

**MINUTES
BOX ELDER COUNTY COMMISSION
AUGUST 26, 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 26, 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. Voter Information Pamphlet – Chairman Hardy/LuAnn Adams

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 Davis.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF AUGUST 12, 2008 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER DAVIS AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

SIGNING FIRE CONTRACTS – GREG MARTZ

MOTION: A motion was made by Commissioner Davis to table signing of the fire contracts. The motion was seconded by Commissioner VanDyke and unanimously carried.

PEACH DAYS UPDATE – MONICA HOLDAWAY

Brigham City Chamber Director Monica Holdaway and Chamber Board Member Joan Bell presented the Commissioners with a Peach Days' Basket and officially invited them to Peach Days September 5-6. Ms. Holdaway said the parking lot will remain open. They will use jersey barriers to keep a fire lane open. Green fencing will block off the flowers and the stairs.

Chairman Hardy said Peach Days is not just a Brigham City event. The county and the citizens in the county should be supportive. Brigham City and the Chamber have shown support to the Box Elder County Fair. He said we need to do what we can to show support.

FAMILY SUPPORT CENTER/BUDGET PROPOSAL – KATIE BOND

Katie Bond, Director for the Family Support Center, said there are three programs they would like to expand on:

- (1) Crisis Rased Nursery
- (2) Strengthening Family Program
- (3) Health Families Program

Ms. Bond asked the Commissioners to consider them when they are preparing the 2009 county budget. She said if we can prevent child abuse, we can save a lot of money. She said the Family Support Center is here to partner with the county as an agency. She feels they are a vehicle to help with prevention.

SET PUBLIC HEARING/PUGSLEY ROAD VACATE – TAMARA WRIGHT

MOTION: A motion was made by Commissioner Davis to set the public hearing for September 16 at 10:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

SET PUBLIC HEARING/BITNER RE-ZONE – TAMARA WRIGHT

MOTION: A motion was made by Commissioner Davis to set the public hearing regarding the Bitner Re-Zone for September 16 at 10:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

RECESS

The Commissioners took a recess at 9:50 a.m. and reconvened at 10:00 a.m.

PUBLIC HEARING/AMEND SOUTH WILLARD COMMUNITY PLAN – COMMISSIONERS

(See Attachment No. 2 – Attendance List.)

Chairman Hardy opened the public hearing regarding amending the South Willard Community Plan at 10:00 a.m.

County Planner Kevin Hamilton said they are amending the South Willard Community Plan by amending zoning changes for commercial.

Chairman Hardy asked if there were any public comments. There were none.

MOTION: A motion was made by Commissioner Davis to close the public hearing. The motion was seconded by Commissioner VanDyke and the public hearing was closed at 10:12 a.m.

MOTION: A motion was made by Commissioner Davis to adopt Resolution 08-15, a resolution amending the Box Elder County General Plan by amending the South Willard Community Plan to identify the area between the southbound and the northbound lanes of Highway 89 at the southern tip of South Willard, south of 8700 South as an area which may be considered for more intense commercial and light industrial uses. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 3 – Resolution 08-15.)

PUBLIC HEARING/COMMERCIAL ENTERPRISE ZONE – COMMISSIONERS

Chairman Hardy opened the public hearing at 10:10 a.m.

County Planner Kevin Hamilton said the public hearing is to amend the general plan and add a commercial enterprise zone. It is an amendment to Chapters 3 and 4 of the general plan.

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

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 10:15 a.m.

MOTION: A motion was made by Commissioner Davis to adopt Ordinance No. 301, an ordinance amending Chapter 3-4 “Commercial & Manufacturing,” of the Box Elder County Land Use Management & Development Code to include a new zone “Commercial Enterprise District (C-E)”. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 4 – Ordinance No. 301.)

PUBLIC HEARING/RE-ZONE PORTIONS OF SOUTH WILLARD – COMMISSIONERS

Chairman Hardy opened the public hearing at 10:20 a.m.

County Planner Kevin Hamilton said this public hearing is to re-zone portions of South Willard regarding the Commercial District.

MOTION: A motion was made by Commissioner Davis to close the public hearing. The motion was seconded by Commissioner VanDyke, and the public hearing was closed at 10:21 a.m.

MOTION: A motion was made by Commissioner Davis to adopt Ordinance No. 302, an ordinance amending the Box Elder County Zoning Map by rezoning property in Sections 11 and 14, T7N R2W from Highway Commercial District C-H and General Commercial District C-G to Commercial Enterprise District C-E. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 5 – Ordinance No. 302.)

PUBLIC HEARING/AMEND SECTION 5-1-60 – COMMISSIONERS

Chairman Hardy opened the public hearing at 10:30 a.m.

County Planner Kevin Hamilton explained that this public hearing is to amend substandard lots.

Chairman Hardy asked if those in attendance would like to make a comment. There were no comments.

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 10:31 a.m.

MOTION: A motion was made by Commissioner Davis to adopt Ordinance No. 303, an ordinance amending Section 5-1-60 of the Box Elder County Land Use Management and Development Code entitled “Substandard Lots at Time of Code Passage,” to allow for reduced side yards on legal nonconforming lots. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 6 – Ordinance No. 303.)

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 58860 thru 58988, 990153 thru 990163 in the amount of \$27,741.20. Claim 58831 was voided.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF: Steve Berry, compensation change, effective 08/21/2008
ATTORNEY: Stephanie Millaway, separation, effective 08/22/2008
I.T.S.: Aaron Hanks, compensation change, effective 08/23/2008
SURVEYOR: Dustin Robinson, separation, effective 07/17/2008

EXECUTIVE SESSION**1. Discussion of character, professional competence or physical or mental health of an individual.**

MOTION: At 9:37 a.m. a motion was made by Commissioner Davis to move into an executive session to discuss personnel issues. The motion was seconded by Commissioner VanDyke and the motion was unanimously carried.

MOTION: At 9:50 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 stated personnel issues regarding the county's controller position were discussed in executive session.

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 estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms.**

MOTION: At 11:22 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. The motion was seconded by Commissioner VanDyke and the motion was unanimously carried.

MOTION: At 12:23 p.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 real estate proposals were discussed in the executive session.

OTHER BUSINESS**Shoshone Energy Project – Michael Devine, David Olive**

Michael Devine informed the Commissioners of a Geothermal Energy Project that the Shoshone Indian Tribe will be doing in Box Elder County. The Project is called the renaissance project which will take place in the Honeyville area. Mr. Devine explained the project and said they would like to break ground on October 2. They will be meeting with the Planning Commission to obtain a Conditional Use Permit. Mr. Devine said there is a lot of geothermal energy coming from the Wellsville Mountains. This project will provide a lot of clean power. It will be the largest geothermal project in the west.

Michael Devine and David Olive informed the Commissioners they are developing a Promontory energy center. The idea is to bring in municipal solid waste to the site and produce energy.

Commissioner Davis said he hopes it will materialize because the county will be the beneficiary of the project.

Commissioner VanDyke is excited about their success.

Bruce Parry said one thing the tribe desires is to be a good tribe and partner. He said we are from the area and love this area. He said we have the desire to work here and have several projects planned and want to work with the Commissioners very carefully. He said the County will be the beneficiary. These projects will create a lot of job opportunities. He is hoping to have the cooperation and friendship that they have had in the past.

RECESS

The Commissioners took a recess at 12:25 p.m. and reconvened at 7:00 p.m.

Chairman Hardy was excused. He was attending another meeting.

PUBLIC HEARING – TRUTH IN TAXATION

(See Attachment No. 7 – Attendance List.)

Commissioner Davis declared the public hearing open at 7:00 p.m. He said the purpose of the meeting is to receive comments and make sure the Commissioners understand the public's concerns.

County Auditor Tom Bennett gave an overview. He said by law the county is required to hold a public hearing if we do not use the rate set by the state. Box Elder County's tax rate for 2007 was .002574 and for 2008 is .002603 for a 1.1% increase. The county's portion of taxes is 21%. The

school district is almost 60%. The school district had an increase of 27% due to the bond that passed in November. Brigham City is 17% and Mosquito Abatement is 2.4%.

Commissioner Davis then opened the public hearing up to those in attendance.

Charles Averett is retired and on a fixed income. He said in many states there is a freeze on your taxes at age 65. He has never complained about the taxes, but this year they went up a lot more than usual. He bought his home for \$18,900. Since 2005 the market value has increased on his home \$25,230. Mr. Averett's taxes increased \$230.37 this year. He wondered why. He is on a fixed income and asked if something can be done.

Commissioner Davis said the school district held a bond election, and the public voted to remodel the two high schools.

Tom Bennett said there are circuit breaker provisions available. The program the State of Utah has is available for those over 65 whose gross income is less than \$27,000. There is a property tax abatement available. There is also a break if you make a little bit more and have circumstances or disabilities. There is also an indigent abatement if circumstances are such that expenses prevent you from paying taxes. There are also abatements available for veterans. He encouraged those in attendance to come by and see if they qualify.

Jack Greathouse, Perry, moved from Colorado. He said there is a big difference in taxes between Utah and other states. His major question is how come his taxes jumped up almost \$500.00 this year? Will it go up like that again next year? Commissioner Davis stated that it will not go up that much next year. It was because of the school bond. Mr. Greathouse said the market value on his house has increased by \$50,000 in two years.

Tom Bennett said there is a rotation of assessing and collecting. The assessors have to appraise each home and business once every five years and must bring up to 10% of market value. Mr. Bennett then explained the tax notice. Mr. Bennett said the system is set up so if it is out-of-line and not within 10% of the market value, there is a Board of Equalization available. There is a possibility that it might be a little bit high and if there is justification for this, they can adjust. The county will compare to market and send out an assessor. Sometimes it can be assessed wrong.

Commissioner VanDyke recommended anyone that attends the Board of Equalization come prepared.

Donna Rosekelley is concerned about the whole issue that taxes are going up at a time when the economy is very bad. She has read that Utah has not been as affected as the rest of the country. Ms. Rosekelley has relatives in the building business, and they are struggling, yet our taxes are increasing tremendously. She said our taxes increased because someone sold property. Inflation is hitting us all. You feel it when you go buy groceries and gas and now the school bond has increased taxes by

27%. She said none of her children have ever had their incomes increase 27%. She said the problem with a 20-year bond is there will be another one to take its place. In the mean time we are burdened with higher and higher taxes and our homes will be worth much less than they are now. She asked how we will be able to afford taxes. Ms. Roskelley asked if there is an answer, we as citizens can do? She does not think that a wonderful looking school has anything to do with the children's education.

Commissioner VanDyke said Governor Huntsman made a rural economic summit trip around the state. In his speech he made big noise on how much more money is going into the schools. He said it is a result of Utah's economic boon. He took a lot of pride that the state of Utah has increased its education funding. Commissioner VanDyke said things seem to be like a rolling wave. He envisions that values of property will be behind.

Commissioner Davis said the Procter and Gamble project tax money generated will go back into the project area for 20 years, but Procter and Gamble will generate \$3M a year. They are projecting 1,000 employees that will reinvest into our economy. As far as the county on a per capita, we are 25th. There are five counties that spend less per capita than we do. Commissioner Davis said the one reason we have a lower tax rate in Box Elder County is because we have attracted significant businesses like Autoliv, ATK, Nucor, etc. to pay a significant burden of property tax. He said another potential solution is to attract economic growth to the county.

Todd Lund, Perry, asked if January was when the assessment values were done. Tom Bennett said the evaluation date was January 1, 2008.

Commissioner Davis explained the reason we are having a public hearing now is because counties have a year-end taxing budget. The school district and cities have a year-end of June 30. Because we are a year-end entity, we are required to hold two separate public hearings. He pointed out that we are already eight months into the budget year.

