

**MINUTES  
BOX ELDER COUNTY COMMISSION  
DECEMBER 09, 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 **DECEMBER 09, 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 DECEMBER 02, 2008 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER DAVIS AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**FORESTRY, FIRE AND STATE LAND BUDGET – BLAIN HAMP**

**MOTION:** A motion was made by Commissioner Davis to approve the requested 2009 Wildland Fire Budget between Box Elder County and the Utah Division of Forestry, Fire and State Lands which has already been built into the county budget for a total of \$595,753 and authorize the chair to sign. The motion was seconded by Commissioner VanDyke and unanimously carried.

Mr. Hamp discussed the fuel break and reseeding projects happening in the county.

**TOURISM COUNCIL REPORT – JOAN HAMMER**

Joan Hammer, Tourism Director, said the Tourism Council bylaws mandate they come before the County Commission to give an annual report. She then introduced the Board Members in attendance: Susan Thackeray, Economic Development; Norm and Willie Nelson, Golden Spike Association; Betsy Beneke, Bear River Migratory Bird Refuge; Monica Holdaway, Brigham City Area Chamber of Commerce; Elizabeth Ryan, staff support. Ms. Hammer said tourism is an important part of our community. It is clean revenue; people come in and spend money and leave. Tourism generates about \$600,000 in tax relief per household in Utah per year. It is an important part of our local economy. She said Box Elder County's audience is those folks who drive through on their way to a national park. The tag line is "Enjoy the Journey". She said the goal is to become a destination county. Fifty percent of the people staying in our county are here because of business and 50% are tourists. She said the county receives the revenue whether they are here for business or pleasure. The Tourism Council is just glad they are spending money. Ms. Hammer said Delta Airlines has a direct flight from Salt Lake to Paris and the county is seeing more European tourists. The Canadian visitation is way up. The request for information from Canada is up by 700% over last year. She said the Japanese love national parks, and there is potential with China because of the trade agreement. She said we also see a large number of Koreans. The advertising of the Spiral Jetty has generated tourists. The transit room tax revenue is up 61.70% over 2007. The interest was up over 54% from last year. Ms. Hammer said her office has had requests from every state in the union and from four corners of the world. The county received \$70,000 from the state to do projects.

Joan Hammer talked about the TAB money. She said they received \$320,000 worth of requests last year and were able to give \$80,000 to organizations. She complimented Commissioner Davis for getting that program off the ground. She said he championed the program, and it has really made a huge impact to county organizations and events that have thrived because of the help the county was able to give them. The county had another award-winning booth at the state fair. They had tourism ads in Sunset Magazine on five separate occasions, Triple A Guide Book, State Visitors Guide, Truwest Magazine, dot.com website, American Cowboy, City Weekly, 99 Things in Yellowstone, and Outdoor Utah. One of the highlights of this year is the new county brochure, and thousands were sent out. Ms. Hammer emphasized the importance of partnering with other organizations in this area. She said because of the partnering Box Elder County can take our \$14,000 budget and get \$150,000 worth of advertising.

Monica Holdaway, Tourism Council Chair, thanked Joan Hammer for all of her hard work. Ms. Holdaway said Joan is the one that does all of the advertising so Box Elder County is becoming well known.

### **APPOINT DAVID MARX AS TEMPORARY JUSTICE COURT JUDGE – KEVIN CHRISTENSEN**

County Attorney Stephen Hadfield said the justice court occasionally has a need for another judge to come in, and state law says they must be appointed by the Commission Chair.

Judge Kevin Christensen said it would be a temporary justice court judge to use if there is a conflict. The code states that you must bring in a judge within the first judicial district. He said this has been brought to the county's attention, and he wants to make sure we are complying with the law.

Chairman Hardy made the recommendation to appoint David Marx as a temporary justice court judge.

**MOTION:** A motion was made by Commissioner Davis to approve the recommendation from the chair and to appoint David Marx as a temporary justice court judge. The motion was seconded by Chairman Hardy. The motion carried 2-1 with Commissioner VanDyke voting nay.

### **CONVERSION OF SOLID WASTE – DON FREDLEY**

Austin Johnson and Don Fredley came before the County Commission representing Green Energy Corporation. Mr. Fredley said their company is currently working with 19 counties in Idaho and two other counties in Utah. They are building a plant in Blackfoot, Idaho. He said they have technology to convert your MSW into some source of energy. He explained the process they go through to convert household waste into electricity; diesel fuel and ash which could be used for road base.

A plant must have 300 tons of garbage a day. They would like to transport Box Elder County's garbage to a plant. They asked the Commission to come in as a LLC, and they would agree to provide some type of fuel allowance and provide the funding to build a plant.

Commissioner Davis said the technology sounds promising. Box Elder County does not currently have the waste stream, but there have been regional landfill discussions in the past. He suggested they visit with Gina Allen, Box Elder County's Director of Operations. Commissioner Davis feels it is premature to enter into any negotiations until we can see more. Gina Allen will communicate with the Commission.

**2009 HOLIDAY, 2009 LANDFILL HOLIDAY, 2009 ANNUAL MEETING SCHEDULE – LORNA RAVENBERG**

**MOTION:** A motion was made by Commissioner Davis to approve the 2009 County Department Holidays and the 2009 Landfill Holidays as presented. The motion was seconded by Commissioner VanDyke and unanimously carried.

*(See Attachment No. 2 – County and Landfill Holidays.)*

**MOTION:** A motion was made by Commissioner VanDyke to approve the 2009 Annual Meeting Schedule as presented. The motion was seconded by Commissioner Davis and unanimously carried.

*(See Attachment No. 3 – 2009 Annual Meeting Schedule.)*

**APPOINTMENT OF TRUSTEES TO BRWCD BOARD – JUDY HARTVIGSEN**

Voneene Jorgensen stated three of their trustee's terms will expire December 31, 2008. The trustees are as follows: Clinton Burt, representing Independent Water Companies; Charles Holmgren, representing Bear River Canal Company; and Richard Day representing Perry, Willard and Mantua areas. Ms. Jorgensen said the positions were properly noticed, and they have not received any names. The current trustees have expressed a willingness to continue to serve another four-year term. The appointments are up to the discretion of the County Commission.

**MOTION:** A motion was made by Commissioner Davis to approve a four-year term appointment for Clint Burt, Charles Holmgren and Richard Day beginning January 1, 2009. It has been duly advertised and no other applications were received. The motion was seconded by Commissioner VanDyke and unanimously carried.

**PUBLIC HEARING/B.R.H.D. TRANSFER OF PROPERTY – COMMISSIONERS**

*(See Attachment No. 4 – Attendance List.)*

The Commissioners opened the public hearing at 10:30 a.m.

Commissioner Davis said this public hearing is for property associated at the 2000 West location in Tremonton with the Bear River Health Department. The Health Department was involved in an exchange of property at their existing location to acquire land to construct a new facility on 2000 West; then with the Rocky Mountain Power lines going along that corridor, the Health Department made a decision that they did not want to continue their development. They wanted to relocate and acquire other property. In the process the Commission recognized the titling of the property is in the name of Box Elder County instead of the Health Department's name. He said we are going through the process of changing that so the Health Department can receive proceeds from the redemption of

that property sale to acquire other property and construct their facility. He said we are now going through the process of our county ordinance to dispose of county property.

Chairman Hardy asked for input or comments from those in attendance. There were none.

MOTION: A motion was by Commissioner Davis to close the public hearing. The motion was seconded by Commissioner VanDyke. The public hearing closed at 10:35 a.m.

County Attorney Stephen Hadfield said the transfer of this property went before the Planning Commission who recommended to the County Commission that a public hearing be held. The public hearing was properly noticed. Attorney Hadfield then presented a warranty deed.

MOTION: A motion was made by Commissioner Davis to approve the transfer of property from Box Elder County to the Bear River Health Department. The motion was seconded by Commissioner VanDyke and unanimously carried.

#### **RENEW CONTRACT FOR DOUG WEST – COMMISSIONERS**

Commissioner Davis said Doug West is an independent consultant helping Box Elder County, and he has sent an updated contract.

MOTION: A motion was made by Commissioner Davis to approve the renewal contract for Doug West. The motion was seconded by Commissioner VanDyke and unanimously carried.

#### **REQUESTS FOR RELIEF/DELINQUENT TAX PENALTIES – BRAD MORTENSEN**

Brad Mortensen said Barbara Nielsen owns 82 parcels under the name of Grouse Creek Ranch LC. The property is located on the west edge of the county. The taxes that were due on December 1 were \$8,255. They were paid December 3 by Mrs. Nielsen.

Barbara Nielsen said she would like to request a relief from the penalties and interest of \$882.00. She said it was the first time she has ever been late, but she forgot. She explained she has been on overload from caring for her 93-year old mother. They left town for a week and forgot to pay the taxes.

Assessor/Treasurer Monte Munns said state code says if the payment is late there is either \$10.00 or a 2% penalty applied.

Brad Mortensen said in this situation where there are so many parcels; it seems a little burdensome given the circumstances.

Commissioner Davis said he is sympathetic to individual circumstances, but they are bound by state law. They have multiple requests for abatements. The Assessor/Treasurer's office receives hundreds

of calls a year. He questioned what the county would tell the other people if we grant relief in this situation. He is worried about setting precedence and complying with the state statute.

MOTION: A motion was made by Commissioner Davis to deny the request based on the state statute. The motion was seconded by Commissioner VanDyke and unanimously carried.

### **RECESS**

The Commissioners took a recess at 10:53 a.m. and reconvened at 11:04 a.m.

### **REPEAL FENCING ORDINANCE – COMMISSIONERS**

County Attorney Stephen Hadfield said last week they talked about the recommendations from the planning commission. He said they recommended repealing the existing fence ordinance and adopt a criminal livestock trespass ordinance. Yesterday a meeting was held with the Park Valley livestock people to express their concerns. One of the issues was having livestock on federal lands and most federal lands border private lands they do not own. They indicated if we do what we were talking about, they would be in a no-win situation because they cannot fence on the public land and they can't fence on the private land because they do not own it. Attorney Hadfield said this was a legitimate concern. There was a lot of discussion about where to draw the line and who would make the determination. Attorney Hadfield pointed out the meeting was with the livestock people and not with the farmers. He said their point of view was the only one heard.

Chairman Hardy said the ranchers are requesting they have a different fence ordinance from the rest of the county. He said we will have our county attorney look into if we do split the county, how we can legally enforce one side with restrictions and ordinances that don't apply to the other side.

Commissioner Davis feels it is a mistake to disregard the recommendation of the Planning Commission. He said on record we have had multiple fencing ordinances, and the Planning Commission for the most part does not have a vested interest and does not have a conflict because they are not farmers or ranchers. He said they have spent three years reviewing the ordinance. The first year was spent on how to draw the line or incorporating townships that would be subject to a fence in and having everything outside of the townships would be fence out. For the last two years they have spent a considerable amount of time trying to come up with a universal ordinance to be identified and administered by the law enforcement agencies county-wide. He said the previous fencing committee saw the same frustration, and now we are going back attempting to draw lines again. Commissioner Davis sees a circular argument of whoever has your ear last and has the best lobbying effort. He suggested that maybe you continue the involvement of the Planning Commission because they have spent the last three years trying to evaluate without having any type of conflict of interest.

MOTION: A motion was made by Commissioner Davis to adopt the recommendation of the County Attorney and Planning Commission to repeal the existing ordinance and to adopt the trespass ordinance. The motion died for lack of a second.

Chairman Hardy let those in attendance know that on the fencing side the Commission will probably recommend it go back to the Planning Commission and see if we can work something out between the Zoning Committee and Planning Commission, and he wants to make the ranchers aware that if we don't do something and continue to let this go, we will stand an opportunity maybe somewhere down the line to come back until we get it right. If we don't address it so it is fair for both sides the pendulum might flip 160 degrees the other way and make it totally fence-in throughout the county. The Planning Commission made it very clear they did not want to make it an issue that gave one side more of a benefit than the other side. If you go fence-in you give the benefit maybe 100% to the landowners, the farmers and agriculture producers, and if you make it fence-out you give more of the control to the rancher and less protection for the cropland. He said you need to be aware that if we don't get it right this next time, you will see it back and you may not have as much support throughout the communities to keep it as a fence-out situation.

Commissioner VanDyke said this issue cannot continue to go on and on in an unanswered state. It needs to be addressed one way or another. Commissioner VanDyke said we need to put a deadline of August 1, 2009 for the fence ordinance to be addressed and settled. He recommends the Planning Commission come back and address the issue that has come forth in the last 24 hours.

