

**MINUTES  
BOX ELDER COUNTY COMMISSION  
SEPTEMBER 23, 2008**

The Board of County Commissioners of Box Elder County, Utah met in regular session at the County Courthouse, 01 South Main Street in Brigham City, Utah at 8:00 a.m. on **SEPTEMBER 23, 2008**. The following members were present:

Jay E. Hardy	Chairman
Clark N. Davis	Commissioner
Rich VanDyke	Commissioner
LuAnn Adams	Recorder/Clerk

The prayer was offered by Chairman Davis.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 16, 2008 WERE APPROVED ON A MOTION BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED WITH THE FOLLOWING CORRECTION: UNDER EXTENSION OF HIGH COUNTRY ESTATES TO REMOVE THE WORD APPROVAL OUT OF THE MOTION.**

**AGENDA: ATTACHMENT NO. 1**

**EXECUTIVE SESSION**

**MOTION:** At 8:00 a.m. a motion was made by Commissioner VanDyke to move into an executive 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. The motion was seconded by Commissioner Davis and unanimously carried.

**MOTION:** At 8:59 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 explained there was a discussion on purchasing/leasing real property.

**EMPLOYEE COMMITTEE – COST-OF-LIVING INCREASE – BRICE LUCAS**

Brice Lucas thanked the Commissioners for all they do for each of the employees. He said there has not been one Employee Committee Meeting that someone has not given praises to the Commission for all the hard work they do to keep the benefit packages and the salary rates in a way that the employees are able to maintain a quality of life. Mr. Lucas said the main reason for the Employee Committee to meet with the Commissioners is to discuss the possibility of getting a cost-of-living increase. He said last week the Insurance Committee made a presentation and made recommendations. He said the biggest expense the employees are experiencing is the price of gas and transportation. The price of groceries has increased as well as medical and dental costs and property taxes. The employees are being affected and going through a hardship. The county's Independent Auditor Fred Burr reported that Box Elder County is in the best shape it has been in over the last 20 years. He said it is because of the employees and commissioners hard work and the department heads that are keeping it this way. They are working hard for the county. They are keeping costs down and we are the ones responsible for the situation we are in. He said it is a good situation. The Employee Committee would like to recommend a 4.2% cost-of-living increase. He said in the past the Commissioners have gone with the cost-of-living index for the month of May. Last May the index was a 4.2% increase. The Insurance Committee has worked hard to keep the insurance cost down, and the Employee Committee recommends the Commission do what the Insurance Committee has recommended to keep the insurance cost down for the employees and follow through with what the Commission has done in the past with the May cost-of-living index. He said that increase could be seen in every employee's salary and be used to maintain the employees' standard of living. Mr. Lucas said it is the Employee Committee's recommendation to provide a 4.2% cost-of-living to their salaries for the upcoming year.

Commissioner VanDyke said each Commissioner would be hard-pressed not to acknowledge the efforts each has witnessed from the employees and departments they oversee. He told the general public these are a very hard working group of people. He said many, many times they go the extra mile. He is very proud of the work the county employees provide to the citizens of our county.

Commissioner Davis said roughly the 4.2% increase would be \$500,000. He appreciates the Employee Committee coming back and being supportive of a commitment the Commissioners have tried to make over the last few years, and that is to maintain a cost-of-living. He said in prior years they have tried to include all of the employee benefits in the cost-of-living. He said this year, thanks to the employee utilization of the insurance benefits, the insurance premiums have gone down. He said employees will recognize more than 4.2% in their paychecks because they have been diligent in appropriately utilizing the insurance benefit, and we have been able to keep the insurance premiums in check. Commissioner Davis said not being here in the future he would like the Employee Committee to commit the Commissioners who are ongoing to maintain that trust and use May as the month to look at the cost-of-living. He said you cannot live on a fixed income. You can't live without any adjustment. The employees also receive market adjustments and step increases and there is a cost-of-living increase. He feels the mechanism is in place to be sustainable. He said one of the biggest problems in any type of employment situation is the cost of turnover. He said the

most expensive part of labor is turnover. He said we are trying to maintain and retain the quality personnel we already have with the county.

Chairman Hardy said there are many different reasons why a person stays on the job that they do. He said a lot of times it is not compensation or the funding; it is what you get along with it. Chairman Hardy complimented the people that work for Box Elder County because the compensation usually isn't the number one reason they work for Box Elder County. He said we have good benefit programs, but we have a good, high quality job that people feel very comfortable with. With all those things we try to maintain them equally together. He thanked everyone for being Box Elder County Employees.

### **BOX ELDER COMMUNITY PANTRY PRESENTATION – RAE RISER**

Rae Riser told the Commissioners the Box Elder Community Pantry has been around since 1969. At that time there was a checkbook and people would make a deposit. The pantry went from less than a 50-square foot space to a 4,240 square foot building. She said they have been blessed over the years. They have a 20' x 20' walkout freezer and a walk-in refrigerator. They get donations from Wal-Mart Distribution Center weekly. The pantry does not discriminate. Everyone is accepted. She said they have bishops, pastors, ministers and fathers all recommending people to come to the pantry. There are no refusals as long as they are within the U.S. Federal Guidelines. She said with the increase of things, it is a little harder for people to make ends meet. She said they have 240 new families because of downsizing from Autoliv and Vulcraft. She said with 5,800 square miles they have people on the Nevada border, Snowville, Plymouth and Portage. They even have a few people from Malad that come into the pantry. She said they try to treat people with dignity and respect because they are people that are having bad times. She told the Commissioners that a lot of foundation grants have kept their feet on the ground, but they have not received any foundations grants. They are spending \$7,000 a month in gas, utilities and etc. She asked the Commissioners to make a commitment for a little bit of money on a yearly basis to help keep the doors open. She said if the doors are closed, there would be devastation.

Chairman Hardy asked the people of Box Elder County to open their wallets and hearts to not only bring in food but a lot of money to help with utility and gas costs.

Commissioner Davis said the county would like to support the Community Pantry with in-kind contributions. The Commissioners cannot support the pantry on an annual basis because there are so many non-profit groups.

Rae Rise told the Commissioners there are money canisters in the stores on Main Street and invited everyone to contribute.

**SET PUBLIC HEARING DATE FOR EAST CORINNE RE-ZONE – TAMARA WRIGHT**

This item was cancelled.

**BITNER RE-ZONE ORDINANCE – TAMARA WRIGHT**

County Planner Tamara Wright presented an ordinance for re-zoning property in Sections 8 and 9, Township 11 North, Range 2 West. The ordinance would amend the Box Elder County Zoning plan from a MU-160 to an RR-5. Ms. Wright said County Attorney Hadfield has reviewed the ordinance and approved.

**MOTION:** A motion was made by Commissioner Davis to adopt Ordinance #304. The motion was seconded by Commissioner VanDyke and unanimously carried.

*(See Attachment No. 2 – Ordinance No. 304.)*

**A PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO THE POTENTIAL ECONOMIC IMPACT OF THE LEVY OF PROPERTY TAXES ON TAXABLE PROPERTY FOR OPERATION AND MAINTENANCE EXPENSES AND WITH RESPECT TO THE ISSUANCE OF THE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$950,000 FOR CAPITAL IMPROVEMENTS, INCLUDING FIRE STATIONS, FIRE TRUCKS AND EQUIPMENT AND RELATED FIRE SAFETY IMPROVEMENTS AND THE POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENTS FOR WHICH THE BONDS WILL PAY THE COSTS WILL HAVE ON THE PRIVATE SECTOR**

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

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

Elwood Mayor Lynn Hardy, Deweyville Mayor Robert Thayne, Bear River City Mayor Neil Nelsen and District Attorney Eric Johnson came to the Commission table.

Deweyville Mayor Robert Thayne said Tremonton serves Deweyville, Elwood and Bear River City with their fire protection. The cities received notice that Tremonton City was going to assess an amount of money each year for each residential unit in their towns. The Mayors of those three cities got together and decided if they are going to have to pay for a stand-by fire department in Tremonton, then maybe they should look into some of their own protection so they can own something on their own rather than rent from Tremonton. He made it clear that the municipalities have nothing against Tremonton. He said we like Tremonton and we like their service. He said they have a good fire department. Mayor Thayne said this is only about whether they want to rent or have something of their own and a little control and ownership. The Mayors feel the public is okay with this, and they have had a lot of meetings and a lot of information has gone out. He said they are in the process of having some meetings that are coming up in the very near future. He said there was a

flyer that went out to every household in the district. The meetings start tonight. Mayor Thayne said there will also be something in the newspaper.