Tom Bennett said the first budget public hearing was held December 2007.

Tom Lund wanted to address the 21% that goes to the county. He said a business mentality is you have to make ends meet and you live within your means. He does not think the property values have to go up for the county to exist. He said our infrastructure is in place. We are not out aggressively expanding our county. The mentality has to change. He said 25% to federal and state income tax, 6% at grocery stores, .42 a gallon at the gas pump, 12% of a house payment is taxes. He said 40% of his income is going to taxes. He does not know where the state level is. When is it going to stop? He said are we going for 50%? What are we going to do? He is not on a fixed income, but his income is not going up enough to pay increased taxes every year. Are we going for another revolution? He would like to see the counties and cities put a cap on this. The property values need to be reassessed. We need to get our officials to be a little more creative or a little tighter and distribute funds back where it needs to go.

Commissioner Davis said he and Commissioner VanDyke share the frustration. They are both business owners as well as property owners and pay the same taxes as everyone else. He said they have similar concerns. Governmental entities are financed by different sources of revenues. The school district is financed primarily by income tax and a formula of weighted pupil unit to allocate funds to the local schools. The income increases as the population increases. The municipalities are financed with utilities revenues and sales tax revenue. The county's main source is property tax revenue.

Ed Laursen, Brigham City, said he is a retired veteran. He said if he had an income like the rest of you people he wouldn't mind taxes. He said when you get on a fixed income and don't have anything else to go by, you are not too happy with increased property taxes. When he came to Brigham City in 1959 he paid \$177.00 in taxes. He worked over 27 years for Thiokol. He said there should be a cutoff point. Veterans have a system that if you are a disabled vet, property taxes are paid. He is not disabled so he does not benefit from that right now. He said what is the difference between a disabled veteran and a veteran who spent 37 months in the marine reserve. He said so many young people are committing suicide. You don't hear about all of this. We come home and are treated like dirt. He said they are finally working on a veteran's hospital. Mr. Laursen said you would think after you paid so long, that maybe those taxes should remain the same. They should remain the same until you sell the property. He said there was a period in Brigham City when people were laid off and those homes were very cheap. He has been in the same home for 50 years. He does not like the way the assessor assesses. They don't come down and do it. He said the way the prices of homes and property have skyrocketed; they haven't had a chance to catch up with anything. The swimming pool bond and golf course bond have retired. Why don't we get a little relief before we decide to have another bond? They want to go in and pay a lot of money for a sports complex. He said we have a lot of soccer fields and all kinds of things for the youth and old people in Box Elder County. He said we need a serious change in our government.

Nancy Catron received a tax notice for her mother and the property value was \$169,180. The appraisal came in at \$148,000.

The Commissioners said this is a classic to go to the Board of Equalization and possibly apply for a circuit breaker.

Nancy Catron moved from Idaho. She said the homeowner's exemption was if you live in a home for one year and buying, you get homeowners exemption on your property taxes. They decreased them by one-half. She said this is something Box Elder County needs to look at. She referred to Procter and Gamble generating \$3M to the city and county. She asked if they are going to be paying their taxes right off. Are they given an incentive?

Commissioner Davis explained they will be paying taxes. The taxes will go to the Economic Development Agency and back into the project area. The first five years it is 90% of the increased

taxes that will go back and be used for the infrastructure. After the first five years 70% will be paid out to Procter and Gamble. He said one of the only methods of attracting economic development is increment financing. It is an incentive to locate the companies to our county. Commissioner Davis said we did not give away the future growth. Yes, they will pay the taxes.

Nancy Catron asked how often the county does a budget. Commissioner Davis said yearly. The entities are supposed to develop a five-year capital expenditure budget and try to project significant capital expenditures and try to save for those projects. He said the entities are required to adopt an annual 12-month balanced budget. The county is on a calendar year and the budget must be adopted by the end of December. The county is in the process right now of going through the budget process. The city's budget is June 30th. Their review time will be April and May as well as the school district. Ms. Catron asked why they don't budget for 10 years. She reminded the Commissioners they are public officials and work for the citizens.

