

**MINUTES  
BOX ELDER COUNTY COMMISSION  
AUGUST 12, 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 **AUGUST 12, 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. Reimbursement for Unusual Prosecution Expenses - Stephen Hadfield
7. Pick-Up Elections for Contributory Retirement Rates – 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 AUGUST 05, 2008 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**FOLLOW-UP BUSINESS****Gravel Operation Chairman Hardy**

Chairman Hardy said one year ago chips were \$4.00 a ton and asphalt has tripled. Road Supervisor Bill Gilson contracted and was able to get asphalt at last year's price. The county is able to make chips for under \$4.00, and they are making 2500 tons at a savings of \$10,000. Chairman Hardy said it is a good operation. In the process of making chips you end up with a sand material that the county can use for their sand and salt operation in the winter.

**Contract/Rex Facer**

Personnel Director Peggy Madsen presented a consulting agreement with Rex Facer to help with revenue projections during the budget process. The contract is for \$75.00 per hour. Mr. Facer was recommended to the county by Doug West.

**MOTION:** A motion was made by Commissioner Davis to approve the independent consulting agreement with Rex Facer. The motion was seconded by Commissioner VanDyke and unanimously carried.

A RESOLUTION PROVIDING FOR THE REFINANCING OF THE COSTS OF WATER SYSTEM IMPROVEMENTS LOCATED IN BOXELDER COUNTY, UTAH BY REFUNDING OUTSTANDING BONDS; AUTHORIZING AND PROVIDING FOR THE ISSUANCE BY THE ISSUER OF ITS \$977,000 INDUSTRIAL DEVELOPMENT LEASE REVENUE REFUNDING BONDS, SERIES 2008A (BEAR RIVER WATER CONSERVANCY DISTRICT REFINANCING PROJECT), \$439,000 INDUSTRIAL DEVELOPMENT LEASE REVENUE REFUNDING BONDS, SERIES 2008B (BEAR RIVER WATER CONSERVANCY DISTRICT REFINANCING PROJECT), \$355,000 INDUSTRIAL DEVELOPMENT LEASE REVENUE REFUNDING BONDS, SERIES 2008C (BEAR RIVER WATER CONSERVANCY DISTRICT REFINANCING PROJECT), \$800,000 INDUSTRIAL DEVELOPMENT LEASE REVENUE REFUNDING BONDS, SERIES 2008D (BEAR RIVER WATER CONSERVANCY DISTRICT REFINANCING PROJECT), AND \$133,000 INDUSTRIAL DEVELOPMENT LEASE REVENUE REFUNDING BONDS, SERIES 2008E (BEAR RIVER WATER CONSERVANCY DISTRICT REFINANCING PROJECT) (COLLECTIVELY, THE "2008 BONDS"), WHICH WILL BE PAYABLE SOLELY FROM THE REVENUES ARISING FROM THE PLEDGE OF A LEASE WITH THE BEAR RIVER WATER CONSERVANCY DISTRICT; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN THE ISSUER AND DISTRICT; CONFIRMING THE SALE OF THE 2008 BONDS; AND RELATED MATTERS.

Eric Johnson, Marc Edminster and Voneene Jorgensen came before the County Commissioners. Eric Johnson said back in June the County adopted a parameters resolution giving the outlines of potential bond financing. The bond financing will retire some outstanding bonds and replace them with new bonds. The sole purpose is to save money. The outstanding bond has a trustee involved. If they retire the bonds and issue new ones without a trustee, the district will save over \$100,000 over the life of the bonds. Attorney Johnson said there are five bonds; four of them are held by the Utah Drinking Water Board and one of them held by the Utah Board of Water Resources. Neither of the lenders requires a trustee. He said when the bonds were issued in the 1990's the district was new and the county acted as the sponsoring issuer. The County's name is actually on the bonds. He said what we set up doesn't change any relationships between anybody. It just removes the trustee. All of the risks are the same. The current outstanding amount on the 1993 bonds is \$997,000 and it would be refunded with the 2008 A bonds. The 1994 A bonds have \$439,000 outstanding and will be refunded with 2008 B bonds. The 1995 A have \$355,000. The 1995 B bonds have \$800,000 and the 1999 bonds have \$133,000

outstanding. The interest rates run between 0.82% and 1.5% on the five loans. The interest rates will not change. These are known as annual lease revenue bonds. Instead of being a one-lease for 20 years, it is a series of 20 one-year leases which is a common financial structure in the state.

**MOTION:** A motion was made by Commissioner Davis to adopt Resolution No. 08-13, a resolution providing for the refinancing of outstanding bonds by the Bear River Water Conservancy District. The motion was seconded by Commissioner VanDyke and unanimously carried.

A SPECIAL ELECTION TO BE HELD ON NOVEMBER 4, 2008, TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CENTRAL BOX ELDER FIRE SPECIAL SERVICE DISTRICT, UTAH, THE QUESTION OF THE LEVY OF A PROPERTY TAX FOR OPERATION AND MAINTENANCE EXPENSES IN THE AMOUNT OF \$113,000 PER YEAR AND THE QUESTION OF THE ISSUANCE OF APPROXIMATELY \$950,000 GENERAL OBLIGATION BONDS TO FINANCE THE COST OF CAPITAL IMPROVEMENTS, INCLUDING FIRE STATIONS, FIRE TRUCKS, AND RELATED FIRE SAFETY IMPROVEMENTS; CALLING AND SCHEDULING THE TIME, DATE AND PLACE FOR A PUBLIC HEARING REGARDING THE TAX LEVY AND THE ISSUANCE OF THE BONDS; APPROVING THE FORM OF AND DIRECTING THE PUBLICATION OF A NOTICE OF ELECTION, THE BALLOT PROPOSITIONS AND OTHER VOTER INFORMATION; AND RELATED MATTERS.

Attorney Eric Johnson, Marc Edminster and Deweyville Mayor Robert Thayne came before the Commissioners. Attorney Eric Johnson said the Central Box Elder Service District was recently created and certified by the Lt. Governor's Office. A special service district cannot impose a tax without an election of the people. The administrative control board wants to call an election to levy a tax for operation and maintenance expenses for the district and also a separate ballot for the issuance of bonds. If those two propositions pass it would raise between \$190,000 and \$200,000 a year for the district. The administrative control board did a fairly detailed budget, and that is what they figured they would need to keep the district going. The two ballot propositions are: (1) calling the question of the levy of property tax for the operation and maintenance expenses in the amount of \$113,000 per year (2) the question of the issuance of approximately \$950,000 of general obligation bonds to finance the cost of capital improvements including fire stations, fire trucks, and related fire safety improvements. The new law this year requires a public hearing before the election. The public hearing will be scheduled for September 23 at 10:00 a.m. in the courthouse. In addition each of the communities will hold their own public meeting to inform their citizens.

**MOTION:** A motion was made by Commissioner Davis to approve Resolution 08-14, a resolution calling for a special election to be held on November 4, 2008 and to set a public hearing for September 23 at 10:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

### **COUNTY FAIR VIDEO PRESENTATION – BRICE LUCAS**

Brice Lucas presented the video to the Commissioners that will be playing at the Box Elder County Fair August 20-23.

**APPOINTMENT TO BEAR RIVER HEALTH BOARD – COMMISSIONER DAVIS**

MOTION: A motion was made by Commissioner Davis to appoint Kathy Perry to the Bear River Health Board for a three year term expiring 12/03/10. The motion was seconded by Commissioner VanDyke and unanimously carried.

**SET PUBLIC HEARING/AMEND S. WILLARD COMMUNITY PLAN – KEVIN HAMILTON**

MOTION: A motion was made by Commissioner Davis to set the public hearing to amend the South Willard Community Plan on August 26 at 10:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

**SET PUBLIC HEARING/COMMERCIAL ENTERPRISE ZONE KEVIN HAMILTON**

MOTION: A motion was made by Commissioner Davis to set the public hearing for a commercial enterprise zone on August 26 at 10:10 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

**SET PUBLIC HEARING/RE-ZONE PORTIONS OF S. WILLARD – KEVIN HAMILTON**

MOTION: A motion was made by Commissioner Davis to set the public hearing to re-zone portions of South Willard on August 26 at 10:20 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

**SET PUBLIC HEARING/AMEND SECTION 5-1-60 CODE – KEVIN HAMILTON**

MOTION: A motion was made by Commissioner Davis to set the public hearing to amend Section 5-1-60 Code on August 26 at 10:30 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

**GRANT THOMPSON AMENDMENT TO SUBDIVISION – TAMARA WRIGHT**

County Planner Tamara Wright stated the Grant Thompson Amendment is a subdivision located at approximately 2779 North 3150 West. The amendment affects lots 3, 4 & 5. She said they are clearing up the boundaries. Planning Commission and staff recommend approval.