Eric Johnson, attorney for the Central Box Elder County Fire Service District, stated there are two ballot propositions. He said one is for operation and maintenance expenses. Fire service does not raise money. It is not like a water system that you can charge folks for monthly. The way fire services are traditionally paid for is through a property tax. The first ballot proposition is #8 and it is for operation and maintenance expenses in the amount of \$113,000 per year. He said two of the cities that are involved in this special district (Honeyville and Corinne) already have fire departments. This amount is based on their experience in operating their fire departments and would be the amount needed to keep the doors open and take care of the day-to-day expenses like fuel and paying the volunteer firemen when they turn out. Mr. Johnson said Proposition #9 is a special bond election; this is for the district to acquire things like fire trucks and other capital facilities for fighting fires. He said it is the intention of the administrative control board that this would include acquiring the assets that Honeyville and Corinne currently have. There are fire stations in both of those communities. This money would be used to build new fire stations. That amount they come up with for the district is very, very close to approximately what Honeyville currently budgets for its fire department. The intention is to have a district-wide fire department encompassing the five communities of Deweyville, Honeyville, Elwood, Corinne, Bear River City as well as the county areas in and around those communities.

Chairman Hardy asked if the bond was to fail could it be funded.

The Mayors answered that if it failed, it would be funded through a tax in their own communities.

Eric Johnson said the district would be able to contract with the underlying cities and the underlying cities would tax their citizens instead of taxing through the district; it would be through the cities' general fund. The one ballot proposition indicates that a vote against that ballot proposition doesn't mean there will not be funding for the district, and that the district won't continue forward.

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

Rebecca Dilg asked what is the advantage to have a bond as opposed to taxing? Eric Johnson stated that bonds can only be issued for capital expenses and the difference is whether the district is going to have an independent revenue stream from the underlying communities. He said the nice thing with a bond is once it is paid off, then that tax goes away. It would allow the district to acquire assets sooner. They would be able to build additional fire stations sooner and equip the fire stations sooner if they are able to issue a bond. He said a bond is nothing more than a loan. If they are able to get a loan upfront, they can acquire those capital assets sooner and move ahead with their plans a little quicker than if they have to build it up over time.

Commissioner Davis said it may unify the district a little sooner too. He said if people voluntarily vote to impose a tax on themselves to become a part of the district, they have made a long-term commitment instead of just a year-to-year annual commitment from the contracting communities.

He feels it would be better for the district long-term if the bond was approved because it sends a message of unification from all the communities at the outset.

Mayor Thayne said the communities are working very hard to get grant money. The amount of money they could get in grant money would help to pay the bond off earlier. The bond will help to match with the grant and get more grant money.

Gene Rupp said she lives in the unincorporated area and was wondering how their address got put into the district.

Chairman Hardy said they drew out an area that would be easier for this fire district to support than it would be for Brigham City or Tremonton. This does not include ambulance service.

Gene Rupp feels like it will cost the taxpayers a whole lot of money. She feels the taxes will be far more than what Tremonton City was asking.

Mayor Lynn Hardy said part of the reason they drew the map to include the unincorporated part of the county was Thatcher/Penrose has expressed an interest to join in the district. He said as far as the cost goes, Tremonton City said the price would be \$50.36 plus soft costs.

Sally Hall said the maps they have seen do not include them. They want to make sure they can vote.

Blair Westergard said he is here for Box Elder County and for Greg Martz and as a past fire chief of Tremonton City. He does not understand why if you live in the county you would want to join the district and pay more money. The county passes the fire bill onto the person if it is a structure fire. In talking with Tremonton City the latest thing is \$50.36 per household, not based on a tax base. He feels the taxes will be higher by the district. Mr. Westergard has been a fireman for 25 years. In his experience, you can only retain about 50% of the volunteers that sign on. He said you are now required to be a Fire One and Fire Two fireman at a cost of \$700.00 for the fireman.

The Mayors said as cities they highly respect Tremonton, but they are looking at the future and safety issues. Their first concern is for safety and for response time. They understand it is going to be a challenge to put the fire departments together. The mayors know they have a challenge to put this together to have locally staffed stations. The mayors said there is no benefit for them. They feel the benefits are for the communities and for the future. They feel they are doing a benefit for the community and the people.

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 10:32 a.m.

