

**MINUTES
BOX ELDER COUNTY COMMISSION
JUNE 09, 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 **JUNE 09, 2009**. The following members were present:

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

EXCUSED: Rich VanDyke Chairman

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 Commissioner Hardy at 9:00 a.m. with the following members present, constituting a quorum:

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

EXCUSED: Rich VanDyke Chairman

The prayer was offered by Commissioner Shaffer.

Acting Commission Chairman Hardy excused Chairman VanDyke who was out-of-town.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF JUNE 02, 2009 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS**Right-of-Way Access Old Bamberger Road – Bruce Evans/Stephen Hadfield**

County Attorney Stephen Hadfield said since Commission Meeting last week, he has had an opportunity to meet with Bruce Evans and go over his issues and concerns. Attorney Hadfield has reviewed the deed and plat map of the property. He said the real issue is a fence is placed across county property and Bruce Evans has a public right-of-way. The fence has been there for a lot of years, but there were bigger gates. He said the county needs to look at what the county is going to do when someone puts a fence across the right-of-way. Attorney Hadfield will have Deputy Recorder Chad Montgomery verify the legal descriptions.

MOTION: A motion was made by Commissioner Shaffer to prepare a letter to send to Kim Fuller that upon review of the deeds of the property, the Commissioners request that he restores the large gate as it historically was or that he has an option to put gates on the east and west of his own property. The motion was seconded by Commissioner Hardy and unanimously carried.

Fair Board President Compensation Change

Commissioner Shaffer said the fair board president receives a small stipend for incidental expenses that occur. He said a letter needs to be written authorizing Suzanne Rees to receive the stipend as the new fair board president.

MOTION: A motion was made by Commissioner Shaffer to authorize him to sign a letter regarding the stipend for the fair board president and send it to the auditor. The motion was seconded by Commissioner Hardy and unanimously carried.

(See Attachment No. 2 – Letter.)

RESOLUTION #08-07 – EMPLOYEE RETIREMENT CONTRIBUTIONS – PEGGY MADSEN

Personnel Director Peggy Madsen said the Utah Retirement System did a review in Box Elder County, and it went very well. She said last year the county was required to adopt a resolution stating the county would pay for the employees in the contributory systems. It has been determined it is in the best interest to pay the same amount of money for the non-contributory employees as the contributory employees and if there is a balance, the employees will pay. She presented a resolution drafted by County Attorney Hadfield stating such.

Commissioner Shaffer feels this is a good solution to the problem. There are four Box Elder County employees that have not had a window to opt out of the contributory system since 1995. This will allow all of the employees to have an equitable retirement from the county.

MOTION: A motion was made by Commissioner Shaffer to adopt Resolution 09-07. The motion was seconded by Commissioner Hardy and unanimously carried.

AMENDED MOTION: A motion was made by Commissioner Shaffer to adopt Resolution 09-07 and authorize Acting Chairman Hardy to sign the resolution. The motion was seconded by Commissioner Hardy and unanimously carried.

(See Attachment No. 3 – Resolution 09-07)

Personnel Director Peggy Madsen said the contribution rates were signed back in May and the rates that are needed to be sent to the state have been changed.

NOXIOUS WEED POLICY CHANGES – RICK KENT

Weed Supervisor Rick Kent presented the following power point describing changes to the noxious weed policy: *(See Attachment No. 4 – Noxious Weed Policy Changes.)*

Rick Kent would like the policy to go into effect January 1 and educate people from now until then. Mr. Kent proposes putting the county into four different zones to push the weeds less prevalent in the west to the east. He said the plan can be modified as there is progress. He talked about having four different zones to control the different weeds in the areas. He said the proposal for creating zones is to stop the invasion of certain weeds into zones they do not currently occupy. The purpose of the zones is to allow enforcement notices to be written for specific weeds in specific zones to assist in their control. Mr. Kent also talked about adding the Catchweed Bedstraw to the Box Elder County Noxious Weed list. He proposed paying the weed board members \$50.00 for each meeting plus the current government mileage rate. He said five members are appointed, and there are four meetings a year. The amount would be \$1,340. Mr. Kent talked about a weed control fund and also creating a weed project area in South Willard.

MOTION: A motion was made by Commissioner Shaffer that the county add Catchweed Beadstraw to the county Noxious Weed List and authorize Rick Kent to go to the state for approval to have this weed added to the county's list. The motion was seconded by Commissioner Hardy and unanimously carried.

MOTION: A motion was made by Commissioner Shaffer to accept and adopt the zones as proposed today and let the Weed Department get the zones established subject to review by our county attorney. The motion was seconded by Commissioner Hardy and unanimously carried.

Commissioner Shaffer proposed that the Commissioners take the weed board compensation under advisement and review with County Attorney Hadfield and Chairman VanDyke, and that this item be put on the agenda at a later date.

Commissioner Shaffer expressed appreciation to Rick Kent for all of his hard work.

AGRICULTURAL PROTECTION AREA REVIEW - LUANN ADAMS

County Recorder/Clerk LuAnn Adams said recently there was an annexation in the Tremonton area and the land was in an agricultural protection area. She said state code says if a municipality annexes any land that is part of an agricultural protection area located in the unincorporated part of the county, the county legislative body shall, within 30 days after the land is annexed, review the feasibility of that land remaining in the agriculture protection area.

MOTION: A motion was made by Commissioner Shaffer to request the planning commission and the advisory board to submit recommendations about whether the agricultural protection area should be continued, modified or terminated. The motion was seconded by Commissioner Hardy and unanimously carried.

APPROVAL OF TAX SALE BIDS – TOM BENNETT

County Auditor Tom Bennett said every year the county has their annual tax sale for properties that are five years delinquent on taxes. He said the 2009 tax sale was conducted on May 28. It started out with 86 parcels and ended up with roughly about 20 that went to the tax sale. He submitted a list to the Commissioners. He said all sales are pending until approval is received by the County Commission.

MOTION: A motion was made by Commissioner Shaffer to adopt the Box Elder County 2009 Tax Sale results as submitted by the County Auditor and record them as proposed. The motion was seconded by Commissioner Hardy and unanimously carried.

(See Attachment No. 5 – 2009 Tax Sale Results.)

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 64044 through 64157, 990271 in the amount of \$224,104.47.

PERSONNEL ACTIONS – COMMISSIONERS

ASSESSOR:	Tamara Berry, compensation change, effective 06/25/2009
FAIR:	Richard Kent, compensation change, effective 06/01/2009
WEED DEPT:	Miles McNair, compensation change, effective 05/25/2009
LANDFILL:	Adrain D. Tolman, new hire, effective, 05/27/2009
ROAD DEPT:	Ida Cannon, compensation change, effective 06/07/2009
ROAD DEPT:	Mike Hoskins, compensation change, effective 06/11/2009
ROAD DEPT:	David Bingham, compensation change, effective 06/15/2009
JUSTICE COURT:	Wendy Potter, compensation change, effective 06/04/2009

RECESS

The Commissioners took a recess at 10:00 a.m. and reconvened at 10:15 a.m.

EXECUTIVE SESSION

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

MOTION: At 11:03 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.

Acting Commission Chairman Hardy said threatened litigation was discussed during the executive session.

ADJOURNMENT

A motion was made by Commissioner Shaffer to adjourn. Commissioner Hardy seconded the motion, and the meeting adjourned at 11:04 a.m.

ADOPTED AND APPROVED in regular session this 16th day of June 2009.

Jay E. Hardy, Commissioner

Brian K. Shaffer, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk