

**MINUTES  
BOX ELDER COUNTY COMMISSION  
JANUARY 22, 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 **JANUARY 22, 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. Personnel Items/EAP Contract Policies – Peggy Madsen

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 JANUARY 15, 2008 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER DAVIS AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**TRAVEL & VEHICLE ALLOWANCE POLICY – PEGGY MADSEN**

This item was cancelled.

**CANCELLATION OF COMMISSION MEETING – LUANN ADAMS**

MOTION: A motion was made by Commissioner Davis to cancel Commission Meeting on February 5, 2008. The motion was seconded by Commissioner VanDyke and unanimously carried.

**YEAR-END REPORT/SHERIFF'S OFFICE – SHERIFF LYNN YEATES**

Sheriff Yeates reviewed the 2007 year-end report for the Box Elder County Sheriff's Department and the 2007 Year-End Fire Report.

*(See Attachment No. 2 – Year End Reports.)*

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claim 54794 thru 54930 in the amount of \$417,979.87. Claims 54762, 54403, 54438 and 5655 were voided.

**PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF:	Kathleen Conrad, compensation change, effective 01/18/2008
FIRE DEPT:	Cassie Romander, compensation change, effective 01/19/2008
JUSTICE COURT:	Suzanne Falletta, compensation change, effective 01/05/2008
ROAD DEPT:	Bill Gilson, authorize county vehicle, effective 01/22/2008

**RECESS**

The Commissioners took a recess at 9:42 and reconvened at 10:00 a.m.

**PUBLIC HEARING/POTENTIAL CREATION OF CENTRAL BOX ELDER FIRE SPECIAL SERVICE DISTRICT – COMMISSIONERS**

*(See Attachment No. 3 – Attendance List.)*

Chairman Hardy declared the public hearing open at 10:00 a.m.

Eric Johnson, Legal Counsel, explained the process for the creation of the Special Service District. He said the fire district would include Corinne, Honeyville, Bear River City, Deweyville, Elwood and the unincorporated areas surrounding the communities. He talked about the process and explained that the public has 15 more days to submit their comments. They must submit their comments in writing to the County Commission.

Mayor Neil Nelson, Bear River City, said in the past we have been well served by the city of Tremonton. We have a good working relationship with them. With growth in these new communities, they felt it would be advisable for them to evaluate the establishment of a fire district to service the five communities and accommodate the future growth they anticipate. All five mayors have talked with councils and coordinated with those communities that have fire service and the administrative personnel were in favor of the creation of the district.

Chairman Hardy opened the public hearing up to those in attendance.

Bruce Blake, Bear River City, said he has extensive questions. He has talked to several firemen who have indicated that if a district is formed, your insurance ISO rate will go up. He is wondering why we couldn't partner with Tremonton and why it is going to increase our taxes so much.

Commissioner Davis emphasized that Box Elder County is the sponsor of the Special Service District and the facilitator. The County is not promoting the District.

Eric Johnson said the process of creating a district is to enable some economics of scale and have better coordination within the communities. There has been good cooperation between the communities and between Brigham City and Tremonton. Mr. Johnson said in December when the Commission adopted a resolution, at that time a representative of Brigham City Fire Department talked to the mayors from each of the communities and said they will help out any way they can. He said there is a large measure of cooperation and mutual support and everyone expects that to exist. As far as the process, right now it is to create a fire district. That district will have no money or assets. The communities that receive fire service will continue to receive them until the fire district is created. The district will acquire their assets and try to acquire additional assets to serve within the communities. The fire district will be paid for with taxes. The hope is with the district the tax burden will be shifted to the district as opposed by other means. There is no anticipation that there will be a large tax increase. The first step is to get the district created and then before the district can impose a tax, they will have to go to the people within the district. The citizens within the district will have an election ballot and will have the opportunity to vote yes or no. Mr. Johnson said the question today is would it be beneficial for the five communities and the unincorporated county to create a district.

Sheriff Yeates stated that one of his duties as sheriff is being over fire fighting. He wanted to know if the district included wildland firefighting because the district includes wildland fire fighting areas.

Duncan Murray, Perry City Attorney and Administrator, supports the creation of any district for fire and emergency medical. He said primarily every city should determine its own level of service but in the area of fire and emergency, these services are provided on a community basis. He said there are five communities exploring the economics of scale for their growing communities. Perry is tracking

and looking at joining some kind of district in the future. Brigham City has provided some great service to Perry, and is treated well; however, they realize when there is growth and add additional buildings, there are additional needs and Perry cannot keep doing business as usual. He said Perry City needs to take responsibility. He said everybody needs wildland fire and regular fire protection, and it is critical that it is provided in the most cost effective way. He feels the fire district as presented today is a really good option.

Tremonton Mayor Weese explained they have provided services to these communities and receive no compensation. The residents of Tremonton City have been footing the bill for 70 some years. He said they go to fires in these communities and receive no money. Recently the fire department was paged to Bear River City at 3:00 a.m. and they took two pieces of equipment and two men to Bear River City. Tremonton City came up with the equivalent residential unit of \$50.00 per home to be shared to help Tremonton keep good fire equipment and ambulance equipment. He said Tremonton City realized that when they did this the cities Fiscal Year started July 1. He said we agreed that for the first year the communities could pay 1/3 of the total. The second year 2/3 and the third year, they were to pay the full amount. He said we are not against the district, but Tremonton wants their money upfront.

Hal Probst asked what happens if the district is voted down.

Eric Johnson said if the district is created and people in the communities do not authorize an election for a tax for the fire service, the district is not automatically dissolved. He said the plan would be each governmental entity would have a member on the board representing each community to help make decisions. The district would negotiate with each community as to what they would provide. Mr. Johnson said the district would not stop dead, but fire services would have to be funded by another mechanism.

Gregg Johnson asked what district is the Iowa String West of Bear River City. The Commissioners told him that property would be included in this district.

Nikki Anderson lives in the unincorporated part of the county next to Bear River City, and she wondered why her land was not included in the plan and if it could be included. She pointed out that in the past they have used Tremonton fire service. She said the school is surrounded by rivers and when the children are at school, there is no way to get through if the bridges break. She said if there is a disaster, Tremonton will take care of their people first. She feels a fire district would be nice. She worries if there will be enough volunteers. Ms. Anderson asked if Proctor and Gamble will have their own fire department. The Commissioners told her they would and would only service their own property.

Dave Forsgren, Councilmember for Honeyville, said Honeyville has a very good fire department. They have spent \$25,000-\$30,000 a year in reserve funds to build up the fire department equipment. The concern the people have is Tremonton is called on any fire that happens in Bear River and Honeyville is four miles from Bear River. Honeyville can get there 5-6 minutes quicker than Tremonton. He said six minutes on a fire is critical. The City Council of Honeyville and Honeyville

Fire Department approve and support this fire district. He said fire departments are not cheap, and they would support any citizen or any community that signs up.

Jay Stevens lives in the unincorporated part of the county and wonders if county residents pay taxes to go to the fire departments.

Commissioner Davis said the residents do not pay any additional assessment over and above what any other person pays. He said your fire service is subsidized by all citizens. Citizens are not paying a separate levy for fire protection service.

Box Elder County Fire Marshall Greg Martz said Box Elder County contracts with all 14 departments to respond to the residents in the county. Tremonton City will bill the county, and Box Elder County will bill you for the fire.

Cleve Horrocks, Thatcher, is very much in favor of creating a fire district. He said right now residents of certain areas are subsidizing the fire protection that we need. He said it is only fair for us as individuals to pay our fair share. He said we need to incorporate the wildland protection to make sure there are services provided, and that we have the services in place to protect the citizens in the county. He said when we have emergency calls in Thatcher/Penrose; over 50% of the calls are medically related. He said if we are paying \$50.00-\$60.00 a year on property taxes and receive a \$200.00 a year reduction on our homeowners insurance, we ought to be supportive.

Casey Naef said we are going to provide needed services and will save the citizens money and a very good service. He said we have two different departments and five different cities. He is wondering who will be in charge of the operations. He asked if a fire chief for the district had been addressed.

Bear River City Mayor Neil Nelson stated they would like to have an individual to be the chief and would ask for volunteers and hopefully have the people to support the fire district within Bear River City. He said in Bear River City they have five individuals that already serve on fire departments at different places. He said the plan would be to have a fire chief over the district and respond to his needs and work with the departments and look at their budgets and try to make an effective district by serving everyone well.

Troy McNeeley, Honeyville Fire Department, said there is a lot of bad publicity going around. He recommended calling their insurance agency and doing their homework for themselves. He said the Mayors are going about this the right way. Mr. McNeeley said we do need your input and said with all the bad press; don't just talk to an individual. If you are concerned, talk to your insurance agent or your mayor.

**MOTION:** A motion was made by **Commissioner Davis** to close the public hearing. The motion was seconded by **Commissioner VanDyke** and unanimously carried.

The public hearing was closed at 11:05 a.m.

Commissioner VanDyke was excused to attend another meeting.

**EXECUTIVE SESSION**

**Strategy Session for “imminent” Litigation**

MOTION: At 12:23 p.m. a motion was made by Commissioner Davis to move into an executive session to discuss imminent litigation. The motion was seconded by Chairman Hardy and the motion was unanimously carried.

MOTION: At 12:53 p.m. a motion was made by Commissioner Davis to reconvene into regular Commission Meeting. Chairman Hardy seconded the motion, and regular Commission Meeting was reconvened.

Chairman Hardy explained that imminent litigation was discussed during the executive session.

**OTHER BUSINESS**

**Economic Development Project Area Plan – Commissioners**

MOTION: A motion was made by Commissioner Davis to adopt Ordinance #297, an ordinance adopting the Box Elder County Economic Development Project Area Plan as Box Elder County’s Development Plan for the Property located in the Economic Development Project Area. The motion was seconded by Chairman Hardy and the motion unanimously carried. (Commissioner VanDyke was excused and not in the meeting at this time.)

*(See Attachment No. 4 – Ordinance No. 297.)*

**ADJOURNMENT**

A motion was made by Commissioner Davis to adjourn. Commissioner Hardy seconded the motion, and the meeting adjourned at 12:55 p.m.

**ADOPTED AND APPROVED** in regular session this 29<sup>th</sup> day of January 2008.

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Jay E. Hardy, Chairman

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Clark N. Davis, Commissioner

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Rich VanDyke, Commissioner

ATTEST:

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LuAnn Adams, Recorder/Clerk