

**MINUTES
BOX ELDER COUNTY COMMISSION
JANUARY 02, 2007**

The Board of County Commissioners of Box Elder County, Utah met in Commission Meeting at the County Courthouse, 01 South Main Street in Brigham City, Utah at 9:00 a.m. on **JANUARY 02, 2007**. Commissioner Davis called the meeting to order with the following members present, constituting a quorum:

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

The prayer was offered by Commissioner Hardy.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF DECEMBER 19, 2006 WERE APPROVED ON A MOTION BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED WITH THE FOLLOWING CORRECTIONS: ON PAGE 3 THE WORD "ARBOROUS" WAS CHANGED TO "ARBORIST" AND REGARDING THE FENCING ORDINANCE THE PROCESS OF OPTING IN OR OUT WILL BE NO SMALLER THAN A TOWNSHIP.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS

Commissioner VanDyke said the Commission received petitions representing 221 homes in Box Elder County and 37 in Cache County. The petitions represent over 51,241 acres of farmland and over 147,558 acres of range land. The petitions acknowledged support of the Selman Mediation Agreement. These petitions are on file in the Recorder/Clerk's Office.

APPOINTMENT OF COUNTY COMMISSION CHAIR

Commissioner Davis explained at the first of each year the County Commission appoints a chair.

MOTION: A motion was made by Commissioner VanDyke to appoint Commissioner Hardy as the Commission Chair for the year 2007. The motion was seconded by Commissioner Hardy and the motion carried 2-1 with Commissioner Davis voting nay.

ORDINANCE #292 VACATING LOT 03/SOUTH CARR SUBDIVISION – COMMISSIONERS

MOTION: A motion was made by Commissioner Davis to adopt Ordinance No. 292, an ordinance vacating Lot 03 of the South Carr Subdivision. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 2 – Ordinance No. 292.)

COUNTY BEER LICENSES – LUANN ADAMS

Recorder/Clerk LuAnn Adams stated the Riverside Corner and the Grouse Creek Gone Country stores are asking for their annual renewal of a Class C Beer License.

MOTION: A motion was made by Commissioner Davis to approve the renewal of the Class C Beer Licenses for the Riverside Corner and the Grouse Creek Gone Country. The motion was seconded by Commissioner VanDyke and unanimously carried.

WORKER'S COMPENSATION CONTRACT – PEGGY MADSEN

Personnel Director Peggy Madsen said this year the County received a dividend from Worker's Compensation Fund. The County received two checks representing 17 ½% of the premiums. She stated this year the County will have a 30% raise. Ms. Madsen explained it has to do with experience rating (e-mod) which is set by the National Council of Compensation Insurance. She said for several years the County has had a low e-mod and the claims are based on three years. For 2007 the year 2002 was dropped off and 2005 was added. In 2005 the County had 21 claims and \$38,000 worth of lost time. She said another reason for the increase is payroll has increased. She presented a contract for the Commissioners to sign and explained it is a year-to-year contract in the amount of \$104,830.81. It has increased \$24,045.29 over last year. Ms. Madsen feels if we are able to manage our claims, we should get dividends at the end of the year.

MOTION: A motion was made by Commissioner VanDyke to accept the Workers Compensation Fund contract in the amount of \$104,830.81 and allow Chairman Hardy to sign the contract. The motion was seconded by Commissioner Davis and unanimously carried.

UCIP INFORMATION – PEGGY MADSEN

Personnel Director Peggy Madsen said Box Elder County has been a member of the Utah Counties Insurance Pool for 15 years. She said we must pay the first month of the year. This premium is budgeted, but there was a rate increase and it was budgeted \$30.00 short.

Ms. Madsen explained the history of UCIP. She said it started out as liability insurance and has now branched out into Worker's Compensation and a benefits plan. She said Box Elder County has participated each year. If we complete all the things we are asked to do for our risk management, we can get a 5% discount on our premium. The first thing we must do is appoint a risk manager that is responsible for implementation of the UCIP Multi-Line Best Practices Program. The County's risk manager has been Roger Handy, and Peggy Madsen has been his assistant. Peggy Madsen recommended Monte Munns for Mr. Handy's replacement. He has been on their board and understands about claim management. She feels it would be really good to have an elected official serve in that capacity.

MOTION: A motion was made by Commissioner Davis to appoint Monte Munns as our county elected official representative to UCIP with Peggy Madsen to be his assistant. The motion was seconded by Commissioner VanDyke and unanimously carried.

Ms. Madsen said as part of our risk management we need to have a Safety Committee and they are required to meet at least quarterly. She said because of the change of people being elected and those going out of office we have some openings. Leon Jensen is gone so Lynn Yeates should be appointed to sit in for the Sheriff spot. Roger Handy is gone so Tom Bennett should be a part of the committee. She said we also get a discount for having a Safety Committee that meets regularly and reviews claims. This item will be put on the next Commission Meeting.

REQUEST FOR VACATION EXTENSION – PEGGY MADSEN

Personnel Director Peggy Madsen said the County has a policy stating employees can only carry over 80 hours of vacation from one year to the next. Ms. Madsen has only received one request for extension. The request is from Detective Doug Spencer who last Monday was promoted to Sergeant. He has been working on the Perry Homicide, and has asked for a vacation extension to June 1, 2007.

MOTION: A motion was made by Commissioner Davis to approve the extension of vacation for Doug Spencer to June 1, 2007. The motion was seconded by Commissioner VanDyke and unanimously carried.

Chairman Hardy stated Box Elder County has dedicated people that give up vacation and under circumstances like this, we should not penalize them.

RECOMMENDATION FROM PLANNING COMMISSION/CREATION OF A SSD FOR SOUTH BOX ELDER COUNTY – CLARK DAVIS

Commissioner Davis said there is an issue with the development in South Willard and an issue regarding sewer and municipal services. We have a lot of developers wanting to come in with a solution that satisfies their development. Commissioner Davis said with the South Willard Community Plan they tried to develop a more comprehensive approach to a sewer solution in South Willard. He said about four years ago we had an engineering study conducted at an approximate cost of \$40,000 to the County for evaluating sewer solutions in South Box Elder County, primarily South

Willard. More recently Willard City and Perry City have joined with them in preparing their own sewer study. Mitch Zundel came to the County Commission a month ago and asked Box Elder County to contribute \$25,000 towards creating an addendum to the Sunrise Engineering Study that would incorporate South Willard. It was referred to the Planning Commission and their desire was to not participate in the Sunrise Engineering Study. There was reference made to the fact that at the time we conducted our County study, we requested Willard City participate; and they opted not to. We have already done the study. The Planning Commission also considered adopting a special service district for utility services, not sewer alone, but perhaps fire, water or other municipal services and to look at a larger area, larger than just South Willard. Willard City has their own Special Service District and part of the concern is over representation of the population of South Willard. Their recommendation was that we contact Eric Johnson and evaluate the advisability of creating a Special Service District. The frustration on the part of the Planning Commission was that we have talked about this for years, and haven't done anything. Instead of spending \$25,000 on another study the Planning Commission feels the County should evaluate creating a Special Service District which would include Willard and Perry.

MOTION: A motion was made by Commissioner Davis to engage Eric Johnson to provide consultation to the County Commission on the advisability, sizing and proper utilities to be included in the formation of a Special Service District for South Box Elder County. 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 47931 thru 47940 in the amount of \$36,056.16. Claims 47941 thru 48054 in the amount of \$543,953.04. Claims 48055 thru 48129 in the amount of \$497,628.00. Claims 47545 and 47755 were voided.

PERSONNEL ACTIONS – COMMISSIONERS

COMMISSION:	Scott Hansen, term ends 12/31/2006
COMMISSION:	Suzanne Rees, term ends 12/31/2006
COMMISSION:	Jay E. Hardy, sworn in 01/02/2007
COMMISSION:	Richard VanDyke, sworn in 01/02/2007
ATTORNEY:	Amy Hugie, term ends 12/31/2006
ATTORNEY:	Stephen R. Hadfield, sworn in 01/02/2007
ATTORNEY:	Brad C. Smith, separation, effective 12/29/2006
ATTORNEY:	Kirk Morgan, new hire, effective 01/02/2007
AUDITOR:	Roger Handy, term ends 12/31/2006
AUDITOR:	Thomas H. Bennett, sworn in 01/02/2007
ASSESSOR/TREAS:	Monte Munns, sworn in 01/02/2007
SHERIFF:	J. Lynn Yeates, separation, effective 12/29/2006
SHERIFF:	D. Leon Jensen, term ends 12/31/2006
SHERIFF:	J. Lynn Yeates, sworn in 01/02/2007

COMMISSION: Clark Davis, compensation change, 01/02/2007
JUSTICE: Kevin Christensen, compensation change, 01/02/2007
RECORDER/CLERK: LuAnn Adams, sworn in 01/02/2007
COMMUN DEV: Garth Day, separation, effective 12/29/2006

ASSIGNMENT REVIEW – COMMISSIONERS

The Commissioners reviewed assignments.

EXECUTIVE SESSION -

1. Strategy Session for Imminent Litigation

MOTION: At 9:55 a.m. a motion was made by Commissioner Davis to move into an executive session to discuss Imminent Litigation. The motion was seconded by Commissioner VanDyke and unanimously carried.

MOTION: At 11:40 a.m. a motion was made by Commissioner Davis to reconvene into regular Commission Meeting. Commissioner VanDyke seconded the motion, and regular Commission Meeting was reconvened.

Chairman Hardy explained that Imminent Litigation was discussed during the executive session.

OTHER BUSINESS

Work Sessions – Commissioners

MOTION: A motion was made by Commissioner Davis to change the name of work session meeting to Administrative/Operational Meeting as defined under the Utah Code. The motion was seconded by Commissioner VanDyke and unanimously carried.

ADJOURNMENT

A motion was made by Commissioner Davis to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 12:02 p.m.

ADOPTED AND APPROVED in regular session this 9th day of January 2007.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich Vandyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk

The following items were discussion in Work Session after Commission Meeting had adjourned:

1. Commission Assignments Discussion – Commissioners
2. Regional Landfill Update – Commissioner Davis
3. Policies & Procedures – Peggy Madsen
4. Job Openings – Peggy Madsen

The Work Session adjourned at 2:45 p.m.