County Planner Kevin Hamilton said the Planning Commission is exhausted by this issue. It has been their most controversial issue. They will certainly try to work toward a deadline. Their recommendation was based on the three years of homework. They tried very hard to be as neutral as possible and look at the least harm to the ranchers and to protect the crop growers. He said no matter what we do we are not going to make everyone happy.

Commissioner Davis submitted the Planning Commission's timeline concerning the fencing ordinance.

*(See Attachment No 5. – Timeline.)*

Commissioner VanDyke's impression is we are finally getting down to the point where people are getting very serious, even those that were opposed. He said this is not something that needs to go on forever. He said if we do some kind of a county split, suburbanization might change that boundary again.

Chairman Hardy's recommendation is if we can't get together by July of this year, he would like to see if the farm service could send out ballots to vote from a farm side and let them take care of it. He would like to let the farmers and ranchers vote to see how it would turn out.

County Planner Kevin Hamilton said when Planning Commission openings come up, they will be looking for people with agriculture experience.

**SET PUBLIC HEARING/PROPOSED ANIMAL TRESPASS ORDINANCE**

**MOTION:** A motion was made by Commissioner Davis to table this item until the fence ordinance is addressed. The motion was seconded by Commissioner VanDyke and unanimously carried.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 60846 thru 60921, 54516, and 55100 in the amount of \$146,827.68. Claim #54516 was voided.

**PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF DEPT:	Sylvia Greenhalgh, compensation change, effective 12/02/2008
PERSONNEL:	Jessica Munns, separation, effective 10/14/2008
ASSESSOR/TREAS:	Todd Kanno, separation, effective 11/03/2008
BLDG INSPECTION:	Rick Williams, compensation change, effective 12/08/2008
SURVEYOR:	Brice Lucas, separation, effective 12/05/2008

**RECESS**

The Commission took a recess at 11:48 a.m. and reconvened at 6:00 p.m.

**PUBLIC HEARING/TRUTH IN TAXATION – COMMISSIONERS**

*(See Attachment No.6 – Attendance List.)*

Chairman Hardy declared the public hearing regarding truth in taxation open at 6:00 p.m.

County Auditor Tom Bennett gave a brief overview of the budgets for 2008. He explained the purpose of the public hearings, 2008 general fund increase, 2009 tentative budgets, budget review and comment period.

Mr. Bennett explained the increase was due to items like the capital murder case, fairgrounds equipment, maintenance and gas and literacy program.

The county taxes are 18-23% of an individual's bill and the school district's is 55-70%. The tax rate for 2008 is .002604 and the tax rate for 2009 is .00262.

Commissioner Davis thanked all the citizens for making the effort to come, and he thanked the county officials that attended. He said the county has roughly 200 employees and 10% of the county employees were in attendance. He said in preparation for comments, he contacted UAC and got a copy of their annual fact booklet that does comparisons against the other 28 counties. He said Box Elder County is ranked 8<sup>th</sup> in population, ranked 22<sup>nd</sup> in tax revenues, and expenditures per capital is

\$417.45 compared to the state average of \$502.30. Commissioner Davis said the county is well managed and fiscally responsible and doing a fairly good job.

### **RECESS**

The Commissioners took a recess at 6:24 p.m. and reconvened at 6:30 p.m.

Chairman Hardy opened the public hearing to comments from those in attendance.

Rebecca Dilg, Willard, said she has attended a number of county commission meetings. The county is very supportive of the literacy program, mental health and many other programs, but she would like to see the county be a little more supportive of the community food pantry. She said it serves the entire county. Making sure families and children are fed and not going hungry at night is a basic need. She said it is important to make sure each person is fed rather than renovations to the county building.

Shirlene Simper Leavitt, Brigham City, works for Autoliv in human resources. She said there are over 1,000 people right now working 32 hours a week. The company has called for a reduced work schedule. They have not hired anyone for the last year so when they lose people, they have been told to suck it up and find someplace to improve, or is this job necessary. They have been told to improve the processes. She has been in some very difficult meetings. Ms. Leavitt said they have not had a 4.5% increase in over four years. There was a time when employment was very low and there was a shortage of employees. Money is an issue. She said the elected officials' salaries are comparable to Autoliv and Nucor. She is working shorter work weeks. Procter and Gamble is doing a little bit of recruiting and La-Z Boy is shut down. She asked the Commissioners to really look at the economy. People are afraid and hurting.