MOTION: A motion was made by Commissioner Davis to approve the Grant Thompson amendment to the subdivision. The motion was seconded by Commissioner VanDyke and unanimously carried.

**SHERMAN L. RICHINS SUBDIVISION PHASE II – TAMARA WRIGHT**

County Planner Tamara Wright presented the Sherman L. Richins Phase II Subdivision which is a four-lot subdivision located at 15050 N Hwy 13 in the Riverside area. Ms. Wright said the Planning Commission and staff recommend approval. She said a rural road agreement would also need to be recorded.

**MOTION:** A motion was made by Commissioner Davis to approve the Sherman L. Richins Phase II Subdivision, subject to review and approval by the County Attorney. The motion was seconded by Commissioner VanDyke and unanimously carried.

**MIKE UDY SUBDIVISION – TAMARA WRIGHT**

County Planner Tamara Wright said the Mike Udy Subdivision is a one-lot subdivision located at 15445 N 4400 W. She said a rural road agreement would need to be recorded. County Attorney Hadfield has given his approval. The Planning Commission and staff recommend approval.

**MOTION:** A motion was made by Commissioner Davis to approve the Mike Udy Subdivision. The motion was seconded by Commissioner VanDyke and unanimously carried.

**FIRE BILL – CHRISTOPHER & DANIELLE HAWKES**

Danielle Hawkes said on Sunday, May 11 her husband was burning straw. They were not aware a burn permit was needed and that there is no burning on Sunday. She said her neighbor thought there was a fire on their place and called the fire department. Ms. Hawkes said they did not put the fire out, but were charged a lot. Ms. Hawkes recently found out that her insurance would cover the bill. She also referred to another fire on August 16, 2006. She is making payments on that bill.

**MOTION:** A motion was made by Commissioner Davis to discount the fire bill on 8/12 2006 by \$200.00 for Danielle's time and commitment to come and visit with the Commissioners today, contingent upon the insurance paying. The motion was seconded by Commissioner VanDyke.

**AMENDED MOTION:** An amended motion was made by Commissioner Davis to cut the fire bill on 8/12/2006 in half as a discount and compensation for Danielle's time and commitment to come and visit with the Commissioners, contingent upon the insurance company paying the fire bill dated 05/11/2008. The motion was seconded by Commissioner VanDyke and unanimously carried.

Chairman Hardy said he thought everyone was aware that they could not burn on Sunday and Monday.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 58546 thru 58690 in the amount of \$577,952.94.

**PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF DEPT: Maggie Fitzgerald, new hire, effective 08/04/2008  
FAIRGROUNDS: Jake V. Flint, new hire, effective 08/04/2008

**OTHER BUSINESS****Interlocal Agreement with Forest Service - Commissioners**

**MOTION:** A motion was made by Commissioner Davis to approve the Interlocal Agreement No. 07-RO-11041930-036 with the United States Department of Agriculture, Forest Service, Uinta-Wasatch-Cache National Forest and Box Elder County and authorize Chairman Hardy to sign. The motion was seconded by Commissioner VanDyke and unanimously carried.

**Board of Equalization – Lori Hurd**

Deputy Auditor Lori Hurd told the Commissioners the biggest issues people are having with their tax evaluations is the increase of the school district's bond and people are not very happy with the increase of values.

**RECESS**

The Commissioners took a recess at 11:17 a.m. and reconvened at 11:22 a.m.

**EXECUTIVE SESSION**

**MOTION:** At 11:22 a.m. a motion was made by Commissioner VanDyke to move into an executive session to discuss personnel issues. The motion was seconded by Commissioner Davis and unanimously carried.

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

Chairman Hardy said an emergency executive meeting was called to discuss applicants for the county controller's position.

**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 26th day of August 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