

**MINUTES
BOX ELDER COUNTY COMMISSION
JANUARY 23, 2007**

The Board of County Commissioners of Box Elder County, Utah met in an Administrative/Operational Meeting at the County Courthouse, 01 South Main Street in Brigham City, Utah at 8:00 a.m. on **JANUARY 23, 2007**. 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. Assignment Review
2. Staff Reports
3. Correspondence
4. Agenda Review/Supporting Documents

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

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The prayer was offered by Commissioner Hardy.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING JANUARY 16, 2007 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED.

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AGENDA: ATTACHMENT NO. 1

OUT-OF-STATE TRAVEL/RURAL LAW ENFORCEMENT TECHNOLOGY – KEVIN POTTER

Sheriff Lynn Yeates requested out-of-state travel for Kevin Potter to attend The National Institute of Justice sponsoring Rural Law Enforcement Technology Institute in San Diego, California, March 25-30. All expenses will be paid for by the federal government.

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MOTION: A motion was made by Commissioner Davis to authorize Kevin Potter to attend out-of-state travel to San Diego, California, March 25-30 to attend the National Institute of Justice sponsoring Rural Law Enforcement Technology Institute at no cost to the County. The motion was seconded by Commissioner VanDyke and unanimously carried.

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OUT-OF-STATE TRAVEL/HIGH PROFILE INMATE TRANSPORT TRAINING – KEVIN POTTER

Sheriff Yeates requested out-of-state travel for Jamison Zito and William Burns to attend High Profile Inmate Transportation Training in Las Vegas, Nevada, February 5-8 at a cost of \$800.00 for both employees to attend. They will drive a county vehicle.

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MOTION: A motion was made by Commissioner Davis to approve out-of-state travel for Jamison Zito and William Burns to attend High Profile Inmate Transportation Training in Las Vegas, Nevada, February 5-8 at a cost of \$800.00 to the County. The motion was seconded by Commissioner VanDyke and unanimously carried.

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OUT-OF-STATE TRAVEL – JOAN HAMMER

Joan Hammer, Tourism Coordinator, said as part of the County’s commitment to the Travel Regions Association, each region takes a consumer show to represent their area and the state. Ms. Hammer has been assigned the Los Angeles Times Travel Show in Long Beach, California. Ms. Hammer said each year they come home with 2,000 names and 11 other people come home with 2,000 names, and then there is a database to work from. The travel show is February 8-12. The cost to the County would be \$481.00, and the state will pay for the booth.

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MOTION: A motion was made by Commissioner VanDyke to accept the request for out-of-state travel for Joan Hammer to travel to Long Beach, California to attend a consumer travel show February 8-12 at a cost of \$481.00. The motion was seconded by Commissioner Davis and unanimously carried.

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OUT-OF-STATE TRAVEL – BILL GILSON

Bill Gilson, Weed Supervisor, is requesting to attend an Idaho Weed Conference January 31-February 1 in Nampa, Idaho. The conference pertains to training on obtaining grants. Last year Box Elder County received \$23,000 in grants. Mr. Gilson said he would be traveling with the Weed Supervisor from Cache County so there will be no vehicle cost. Registration is paid through the Weed Supervisor’s Association, and the cost to the County would be around \$85.00.

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MOTION: A motion was made by Commissioner Davis to approve out-of-state travel for Bill Gilson to travel to Nampa, Idaho, January 31-February 1 to attend the Idaho Weed Conference at an estimated cost of \$85.00. The motion was seconded by Commissioner VanDyke and unanimously carried.

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WESTERN COUNTIES ALLIANCE PRESENTATION – MARK WALSH

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Mark Walsh said the Western Counties Alliance is an organization conceived by a number of western Congressmen and works in conjunction with a couple of other organizations, Western Business Roundtable and the Partnership for the West. Mr. Walsh said he was here to talk about the component that deals with local governments and in particular rural counties that are public land oriented. The intent of the organization is to bring resolution to issues that are peculiar to the west. Mr. Walsh said there are about 50 members in the US House of Representatives that have developed and are part of the caucus and have helped resolve issues. Their organization consists of 20 counties in the State of Utah, a county in Montana, several counties in Nevada including the Nevada Association of Counties, Coalition of Counties in New Mexico, Arizona and a coalition of western slope counties in Colorado. They are aligned with them on common interest issues. Issues they are working on are funding of PILT and RS2477 Roads, Endangered Species Act, Resource Management Planning with Forest Service and BLM. All 162 of the RMP’s that will guide decision making on public lands are up for review and counties have a peculiar and particular role to play in the RMP’s.

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Mr. Walsh covered a couple of issues. He invited the Commissioners to attend a workshop this Friday in Nephi, Utah with the members of the alliance in Utah. Lt. Governor Gary Herbert will be there, and they will spend time working with Congressman Cannon on two issues of particular importance.

Mr. Walsh said Box Elder County is the second highest recipient in the State of Utah for Payment in Lieu of Taxes (PILT) monies. Last year the county received \$1,735,521 in PILT. The County will get the same amount this year. If the County had full funding Box Elder County would receive \$2,600,000 and because of the continuing resolution that is funding the government this year, that number will actually be closer to \$2,800,000. Mr. Walsh said in a meeting with Senator Harry Reid, he indicated they would give an effort to fully fund PILT this year. The Alliance has given him some good language to require Congress to fund PILT in full within a three-year period, and it would be adjusted for inflation. This will be a significant increase to Box Elder County.

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Another issue of concern to Box Elder County is RS2477 rights-of-way. There has been a favorable ruling from the 20th Circuit Court. It will be reintroduced in the next session. It will give the rights to the County to determine the rights-of-way and removes the BLM and puts the counties in control.

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The cost to become a member of the Western Counties Alliance is \$7,500 a year. Mr. Walsh left a brochure on the Western Counties Alliance.

The Commissioners expressed their concerns about overlapping with services of WIR.

OUT-OF-STATE TRAVEL – GINA ALLEN

Landfill Director Gina Allen requested out-of-state travel to Monterey, California to attend a Landfill Gas Symposium taught by SWANA. This class will teach some of the basics, and Ms. Allen would like the County to be on board in case we need to implement a landfill gas system in the future.

MOTION: A motion was made by Commissioner Davis to approve out-of-state travel for Gina Allen to attend a Landfill Gas Systems Symposium in Monterey, California, March 4-8 at a cost of \$2,631.10. The motion was seconded by Commissioner VanDyke and unanimously carried.

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NORTHERN UTAH REGIONAL LANDFILL AUTHORITY APPOINTMENTS – COMMISSIONERS

MOTION: A motion was made by Commissioner Davis to appoint Commissioner Hardy and Commissioner Davis as representatives to the Northern Regional Landfill Authority Board. The motion was seconded by Commissioner VanDyke and unanimously carried.

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PUBIC HEARING/ROCK HILL REZONE – COMMISSIONERS

(See Attachment No. 2 – Attendance List.)

Chairman Hardy declared the public hearing on the Rock Hill Rezone open at 10:00 a.m.

Administrative Assistant Elizabeth Ryan said Rock Hill came with a petition to rezone his property in the Collinston area which contained 17 acres. Chad Munns also owns property in the area and was interested in rezoning his property from an A-20 to an RR-2 so the petition was extended to include the additional property. The new proposal contains over 1100 acres. The Planning Commission held a public hearing and no negative comments were received. The Planning Commission recommended the petition go to the County Commission. Ms. Ryan stated Chad Munns excused himself from the Planning Commission’s decision.

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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 10:05 a.m.

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MOTION: A motion was made by Commissioner Davis to grant a rezone change from an A-20 to an RR-2 to the Rock Hill/Chad Munns petition which is the blue-hatched area on the attached map. The rezone change is approximately 1100 acres. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 3 – Rock Hill/Chad Munns Re-Zone Map.)

ADDENDUM/BEAR RIVER MENTAL HEALTH CONTRACT – LORNA RAVENBERG

Administrative Assistant Lorna Ravenberg presented an addendum to the Bear River Mental Health Contract. She said the addendum is to change the dates from January 1-December 31, 2007. The amount of the contract is for \$88,500 which has been budgeted.

MOTION: A motion was made by Commissioner Davis to approve the addendum to the Bear River Mental Health Contract and to authorize Chairman Hardy to sign the addendum. The motion was seconded by Commissioner VanDyke and unanimously carried.

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LEASE SPACE FOR ATTORNEY’S OFFICE – DONNIE TARVER

Buildings and Grounds Supervisor Donnie Tarver said the lease space is for five years and at the end of five years it will escalate to .90. Mr. Tarver explained the cost of the space is well below the average in Brigham City and well below the state average. The other issue addressed in the lease contract is to protect the County if the County should decide to move into another building before the five-year period. Mr. Tarver said Paragraph 4 states the County could break the lease, and would need to pay the lessor an equivalent of four months. Mr. Tarver also said security issues were addressed. Lt. Dale Ward did a walk-through and made a few suggestions.

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MOTION: A motion was made by Commissioner VanDyke to accept the Commercial Real Estate Property Lease for the County to lease property located on 09 West Forest Street in Brigham City as outlined in the lease. The motion was seconded by Commissioner Davis and unanimously carried.

POLICY: CONFLICT OF INTEREST – PEGGY MADSEN

This item was canceled.

AMENDMENT TO THE CAFETERIA PLAN – PEGGY MADSEN

Personnel Director Peggy Madsen said the plan was amended to reflect eligibility requirements. It now reads an employee is eligible after he/she has been employed one calendar day.

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MOTION: A motion was made by Commissioner VanDyke to accept the amendment to the cafeteria plan as outlined in the documents to be effective January 1, 2007. The motion was seconded by Commissioner Davis and unanimously carried.

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SET PUBLIC HEARING/BECKSTEAD REZONE – ELIZABETH RYAN

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Administrative Assistant Elizabeth Ryan said Jeff Beckstead Construction has petitioned to rezone a parcel in South Willard where Hwy 89 splits. The property around there is already zoned commercial and the area where there are three homes is zoned RR-1. The Planning Commission recommends the whole pie-shaped area be rezoned to commercial. Ms. Ryan asked the Commissioners to set a public hearing.

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MOTION: A motion was made by Commissioner Davis to set a public hearing for the Beckstead Rezone for February 13 at 10:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

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HERITAGE ARTS FESTIVAL/REQUEST USE OF FACILITIES – PAUL LARSEN/JOLENE CROCKETT

Brigham City Economic Development Director Paul Larsen said this is Brigham City’s fourth year to hold the Heritage Arts Festival. This year it is scheduled for June 9 out in the plaza and once again he has come before the Commissioners to ask permission to use the County facilities in the courthouse and the lawn area. The theme this year is “Rocking and Rolling into Outer Space”. The theme is to honor Thiokol’s 50th year in Box Elder County. They will celebrate 50 years of building rockets and space ships. ATK will participate and will be bringing in two astronauts. The music will be a 50’s theme. There will be artisans and art displays. ATK has a collection of photos and paintings that are related to space, and they will be on display. There will be a couple of 1950’s science fiction movies playing, and there will be activities for the kids. Mr. Larsen asked the Commissioners for permission to use the courthouse facilities and also invited them to come and enjoy. He said there will also be a sidewalk sale and a Classic Car Show.

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MOTION: A motion was made by Commissioner VanDyke to accept Brigham City’s request for the use of the County facilities during their Heritage Arts Festival on June 9. The motion was seconded by Commissioner Davis and unanimously carried.

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WARRANT REGISTER – COMMISSIONERS

The Warrant register was signed and the following claims were approved for payment: Claims 48187 thru 48227 in the amount of \$299,372.36. Claims 48228 thru 48280 in the amount of \$46,903.21. Claims 48281 thru 48315 in the amount of \$26,611.40.

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PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF: Cade Palmer, compensation change, effective 01/06/2007
SHERIFF: Maggie Bull, compensation change, effective 01/07/2007
SHERIFF: Jared Loosli, compensation change, effective 01/21/2007
SHERIFF: Paul James Tittensor, compensation change, effective 01/12/2007
SHERIFF: Clark W. Richards, compensation change, effective 01/12/2007
COMMUN DEVELOP: Susan Thackeray, compensation change, effective 01/07/2007
ITS: Keith Keller, compensation change, effective 01/07/2007
RECORDER/CLERK: Marla Young, rehire, effective 01/07/2007
FIRE SUPPRESION: Cassie Romander, compensation change, effective 01/19/2007
COUNTY ATTY: Diane Handy, compensation change/change of status, 01/29/2007

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ASSIGNMENT REVIEW – COMMISSIONERS

The Commissioners reviewed their assignments.

EXECUTIVE SESSION

1. Strategy Session for “Imminent”Litigation

MOTION: At 10:53 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 the motion was unanimously carried.

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MOTION: At 11:03 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.

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Chairman Hardy explained that Imminent Litigation was discussed during the Executive Session.

ADJOURNMENT

A motion was made by Commissioner Davis to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 11:05 a.m.

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ADOPTED AND APPROVED in regular session this 30th day of January 2007.

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Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk