuals of the group that might make sense to them. Commissioner Hardy seconded the motion with the stipulation of inviting County Attorney Stephen Hadfield and Community Development Director Kevin Hamilton to the work session. The motion was unanimously carried.

ROCK HILL CONDITIONAL USE PERMIT/COLLINSTON – TAMARA WRIGHT/KEVIN HAMILTON

Community Development Director Kevin Hamilton said Mr. Hill received a conditional use permit approximately two years ago to build a dwelling on a private right-of-way. There are two conditions outstanding on the permit, one is to enter in to a rural road agreement agreeing to upgrade the frontage in front of his property at his expense should the need arise in the future. The other is the language of the easement that accesses the property needs to be approved by our County Attorney.

Mr. Hamilton is recommending the Commissioners approve the rural road agreement subject to approval of the easement agreement.

MOTION: A motion was made by Commissioner Hardy to approve the rural road agreement with Mr. Rock Hill with the understanding that this is a road agreement and not for the conditions of the road.

AMENDED MOTION: A motion was made Commissioner Hardy to approve the rural road agreement with Mr. Rock Hill with the understanding that this is a road agreement and not for the conditions of the road and is subject to County Attorney Stephen Hadfield's approval. The motion was seconded by Commissioner Shaffer and unanimously carried.

BURN ORDINANCE REVISIONS – COMMISSIONER SHAFFER

Commissioner Shaffer explained the reasons for amending and restating the county's current burn ordinance. He said the current ordinance had some question on the interpretation of when a burn permit is required. The proposed ordinance will clarify these interpretation issues and set forth exceptions for spring burning of fence lines, irrigation ditches and canals. Also the current ordinance did not exempt campfires and fires used for cooking; this is now addressed in the proposed ordinance.

MOTION: A motion was made by Commissioner Shaffer to accept the burn ordinance as proposed and outlined by County Attorney Stephen Hadfield with the minor change to be March 1st thru May 1st. The motion was seconded by Commissioner Hardy and unanimously carried.

Chairman VanDyke commended Commissioner Shaffer on the efforts he has made in working with the Sheriff's Office, agricultural people and the canal company and for the work that was involved in this re-write.

REQUEST TO USE THE COURTHOUSE GROUNDS – COMMISSIONER HARDY

DeAnna Hardy said Tax Day Tea Parties are being held across the United States Wednesday April 15th. She would like to hold a peaceful rally in our community so the public can make their voices heard to our government that spending is out of control.

MOTION: A motion was made by Commissioner Hardy to allow the use of the courthouse grounds Wednesday April 15th at 7 p.m. and that the participants will clean up and leave the grounds as they found them. The motion was seconded by Commissioner Shaffer and unanimously carried.

(See Attachment No. 2 – Rally Agenda.)

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 63066 thru 63220 in the amount of \$247,726.08.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF: Phillip Zieseniss, compensation change, effective 10/13/2008
SHERIFF: Tracie Bond, separation, effective 03/27/2009
LANDFILL: Dalam Kent, separation, effective 04/03/2009

EXECUTIVE SESSION

Strategy session to discuss the purchase, exchange, or lease of real property when 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 10:36 a.m. a motion was made by Commissioner Shaffer to move into an executive session to discuss the purchase, exchange, or lease of real property. The motion was seconded by Commissioner Hardy and unanimously carried.

MOTION: At 11:12 a.m. A motion was made by Commissioner Shaffer to reconvene into regular Commission Meeting. Commissioner Hardy seconded the motion, and regular Commission Meeting was reconvened.

Chairman VanDyke explained that there was a discussion on the purchase, exchange or lease of real property.

ADJOURNMENT

A motion was made by Commissioner Shaffer to adjourn. Commissioner Hardy seconded the motion, and the meeting adjourned at 11:14 a.m.

ADOPTED AND APPROVED in regular session this 21st day of April 2009.

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:

Drafting of the response letter to NURLA

The Administrative/Operational Session adjourned at 10:35 a.m.