**VOTER INFORMATION PAMPHLET – LUANN ADAMS**

County Recorder/Clerk LuAnn Adams presented the Commissioners with for and against statements she received regarding Propositions #2, #8 and #9. She received for and against statements for Proposition #2 but only received for statements for Propositions #8 and #9. She also presented the Commissioners with a zero ballot showing everything that will be on the November 4<sup>th</sup> ballot. She said the ballot is long this year. Ms. Adams told the Commissioners that according to the law the county must prepare a voter pamphlet showing arguments for and against the propositions. She said a motion is needed from the governing body to approve these statements. She mentioned that no statements were received against the fire district.

**MOTION:** A motion was made by Commissioner Davis to accept for and against positions and include them in the voter information pamphlet. The motion was seconded by Commissioner VanDyke and unanimously carried.

Commissioner VanDyke said this whole process has been new to all of the Commissioners. He said we have had numerous consultations with the County Attorney about not only wording of the proposition but the wording of the positions we are now going to approve. He said this is a long process and the County Attorney has devoted a great deal of time and has had to comply with state requirements, and in some cases that has been a little bit difficult.

Commissioner Davis said he would have thought that during the legislative process there would be some type of review for the accuracy and the truthfulness of assertions that are made in the for and against positions; however, the legislation doesn't provide for any litmus test as to whether the assertions are valid, accurate or truthful. They can be made based upon one disclaimer, and the disclaimer is that these are the opinions of the author. He would hope in the future that legislation can be upgraded to provide some type of evaluation as to the accuracy of the information included in the pamphlet. He said often times people read something and assume that it is true. He said there has been no review by the County Attorney or anyone else to edit, condense or expand other than to review the strict compliance of the law.

County Attorney Hadfield pointed out that if it is a state-wide initiative, there is a provision that an independent evaluation be included in the voter information pamphlet, but for a local county there is not. He said who would prepare the statement. Statewide the independent review is done by the Office of Legislative Research which is an independent body. He said in the county he is not sure who we would have that would be considered independent. He said that needs to be addressed, but right now there is nothing in place.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 59352 thru 59499 in the amount of \$376,365.62.

**SUBDIVISIONS & ROADS IN THE TREMONTON AREA – ELISABETH YATES**

Mike and Elisabeth Yates and Attorney Brandon Baxter came to the Commission table. Attorney Baxter said the Commission has a commitment to receive public comments. He is representing many Box Elder County families in the area of the subdivision and annexation. He said they are here because they are concerned about an annexation proposal that is being considered by Tremonton City. On August 19 Tremonton City accepted a petition for annexation. He presented a map outlining the general parameters of the annexation. He said the parties he represents are the neighbors that surround this area. Attorney Baxter said what is critical about this annexation proposal, is not what is happening within the annexation. He explained there are many concerns with this annexation. (1) Agricultural impact is a concern. Agriculture is a key component to Box Elder County. It is taking a chunk out of the prime agriculture area. Much of the area is part of an agricultural protection area (the largest one in Box Elder County). It takes a lot of land out of agriculture production but there are key canals and irrigation ditches that run through this area that will be directly impacted by the annexation proposal. The agricultural protection statute provides that you do not change zoning in an agriculture protection area unless you have the approval of everyone else that is in the same APA. This will affect North Elwood Ditch Company. It is not only the impact on this land but the land surrounding the annexation. (2) Roads issue – There is not a single major artery into the area. It does not include roads. There has been no consideration of how to get bodies in the area. (3) Water – The residents in the community are on wells. Bringing in high-density housing will be a mess with septic tanks. There has not been a water study.

Chairman Hardy said he has addressed the roads with Tremonton, and the County will require an Interlocal agreement.

The County will take this matter under advisement with the County Attorney and review our standing as to whether we should file a petition and on what grounds we file an objection.

**OTHER BUSINESS****RETURN OF SERGEANT JAKE BOND FROM IRAQ**

Commissioner VanDyke said last night there was a return of an air force squadant from Iraq and he had the privilege of going down and welcoming these soldiers back home. Commissioners VanDyke introduced everyone to Staff Sergeant Jake Bond of the U.S. Air Force who just returned from Iraq last night.

The Commissioners thanked Sergeant Bond for his service.

**ADJOURNMENT**

A motion was made by Commissioner Davis to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 10:55 a.m.

**ADOPTED AND APPROVED** in regular session this 30th day of September 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

The following items were discussed in Administrative /Operational Session after Commission Meeting had adjourned:

1. Personnel Issues

The Administrative/Operational Session adjourned at 11:39 a.m.