Steve Jeppsen is a part-time farmer. He said it has been a rough year. Cattle prices have dropped significantly. He appreciates the fact the tax rate has not gone up. He asked the Commissioners to draw the line and give the citizens a break. He said prioritize and look where you are at. He thinks the county does a good job of where the money goes, but this is not the time to have a tax increase. He said we are biting the bullet, and some people might not be able to work. Mr. Jeppsen said we really do need the relief. He can see some hard times if things do not change. He asked for tax relief. He is afraid of what will happen with state and federal taxes.

Ray Cavanaugh, Brigham City, would like to know what the increase in the overall overhead is for and the county's percentage of increase. Since he moved to Brigham City two years ago the tax rate on his home has increased 57% and he has not had a 57% increase in his income. He does not know how they can finish that out. They are on social security.

Chairman Hardy said the portion of taxes that we control is the county's portion. He said the county portion has not significantly increased. The primary increase has been the approval of a school bond to improve schools on both the north and south end of the county. The school rates increased last year by 27%.

County Auditor Tom Bennett said each year there are increases. All increases affect the county too.

Danielle Laursen said Rod Bennett told her they did a 10% across-the-board increase. The county paid four assessors and they never assessed any homes. They increased significantly. The homes are overinflated, and she cannot sell her home for that price. She said this is inappropriate. With the increase in property value of 10%, it gave the school board that much more money.

Darwin Bingham said he has an associate degree in accounting and business management. He said property taxes are double taxation. He asked how many times you raise the valuation. It is more taxes. If you want a fair tax, let's tax people based on net income. If the County Commission can figure ways to cut taxes and services, there is not a place in the government to compete with the citizens on goods and services. It is time to cut. He is totally against building new schools, but he thinks we need to get a hold of things. This county will see some tough times. He said we have to make it. We have to do it by saving money. It is tough right now. It is not a flush time. We will have to be tough right now. He said we need to cinch our belts up. Mr. Bingham said he has had some medical problems and has not worked for 2 ½ years.

Rickie Hansen thanked Tamara Wright for getting his house built. Mr. Hansen works at ATK. His area lost a \$500M contract, and they are finishing the contract up. He said there is going to be a lot of people that will be looking for a job unless ATK gets some more work. The motor contract is also scaling down. He said there have been guys that have been there for 30 years and being told that you have no job unless you find one. The space shuttle motors will mix until June. He said there will be a low. There are a lot of people that will be pretty scared if they end up being unemployed. He does not know what people will do. His son is trying to make a go on the farm, and the price of wheat, cattle and corn is coming down. He has all of his wheat sitting in a bin hoping the price will come up so he can pay operating loans and equipment payments. Mr. Hansen said it is going to get worse before it gets better the way the economy is going.

Darwin Bingham said there are entities that do not pay taxes: Wal-Mart, Procter and Gamble, West Liberty Foods. He suggests that whatever tax levy they get, the people that built this county get the same. He said it is illegal to have two different tax rates. We need to be fair with everyone.

Richard Nicholas, Bothwell, said the point is how much we pay in taxes. He said Commissioner Davis is correct. The county is financially managed well. He suggests there is always a place to cut if you have to. Mr. Nicholas has been in business for 25 years. He had a business in Springville and had to close it and laid 25 employees off. He said 25 years of his life is going up in smoke. He suggests taking a look at what you need and what you don't need. He said sometimes you can't afford. Sometimes we can't do that right now. He hears about the national bailouts and how people are hurting. He said if we are hurting, why do you keep taking our money and burden us. He said it is fact that you may need more taxes, but the issue is whether you need it. The fact is some cannot pay it. Please look at it. Mr. Nicholas said there is always a way to trim things.

Denton John, Portage, thanked the commission for the decision on the fencing issue. He said you got one right. He is speaking in opposition to any increase in taxes this year. He said think about the economic times. You cannot go to the people in this country and hit the jackpot with them when times are tough. This is when the management skills and ability starts to show. The easy decision is to raise taxes. The hard decision is to assess the facts. Mr. John has a solution-- go back to the department heads and explain to them; this is not just a County Commission problem, this is a county problem with each department head. He said tell them to come up with a method to reduce expenses by 10%. That might sound like overkill, but when you really look things over there is always excess to be cut. He said then the department heads go back to Mr. Bennett, and he would review and look at what they have done and make recommendations to the commission. He said this is not something the County Commission has to do alone. This is the whole county, and the whole county should shoulder the responsibility. He said the people that work for you will amaze you at what they can come up with to save expenses. He would like to see that each department, if they don't spend their entire budget, that money will go into a rainy-day fund. He echoes everything that has been said. The management skills will be tested. He said we are just seeing the beginning of what could happen. Go back to the drawing board and make tough management skills. Work like they do in private enterprise. Mr. John said we will have to do without. Maybe there are things that should be looked at. He applauds the job that the commission does and knows that it will be tough and a challenge to use the management skills and bite the bullet and do what it takes to not increase the taxes this year.

Jim Buchanan, Brigham City, said during the budget process the commission received a very thorough and prepared plan to address a serious issue that we as residents in this county face which is hazardous materials. The United States is looking at increasing the amount of truck volume that can be moved and the increased train traffic that flows through this county. Box Elder County does not have a hazardous materials plan. He said one was given to the commission. He is sure through the budget process it was moved off and not considered. The cities have stepped up in a partnership with the county in providing manpower, equipment, training costs and liability to respond to hazardous materials calls. Under the direction of the Sheriff, the Chief Deputy and Fire Marshall are struggling. Twenty plus years we have struggled in trying to put together a program to address what he considers one of the top two risks this county faces. The other one being earthquakes. The likelihood of the hazardous materials spill is far more likely than an earthquake. Mr. Buchanan asked that during this week's process that the commissioners and the county auditor meet with the chief deputy and the sheriff and revisit this plan. In 2001 the county passed a cost recovery ordinance that allows to charge the people that make the oops on the highway. We have not used it. We are not asking for more money, we are asking that you fund a program and the resources are there to offset those costs. He said we need to start somewhere. Twenty years is enough time. It is time that we look at it; sit down and address it. He has been given a plan under the direction of Sheriff Yeates that will get us started. Can we fund the whole thing? No! We understand that the problems this county, state and country is facing, but we need to do something because one of these days we are going to have the mess that we see on TV and we are going to be nowhere because we do not have the plan, yet we have the tools in place to make it happen. He once again asked the commission to revisit during this week's time with the sheriff, county fire marshal, emergency manager and that you look at it and make it happen.

Shannon Sanchez, Brigham City, is a small business owner. She is looking at a business license renewal and realized it went up 56%. That is pretty scary. She said in 2009 there is \$120,000 in delinquent taxes. She asked the commissioners to start collecting some of them. It would help us out a little bit.

Hazel Purdue, Brigham City, said according to the notice in the newspaper regarding proposed taxes for Box Elder, it said there will be a 7.34% increase for the current year. She said you have increased the taxes by 10% across the board on evaluations and now you want to increase it by 7.34%. She said that is a 17+%. She is a senior citizen and state retirement went down 20% and her 401K has also gone down. She said the senior citizens cannot stand a 17% increase in property taxes. She said you are not responsible for the school board. Ms. Purdue appreciates the fact that this is a well-run county. She echoes the words of others. She said you have to draw the line sometimes and ask can we afford this particular program at this level at this time. She realizes things are going to be tougher for all of us. Your business and farm will hurt. Ms. Purdue will have to turn the lights off and turn down the heat. A senior citizen has no way of increasing the amount of money they live on. Each particular department should go through and see where they can make cuts, whether in travel, supplies or replacing. We cannot afford the increase in salaries. She thinks we have to come to a point of can we afford this at this time. She encourages everyone to look at this line-by-line and department-by-department. Ask all department heads where they can save the people of Box Elder County money. Where can we save so we do not have to increase taxes? This is a well-run county, but now is not the time to increase taxes, especially with the job problems and the things going on in the country and the increase that the school board gave us. It is a little scary when we get a property tax notice, and this property may be reassessed. A property tax increase at this time does not make sense.

Joyce McEwan is a widow who won't turn 65 for a few more months. She is on a fixed income, and it is really hard for all the widows; and there comes a point in life where you have no change on a fixed income. Taxes went up really high, and she almost had to have CPR done on her when she had to pay them. There comes a time when you can't have your cake and eat it too. She said you really have to analyze the situation and the world crisis that we are in. She does not believe it will get any better. She believes it will get worse. She said you have to accept the fact that we can't live the way we used to. She had to re-evaluate her life and how to get bills paid. She has had to readjust. She said you need to sit down and think about the citizens and what they are facing. You need to think about the married, the unmarried and the widows when you are analyzing your budget. She appreciates the work that the commission does. The time has come when we cannot live high on the hog. We have got to sit down and really analyze things. She said we will ride this storm out. In a year when they predict that we will not get out of this mess, hopefully we will not lose the rest of our 401K's. She is glad she kept her motor home.

Dave Hewlett, resident of Box Elder County. He really enjoyed the statements of lets go back to the department heads and see what they can do. He said tell the department heads to talk to the men and women on the line, the people that are doing the work. He has found out when you get saddled with a whole bunch of more responsibility with fewer people because they have retired or let them go, one of the best things is to go out and talk to the people doing the work. Let them tell the department

head. He said you can save money by doing this or that or if we change this policy or procedure. We can save money if we get down to where the real work is being done. Nine times out of ten those people know more about what really can be done. He expressed gratitude to the commission, and encouraged them to look at every possible avenue. He is retired and so far able to stay that way, but if things keep going, he will have to sell some property and buy a motor home.

Ida Cannon, Plymouth. She is an employee at the road department. She said every department head works very hard to keep his budget low. Her boss is always looking for ways to be more efficient and conservative. There has been an increase in oil and asphalt. She has worked for the county for 17 years and is very appreciative of all the commissioners that she has had the privilege to work with and really appreciates the current ones. She said the commissioners are very diligent in not wasting the taxpayer's money. As a county employee she feels that she deserves a cost-of-living. She has worked hard to get it. She feels sorry for the people that are losing jobs, but personally she feels like she deserves that little bit of money. She told the Commissioners, "thanks for considering giving it to me".

Ruth Jensen, Brigham City, has heard all of the good people here tonight, and she was given a form showing exactly where we are. She said look at the county's unemployment. She listened to the lady speak on how Autoliv let people go and ATK is letting people go. She asked them to take a good look at the budget and go back to the department heads and ask them to do the best that they can to cut back. As a citizen, Ruth does not buy name brand food and looks for specials. She bargain shops and is proud of it. Anyone can spend money. You do not have to be smart to spend. You have to be smart to spend money wisely. As a tax payer look at things really well and stop spending. If there are some projects to put on hold, if there is some hiring, then let's freeze it. If there are some places to not replace, then let's not replace. She appreciates the time you spend in running the county.

Peggy Madsen, Brigham City, works with the commission and appreciates the citizen's involvement. Last year we had one citizen. She said it is important to make your points heard. The employees have come as citizens. She appreciates the process and the great land that we live in.

Chairman Hardy said he is over the roads. Last summer asphalt prices more than tripled as well as fuel prices. He is a farmer and fuel costs went up 25% last year over the prior year. When you have the sheriff's department patrolling and trying to keep you safe and putting fuel in the cars and doing the gravel roads with the cost of asphalt, there were cities and communities that did not do projects because they could not asphalt. Chairman Hardy said last year Bill Gilson got a futures contract and the county was able to lay down the same amount of asphalt. The county has 411 miles of asphalt roads, and we try to do 33 miles a year. If the citizens want us to cut back, we can but we are very efficient. We did some things with a rock crusher. We were purchasing chipping for \$4.00 a ton and this year it went to \$14.50 a ton. We are making our own chips in-house. We have tightened up. He is in the squeeze too. He said last year he sold his wheat for \$12.30 and today it is \$4.20. Fuel costs went up 10%. He is a dairy farmer. Milk a year ago was over \$20 and now it is \$16. He said we are all in it together. He realizes your issues, and we are trying to do what you need. He is almost to that stage in life where he will be on a fixed income. He wants to make sure that we protect the citizens.

He said there is some protection out there with abatements if you qualify. He said if you qualify, don't pass them up; they are there for your benefit.

Tom Bennett said abatements can be extended until the end of the year for a good cause.

Chairman Hardy said we, by state code, are here to offer services to the public; and we will do what we can to make sure people stay in their homes.

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 7:35 p.m.

Tom Bennett talked about the Board of Equalization process. He said it is a process to help the Assessor's Office to correct property values. He said some time in August you get an evaluation notice. On the notice there will be some times listed to come in for a 45-day appeal process. You come in and talk to someone in the Assessor's Office. They will come out and look at the property and make an adjustment if there needs to be one. There were 80% of those that appeared that were adjusted. Some went up, but most of them were adjusted.

Commissioner Davis referred to points he jotted down. He said every week we hold commission meeting and there are petitioners looking for money or financial support. The commission adopts a budget at the beginning of the year and spends the rest of the year. When they are saying no, they are trying to live within the budget that was adopted. There are lots of valuable and worthy programs. The commission has not supported county social programs with tax payer dollars. There are some by statute they support, but beyond that they do not provide humanitarian support.

Commissioner Davis talked about delinquent taxes. He said there is a process you go through if you are delinquent. They can be delinquent up to five years before being sold, and during the five years an interest rate of approximately 12% will be applied to your taxes. When you budget in the collection of taxes, you anticipate delinquent taxes. Most properties never go to tax sale. Every property owner is treated equally, and those delinquent pay a penalty and we do collect the taxes.

Commissioner Davis said the budget had no new positions. The Commission has been involved with the department heads from August to November and the department heads meet with personnel. We try not to jeopardize public safety or quality. He said if we are 24<sup>th</sup> out of 29 counties in per capital expenditure and 8<sup>th</sup> in population, he thinks we must be doing something right as a county. He said we have been prudent and operate a very responsible budget. For the most part they had no increase other than cost-of-living and personnel makes up 50% of our budget. Whenever you are looking for services, the services are provided by personnel. He feels like they have been extremely conservative with management of funds. They have held the line, and we are listening to your input and listening through the year and we budget throughout the year. The budgeting process is a 5-6 month process.

Commissioner VanDyke said the entire evening has been beneficial to you and us. He said we have heard comments and hopefully the commission will go back and do what is available to us to make changes in areas. He sincerely appreciates participation, not only by the citizens but by the employees. It is an education to see and hear the comments the citizens make. It is good to have an interchange between the two. He said your participation is much appreciated.

Chairman Hardy said he was a commissioner in 1995. There had been a 12-15 year period when the commission did not raise taxes to keep up. Back in those days they were able to manage with excess funds from PILT. When he became a commissioner in 1995 all of the funds had been used up and the commission was put in a position that they had to raise property taxes by 49%. That was ugly. He said you do not want to see that kind of a situation happen again. A year later the state and counties petitioned the state government to allow them to take 1/10 of 1 percent in sales tax. For Box Elder County that represented almost a million dollars, and that was more than the 49% that was increased the taxes. In truth and taxation we had to give the 49% tax increase back because we could not take the sales tax without doing that. The people never realized the million dollars that was given back to them. That same year the school board put on a school board levy that ate it up and nobody ever saw what we gave back. Chairman Hardy said all we are trying to do is keep the mill levy the same is we keep a very small inflation rate so that we keep up with expenses. Everyone realizes the fixed income stays the same and the expenses increase by the percent of inflation. He said if we do not keep the tax rate the same and allow it to go down, then we are in the same situation as fixed income by truth and taxation.

The Commissioners took a recess at 7:54 p.m. and reconvened at 8:22 p.m.

### **PUBLIC HEARING/AMENDING 2008 BEC, COUNTY LIBRARY & MARBLE HILL BUDGETS – COMMISSIONERS**

Chairman Hardy opened the public hearing at 6:00 p.m.

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

MOTION: A motion was made by Commissioner VanDyke to close the public hearing. The motion was seconded by Commissioner Davis, and the public hearing closed at 8:23 p.m.

### **PUBLIC HEARING/TENTATIVE 2009 BEC, COUNTY LIBRARY & MARBLE HILL BUDGETS**

Chairman Hardy opened the public hearing up at 6:00 p.m.

Commissioner Davis said Marble Hills is a pass through and has no impact on the county budget. The county library was taken back from the state, and the county is now responsible to maintain the bookmobiles and address the bookmobile issues.

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

MOTION: A motion was made by Commissioner VanDyke to close the public hearing. The motion was seconded by Commissioner Davis, and the public hearing closed at 8:30 p.m.

**ADJOURNMENT**

A motion was made by Commissioner Davis to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 8:32 p.m.

**ADOPTED AND APPROVED** in regular session this 16th day of December 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. Rex Facer Update
2. Budget Review – Tom Bennett

The Administrative/Operational Session adjourned at 2:10 p.m.