

**MINUTES
BOX ELDER COUNTY COMMISSION
APRIL 28, 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 28, 2009**. 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. Contract – Peggy Madsen

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
LuAnn Adams	Recorder/Clerk

The prayer was offered by Commissioner Shaffer.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF APRIL 21, 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

Victim Advocate – Attorney Stephen Hadfield

Personnel Director Peggy Madsen said the county receives a grant for the victim advocate services. By law Box Elder County is required to give these services for victims in crime. Ms. Madsen presented the grant to the Commissioners which is effective July 1, 2009-June 30, 2010.

County Attorney Hadfield said this is a continuation of the existing grant. Because the County did not ask for any more money, we will be guaranteed the grant. He said there is an in-kind match by the county.

MOTION: A motion was made by Commissioner Hardy to renew the Victim Advocate contract with the State of Utah and allow the chair to sign. The motion was seconded by Commissioner Shaffer and unanimously carried.

Meeting with School Board

Commissioner Shaffer said he and the Health Department were scheduled on the School Board's meeting last Wednesday night but they had a controversial item with lengthy public comments. Lloyd Berentzen was unable to stay, so they will meet with the School Board at a different time.

Fairgrounds Walk-Thru

Commissioner Shaffer said he had a meeting with Mark Brady from UAC to review and have a walk-thru of the county fairgrounds. They reviewed some insurance items that needed to be accomplished. There were some minor building things that needed to be placed like signage over fire extinguishers and exit signs. The main thing that needs to be corrected is our rental agreement. It needs to be revamped to make it clearer. There was discussion on who needs to have insurance. Commissioner Shaffer said a waiver poster is good enough for most of the activities. For the walk-on horse activities where they use the arena, there should be signage for them that say, "use at your own risk". There are some events that need to have insurance. The group can provide their own or get the state's TULIP insurance.

Commissioner Shaffer said they also talked about the livestock forming a non-profit organization. They will need to provide their own insurance or get the TULIP insurance.

Commissioner Shaffer said as they walked through the 4-H office there were some real fire hazard risks. He said there were combustibles next to the furnace and things in front of the electrical panel that were not acceptable. He said they will work on getting the office cleaned out to an acceptable level. He was also concerned about the heat being so high and heating the building all week when the office is only used one day a week.

ALAN MCEWAN CONTRACT – PEGGY MADSEN

Personnel Director Peggy Madsen presented a renewal contract for Alan McEwan to do consulting services in the Auditor's Office for 150 hours. Mr. McEwan is helping County Auditor Tom Bennett to comply with the changes in the law regarding independent audits. The auditor's office has been using Mr. McEwan since last December. Ms. Madsen is hoping it will cut down on time and costs to do the audit.

Chairman VanDyke said accounting practices have been flexible in terms of what the independent auditor can help the county with. The external audit requirements have changed, and the auditor's office is in the process of getting up-to-speed in terms of preparing for the audit.

MOTION: A motion was made by Commissioner Shaffer to accept the renewal contract with Alan McEwan for 150 hours. The motion was seconded by Commissioner Hardy and unanimously carried.

RECYCLING PROGRAM PRESENTATION – JACKSON HINCK

Jackson Hinck said he is 13 years old and attends the Bear River Middle School and was recently elected as the student body president for next year. During his campaign he ran on the platform of recycling at his school. He presented some plastic recycling facts. Americans use 2.5 million plastic bottles every hour every day. Most of them are just discarded and done nothing with but fill up our landfills. Recycling plastic saves twice as much energy as burning it in the incinerator. He said recycling a single run of the New York Times Newspaper would save 75,000 trees. Jackson said that is just one day and one newspaper. He said if all of the newspapers were recycled we could save about 250 million trees each year. Approximately one billion trees worth of paper are thrown away in the United States every year. The average household throws away 13,000 separate sheets of paper each year. Most of it is just packaging and junk mail. He said 17 trees saved can absorb a total of 250 lbs. of carbon dioxide from the air each year. Burning that same equivalent of paper would create 1,500 pounds of carbon dioxide. The net gain is 1,750 pounds of carbon dioxide. Materials that may be put into recycling bins include junk mail, copy paper, magazines and phone books. He said at their school they use a lot of notes, worksheets, tests, etc. If they were to recycle it would make a big difference. Americans use 85 million tons of paper a year. Broken down per person that is about 680 pounds. His challenge is to become more and more environmentally friendly through a school-district recycling program. His challenge is to acquire sponsors to assist in purchasing the required equipment for the program. He said it is not free. They cannot do it alone, and it does cost money. He will need to implement the program and educate all those that will be participating in the program and encourage all faculty and student body to be actively involved in the recycling process by using the recycling bins. He said maybe they would have an assembly or something fun to get the kids more enthusiastic about it. He visited his father's work and saw the different recycling bins. He told the commissioners he would like to see the Bear River Middle School recycle wood and metal from the shop classes as well as paper and plastic. Jackson said he will be working on raising money and getting sponsorships from local businesses over the summer to get the bins and make arrangements for the pickups.

Commissioner Shaffer said as people hear and read about this in the newspaper they might be willing to help with some of the things that are needed to get the project under way.

Commissioner Hardy complimented Mr. Jackson on taking this amount of recyclables out of the waste stream so it does not go to the landfill. He said there are recyclers in Box Elder County like Rapps and Rhodes that he needs to contact.

Chairman VanDyke said this is an issue that will face Jackson's generation and generations coming behind. He said this is a movement throughout the entire earth. He commended Jackson Hinck for his research and said his information was eye opening.

BUILDING COMMITTEE RE-ASSIGNMENT – CHAIRMAN VANDYKE

Commissioner Shaffer said he was assigned to the Courthouse Historical Restoration Committee prior to his election as County Commissioner. He said the Commissioners are given assignments, and Commissioner Hardy has oversight of buildings and grounds and feels Commissioner Hardy should be on the committee.

MOTION: A motion was made by **Commissioner Shaffer** that Commissioner Shaffer resign from the Courthouse Historical Restoration Committee and Commissioner Hardy be appointed to replace Commissioner Shaffer to carry out the duties on the committee. The motion was seconded by **Commissioner Hardy** and unanimously carried.

Commissioner Shaffer said as a citizen it was a neat experience being on that committee but Commissioner Hardy's assignments have overlapped this committee, and it makes a lot of sense that he is the Commissioner representing the committee. He said the committee started meeting last summer and they have made a lot of the renovation decisions. They decided on the wallpaper, carpeting, paint and shutters. He said they have tried to keep the courthouse's look back to its historical time around 100 years ago. They also made decisions regarding the paint on the outside of the building. Commissioner Shaffer said these decisions were made within the committee and then presented to the Commission for their approval. He said the committee along with the Commission has turned the courthouse into a show place. He said it is a neat thing to be a part of.

Commissioner Hardy complimented the committee on the work they have done to restore the courthouse where it is today.

Chairman VanDyke said he has the privilege of walking the streets of Brigham City. He said visitors to the community and residents quite often comment on the progress that is being made and how nice it looks. The overall impact of the courthouse is to have a facility that we are very, very proud of. Chairman VanDyke thanked Commissioner Shaffer for his service, and he is confident that Commissioner Hardy will step into his shoes and carry on.

SET PUBLIC HEARING DATE FOR RE-ZONE MU-160 TO MU-80-TAMARA WRIGHT

County Planner Tamara Wright asked the Commissioners to set a public hearing for a re-zone in Box Elder County located in the Sardine Canyon. The property is owned by the Nelsen Brothers and there are approximately 240 acres. The request is to rezone the property from a MU160 to MU80. The Planning Commission recommends setting a public hearing date.

MOTION: A motion was made by Commissioner Hardy to set the public hearing date for the rezone in Sardine Canyon for May 26 at 10:00 a.m. The motion was seconded by Commissioner Shaffer and unanimously carried.

GARY CHRISTENSEN SUBDIVISION – TAMARA WRIGHT

County Planner Tamara Wright explained that the Gary Christensen Subdivision is a one-lot subdivision located approximately 12000 N. 10800 W. in the Bothwell area. Mr. Christensen has 157 acres, and he is taking off 5 ½ acres so he can sell the home. He will keep the remainder of the parcel as agriculture acreage. The subdivision has been before the Planning Commission and they have approved the preliminary and final plat.

MOTION: A motion was made by Commissioner Shaffer to approve the Gary Christensen Subdivision and allow Chairman VanDyke to sign the plat. The motion was seconded by Commissioner Hardy and unanimously carried.

IMPACT PAYMENT SOLUTIONS – LUANN ADAMS/CHAD MONTGOMERY

County Recorder/Clerk LuAnn Adams informed the Commissioners that she is going to use Impact Payment Solutions to handle credit card transactions for her On-Line Property payments. The company is located in Logan, and the cost for using the credit cards is passed onto the user as a convenience fee. It will not cost the county anything. Ms. Adams said she is starting out small with the company, but this might be a solution to using credit cards countywide in the future. She will report back to the Commissioners on how it is working out.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 63332 thru 63464, 990248 thru 990257 in the amount of \$616,055.01. Claims 61472, 63333, and 61822 were voided.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF: Clarence D. Hewlett, compensation change, effective 03/29/2009
SHERIFF: Crystal Blasi, compensation change, effective 04/10/2009
ROAD DEPT: Frank Musil, re-hire, effective 04/13/2009
LANDFILL: Kimberly Walker, change of status, effective 04/14/2009
AUDITOR: Janet Gustafson, compensation change, effective 01/22/2009

PUBLIC HEARING/RUBY PIPELINE – COMMISSIONERS

(See Attachment No. 2 – Attendance List.)

Chairman VanDyke declared the public hearing regarding leasing county property to Ruby Pipeline open at 10:00 a.m.

Commissioner Hardy explained the reason for the public hearing is Ruby Pipeline has asked the county to lease property to them that the county owns in Bear River City. They would like to lease 20 acres to put their construction site on, and this property will be their point where everything will come through. To lease them this property, the County has to declare the property surplus and a public hearing is part of the process.

Chairman VanDyke asked for comments from those in attendance. There were no comments.

MOTION: A motion was made by Commissioner Hardy to close the public hearing. The motion was seconded by Commissioner Shaffer, and the public hearing was closed at 10:04 a.m.

EXECUTIVE SESSION

MOTION: At 10:15 a.m. a motion as made by Commissioner Hardy to move into an executive 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 and pending litigation. The motion was seconded by Commissioner Shaffer and unanimously carried.

MOTION: At 11:14 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 discussion regarding the purchase of real property and litigation in the executive session.

ADJOURNMENT

A motion was made by Commissioner Shaffer to adjourn. Commissioner Hardy seconded the motion, and the meeting adjourned at 11:15 a.m.

ADOPTED AND APPROVED in regular session this 5th day of 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:

PERSONNEL

POLICIES

EAP

The Administrative/Operational Session adjourned at 12:47 p.m.