Larry Pierce, Brigham City, said he still holds land in northern Box Elder County. For that reason he sits on the cemetery district board and he does not envy the Commissioners. He said a lot of older people are here today, but last winter there were a lot of people attending the cemetery board meeting complaining because their taxes would be going up by \$25.00. Mr. Pierce said not long ago we had a proposition to replace this court room with a building in the parking lot. He said there was an organization to stop that. He said there are still people going to jail out of this room. He said it is the Commissioners' responsibility to tell the people what is coming down the line. He said you folks should have informed the public, and now we will be stuck with the bond for 20 years. He said we don't need a gold-plated court room. We dodged that bullet, why weren't we told how much our taxes would be raised. He said we need to be told.

Wayne Johnson lives in the county and owns a business. He has been trying to get it going for four years. He had a terrible year and not doing much better this year. He had nine employees and is now down to one. The price of fuel has been a substantial part of it. He said the one thing you need to understand is that corporations and businesses do not pay taxes. If you own a business, you do not pay taxes. I pay the tax when I buy their product. You pay the tax when you buy the product. Mr. Johnson sells fabricated steel to Kimberly Clark. When you buy diapers, you pay that tax. You pay every tax involved. Keep that in mind. He did not vote for the school bond. He knew what was going to happen. He knows what will happen when the Utah Transit Authority starts moving north. We are going to get hit again so hold onto your shorts. The county and the state do not have the ability to create funds. Only the federal government can do that. When you need more money, they just turn on the printing presses. He said some of you are old enough to remember when there was the gold standard. They have created a problem throughout this country and that is why oil costs increased so much because the dollar is worth so much less. He said by darn we the people need to wake up and stand up and not take any more and work our way back and take our country back.

Look what we have created by this system. He said collecting money for county entities is nothing more than a real good system for creating homelessness. That is what it is. Mr. Johnson's house increased in value by \$19,000. He said I am so happy for me. My house is now worth \$19,000 more than it was last year. How do I benefit by that? He has spent the entire summer without an air conditioner in his home, and he is the idiot that is holding you up because he is driving at 55mph. He is naive enough to believe he is helping the country become energy independent. He did not have a vacation this year. He is not going anywhere this year. It is not in the budget. He said his property taxes and home insurance are all paid directly by himself. It is not in his mortgage budget. Now came August and Box Elder County says guess what, you are now going to pay an additional \$200.00, but none the less what difference does it make if you are on a fixed income. Where do you get the extra money from? We the people united as a nation. Something has to be done because we cannot handle any more homeless people. Taxes have got to be direct and not hidden taxes. Government needs taxes to run. We must have money to run the government; however, the government has got to be efficient. Do not follow Washington's example. On a national level we are bankrupted. Our federal government has the audacity to send us back \$600.00 and from where did they get the money? The printing press. Let's start being 100% honest with each other. He does not believe Box Elder County is wasting money. Mr. Johnson tries to be fairly observant to what is going on. The state is wasting money. He sees some things going on that we won't necessarily support. We need to develop a system that doesn't tax people's homes or any kind of personal property. That makes taxes unfair.

Commissioner Davis thanked all those in attendance for their input and personal time. He said they will take things into consideration. Commissioner Davis said please be aware of other public hearings held by other taxing entities. Box Elder County has agendas and minutes published on the web.

Commissioner VanDyke said what you folks are doing tonight is the essence of government. The more that come out, the better. It provides guidance for those that are unguided and you give us direction and guidance to tackle problems and issues. He is grateful for those that have shown up.

MOTION: A motion was made by Commissioner VanDyke to close the public hearing. The motion was seconded by Commissioner Davis, and the public hearing was closed at 8:45 p.m.

ADJOURNMENT

A motion was made by Commissioner Van Dyke to adjourn. Commissioner Davis seconded the motion, and the meeting adjourned at 8:45p.m.

ADOPTED AND APPROVED in regular session this 9th day of September 2008.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk