

**MINUTES
BOX ELDER COUNTY COMMISSION
MARCH 11, 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 **MARCH 11, 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

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 Chairman Hardy.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 26, 2008 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER DAVIS AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS**BOX ELDER COUNTY & PERRY CITY FLOOD CONTROL – DUNCAN MURRAY**

Perry City Administrator/Attorney Duncan Murray reviewed the history of the Box Elder County/Perry City Flood Control District. The request from Perry City is to start the advertising process to request applications to serve on the board and then bring all the applications back to the County Commission and the County Commission could appoint the positions. Mr. Duncan said the Mayor and City Council would like to see some local involvement.

Attorney Eric Johnson said it is within the control and discretion of the County Commission. The members of the board are not required to be residents within the district. He recommends the appointments be done by resolution. The Box Elder County Commission serves as the administrative control board for the Perry City Flood Control Board and has the responsibility for any special elections and making appointments to the board.

MOTION: A motion was made by Commissioner Davis to take under advisement and confer with Eric Johnson, Duncan Murray and Kevin Hamilton and to have an inspection of the bylaws. The motion was seconded by Commissioner VanDyke and unanimously carried.

OSC CAPITAL – GIL OLGUIN/ROSCOE WOODS

This item was cancelled.

EXECUTIVE SESSION

1. **STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY WHEN PUBLIC DISCUSSION OF THE TRANSACTION WOULD DISCLOSE THE APPRAISAL OR ESTIMATE VALUE OF THE PROPERTY UNDER CONSIDERATION OR PREVENT THE PUBLIC BODY FROM COMPLETING THE TRANSACTIONS ON THE BEST POSSIBLE TERMS**
2. **STRATEGY SESSION FOR “IMMINENT” LITIGATION**

MOTION: At 9:45 a.m. a motion was made by Commissioner Davis to move into an executive session to discuss the purchase, exchange or lease of real property and also to discuss imminent litigation. The motion was seconded by Commissioner VanDyke and unanimously carried.

MOTION: At 10:50 a.m. a motion was made by Commissioner Davis to reconvene into regular Commission Meeting. Commissioner VanDyke seconded the motion, and regular Commission Meeting was reconvened.

Chairman Hardy explained that the purchase, exchange or lease of real property and also imminent litigation was discussed.

SET PUBLIC HEARING/DISPOSITION OF SURPLUS REAL PROPERTY – STEPHEN HADFIELD

County Attorney Hadfield and Buildings and Grounds Manager Donnie Tarver said when the county developed a dwelling in Grouse Creek the county negotiated a deal with BLM that the county's investment would be \$40,000 for the investment of a well and a 10,000 gallon storage tank for truck fills and water to the county facilities. There is a sliver of property that BLM would like the county to deed. County Attorney Hadfield said the county must go through the surplus property process.

MOTION: A motion was made by Commissioner Davis to set a public hearing for April 1 at 10:00 a.m. and to refer this issue to the Planning Commission for review. The motion was seconded by Commissioner VanDyke and unanimously carried.

ORDINANCE REGULATING CONDUITS CROSSING BEC – KEVIN HAMILTON

MOTION: A motion was made by Commissioner VanDyke to direct County Planner Kevin Hamilton to write an ordinance regulating conduits crossing Box Elder County. The motion was seconded by Commissioner Davis and unanimously carried.

ORDINANCE/TRANSPORTATION CORRIDOR PRESERVATION FEE – KEVIN HAMILTON

MOTION: A motion was made by Commissioner Davis to adopt Ordinance No. 298, an ordinance adopting a local option transportation corridor preservation fee; providing for repealer; providing for severability; and providing for an effective date to be effective July 1, 2008 and authorize Chairman Hardy to sign the ordinance. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 2 – Ordinance No. 298.)

ORDINANCE/REGULATING SALVAGE INCLUDING VEHICLES – KEVIN HAMILTON

County Planner Kevin Hamilton said he is starting to see a lot of people locate in Box Elder County to do auto recycling.

MOTION: A motion was made by Commissioner Davis to direct County Planner Kevin Hamilton to review the nuisance ordinance relative to the county including animal and salvage issues. The motion was seconded by Commissioner VanDyke and unanimously carried.

MACKLEY RE-ZONE PETITION – KEVIN HAMILTON

MOTION: A motion was made by Commissioner Davis to set a date to hold a public hearing for the Mackley Re-zone for April 8 at 10:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

TEMPORARY CONSTRUCTION PERMIT – CHAIRMAN HARDY/DONNIE TARVER

MOTION: A motion was made by Commissioner VanDyke to authorize Chairman Hardy to comply with the request from the Department of Interior regarding a temporary construction permit, right-of-way easements and maintenance of the Bear River Access Road also known as Box Elder County Road 523 and authorize Chairman Hardy to review and sign the enclosed documents in the presence of a notary. The motion was seconded by Commissioner Davis and unanimously carried.

STATE OF UTAH BOOKMOBILE CONTRACT – CHAIRMAN HARDY

This item was cancelled.

CONTRACT/ROCKY MOUNTAIN POWER & BEC – CHAIRMAN HARDY/RICK KENT

MOTION: A motion was made by Commissioner Davis to approve the Rocky Mountain Contract for power line extension and allow Chairman Hardy to sign the contract. The motion was seconded by Commissioner VanDyke and unanimously carried.

QUIT CLAIM DEEDS – COMMISSIONERS

MOTION: A motion was made by Commissioner Davis to approve the quit claim deeds as attached and authorize the chairman to sign. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 3 – Quit Claim Deeds.)

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 55700 thru 55859 in the amount of \$673,246.49. Claims 55860 thru 56015, 55441, 54739, 52178, 990090 thru 990109 in the amount of \$110,865.36.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF: Ryan J. Hill, separation, effective 03/07/2008
SHERIFF: Amy Nielsen, new hire, effective 02/19/2008
ROAD DEPT: Jason Cook, compensation change, effective 03/02/2008
ROAD DEPT: Sterling Robbins, re-hire, effective 03/03/2008
WEED DEPT: Terry Harrison, re-hire, effective 03/03/2008
WEED DEPT: Jack Mieure, re-hire, effective 03/03/2008
PERSONNEL: Jenica Child, compensation change, effective 02/20/2008
ASSESSOR: Sherry Rushton, compensation change, effective 03/15/2008
LANDFILL: Dalam Kent, compensation change, effective 03/13/2008

EXECUTIVE SESSION

3. 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 TRANSACTIONS ON THE BEST POSSIBLE TERMS

4. STRATEGY SESSION FOR “IMMINENT” LITIGATION

MOTION: At 11:50 a.m. a motion was made by Commissioner Davis to move into an executive session to discuss the purchase, exchange or lease of real property and also to discuss imminent litigation. The motion was seconded by Commissioner VanDyke and unanimously carried.

MOTION: At 11:57 a.m. a motion was made by Commissioner Davis to reconvene into regular Commission Meeting. Commissioner VanDyke seconded the motion, and regular Commission Meeting was reconvened.

Chairman Hardy explained that the purchase, exchange or lease of real property and also imminent litigation was discussed.

ADJOURNMENT

A motion was made by Commissioner Vandyke to adjourn. Commissioner Davis seconded the motion, and the meeting adjourned at 11:58 a.m.

ADOPTED AND APPROVED in regular session this 18th day of March 2008.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk