

**MINUTES
BOX ELDER COUNTY COMMISSION
MAY 15, 2007**

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 **MAY 15, 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. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports – (Tom Bennett)
4. Correspondence
5. Assignment Review
6. Re-write Update – Keith Keller
7. May Tax Sale – Tom Bennett

The work session adjourned at 8:59 a.m.

The regular session was called to order by Chairman Hardy at 9:00 a.m. with the following members present, constituting a quorum:

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

The prayer was offered by Commissioner Davis.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF MAY 1, 2007 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER DAVIS AND UNANIMOUSLY CARRIED.

THE MINUTES OF THE EMERGENCY COUNTY COMMISSION MEETING OF MAY 14, 2007 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FIRE SERVICE AWARD – JAY WESTERGARD

Jay Westergard said 45 years ago there was a fire in Whites Valley started by a cigarette that burned into Plymouth and Portage. Back in those days fire fighting was a different situation. The firefighters worked hard on the fire Friday afternoon and usually a fire rests at night, but this fire burned about 2,000 acres Friday night. Mr. Westergard said there was a County Employee by the name of Anthom Tracy who was assigned to fight the fire. He cut some lines and was able to get other guys out of the fire but he died. Anthom Tracy was a 44 year-old father of seven kids.

Mr. Westergard said it has been a tragedy that nothing has ever been done for him. The Utah Firemen's Association has a museum in Tooele County and on the wall are memorial plaques honoring fallen firefighters. Every October the Association has a ceremony, and this year they want to honor Mr. Tracy. All seven of his kids are still alive. The ceremony will be held October 13 and Mr. Westergard invited the County Commissioners to attend the ceremony and asked if they would like to participate in funding of the plaque.

Chairman Hardy said he appreciates the efforts of the volunteers that give their service.

WAIVER OF TIPPING FEES FOR MODERN CLEANERS – PAUL LARSEN

Brigham City Economic Development Director Paul Larsen explained the local option sales tax funding for the UTA System.

Paul Larsen said the Academy Project is still in the planning stages. At this point Brigham City has acquired most of the properties and has some of the other properties under contract. The project will involve some demolition. Mr. Larsen asked the County to waive the tipping fees on the demolition of Modern Cleaners. Paul Larsen said in exchange if there are any projects the County has in the future, Brigham City would be willing to help. Mr. Larsen further explained the project and also indicated there would be more buildings demolished. He said this project will have county-wide significance and impact.

Commissioner Davis suggested Box Elder County create a charge slip at the landfill and track the total cost of the demolitions. After all the fees are accumulated, the County will hold a meeting on the back end to evaluate the appropriate contribution to the project.

The Commissioners told Brigham City they want to help; they just don't know how much they can.

ACCESS MANAGEMENT ATLAS MAPS – CHAD MONTGOMERY/BRICE LUCAS

This item was canceled.

TWO SUBDIVISIONS FOR COMMISSION APPROVAL –KEVIN HAMILTON

County Planner Kevin Hamilton presented two plats: Castagno which is a one-lot subdivision located in Curlew Valley southwest of Snowville. It is a 10-acre lot. The other subdivision is the Scott Bowcutt Subdivision which is a two-lot subdivision located at 5900 W 14400 N, north of Garland. Both subdivisions were unanimously approved by the Planning Commission.

MOTION: A motion was made by Commissioner Davis to approve the Scott Bowcutt and Castagno subdivisions. 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: Claim 990009 thru 990011, 50166 thru 50268 in the amount of \$354,807.16. Claims 50269 thru 50455 in the amount of \$505,972.82. Claims 49950 and 50276 were voided.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF:	Bradley Nelson, new-hire, effective 05/08/2007
SHERIFF:	Sylvia Greenhalgh, re-hire, effective 05/06/2007
ROAD DEPT:	Tom Perkins, compensation change, effective 05/01/2007
REC/CLERK:	Paul Lyon, new-hire, effective 05/07/2007
REC/CLERK:	Terry Peterson, re-hire, effective 05/02/2007
REC/CLERK:	Stephanie Chalfant, new-hire, effective 04/30/2007
WEED DEPT:	Nicholas Esplin, re-hire, effective 04/23/2007
LANDFILL:	Michael Driver, separation, effective 05/02/2007
FAIRGROUNDS:	Tyler Salvesen, new-hire, effective 05/14/2007

PUBLIC HEARING/CDBG PROJECT – BRIAN CARVER/CINDY BILSKI

(See Attachment No. 2 – Attendance List.)

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

Cindy Bilski, BRAG, explained the Community Development Block Grant requires all grantees hold a second public hearing to describe to the public the project they are going to pursue with CDBG funds. Last January the BRAG governing board approved all of the projects that had been rated and

ranked by the BRAG Investment Strategy Council, and there were three projects that were awarded to BRAG:

- (1) \$75,000 to cover technical assistance to the CDBG grantees and also provide planning assistance to communities that meet the low and moderate income criteria
- (2) \$43,500 for the housing programs for direct rehabilitation on the homes which could include water and sewer repairs and sewer hookup
- (3) \$60,000 for the administration of the home and other housing programs
- (4) \$10,000 for the first-time home buyer program which is money that goes directly to help pay closing costs
- (5) \$50,000 to small business development and revolving loan fund

Ms. Bilski said the public hearing is a procedure to let the public know. It is published in the newspaper so they are aware of how these funds are allocated and what the project is.

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

MOTION: A motion was made by Commissioner Davis to close the public hearing. The motion was seconded by Commissioner VanDyke and the public hearing closed at 10:06 a.m.

RETIREMENT CONTRIBUTION RATES – PEGGY MADSEN

Personnel Director Peggy Madsen said every year the County must sign a participating employer certification of retirement contribution rates. Last year the participation was 11.59% and this year it is 11.62%. The public safety rate last year was 22.38% and this year it is 22.61%.

MOTION: A motion was made by Commissioner VanDyke to accept the new rates and allow the chair to sign the annual participating employer certification of retirement contribution rates. The motion was seconded by Commissioner Davis and unanimously carried.

RESOLUTION 07-06/SPECIAL SERVICE DISTRICT SOUTH WILLARD – COMMISSIONERS

Attorney Eric Johnson said the County has gone through all of the steps to create a special service district in the South Willard Area. It was noticed in the paper, a public hearing was held, public comments have been received and there are three changes in the creation from the original notice. Mr. Johnson then explained the changes: (1) name will be modified to the Special Service District of South Willard Bay Municipal Services (2) this district will not provide water services (3) the boundaries have been minimized from the original notice. Mr. Johnson said the west boundary will be I-15 except for a few parcels from the LDS Church property to the Bob Davis Property on the west side of the freeway. That is the only portion left in west of the freeway. In the original notice there was quite a bit more property west of the freeway.

Commissioner VanDyke mentioned the boundaries were changed because there were landowners on the west side that did not want to be included in the service district.

Mr. Johnson said the following services are included:

- (a) sewerage
- (b) drainage
- (c) garbage
- (d) health care
- (e) transportation
- (f) recreation
- (g) fire projection
- (h) emergency medical and ambulance
- (i) street lighting
- (j) animal shelter control
- (k) snow removal

The district may not immediately start providing all of the services, but it will have the power over time to provide all of the services if it chooses to do so.

Mr. Johnson said there were fewer than 50% of the property owners or qualified voters that objected and so the Commission is able to go ahead and create the district. The Commission has considered all protests and will be granting the district full powers allowed under the special service district act. Mr. Johnson said the last thing that needs to happen is that we direct a notice to be sent to the Lt. Governor informing him of the creation of the district along with a property description and a map.

MOTION: A motion was made by **Commissioner Davis** to authorize the creation of a special service district under Resolution 2007-06, a resolution establishing the special service district of South Willard Bay Municipal Services and providing for other related matters. The motion was seconded by **Commissioner VanDyke** and unanimously carried.

(See Attachment No. 3 – Resolution 2007-06.)

Bear River Mental Health Building/Tremonton – Commissioners

Lloyd Berentzen, Bear River Health Department, gave the Commissioners a background. He said the facility the Health Department currently occupies is located at 125 S 100 W. That building has been used since about 1976 as a Health Department Facility in cooperation with Box Elder County. The way it was originally financed was with Health Department funds along with a grant. Since that time they did the cooperation with Mental Health, and Mental Health occupied the downstairs two offices and the Health Department occupied the upstairs. The rest of the downstairs has a conference room, bathrooms and some common areas. He said a few years ago it became very crowded for the services that were being delivered so the Health Department made a bargain with Mental Health and they did a cooperative agreement between agencies – Bear River Health Department and Bear River Mental Health. The Health Department paid Bear River Mental Health \$50,000 so they could move

on and apply that somewhere else and the Health Department took over the two offices they had downstairs and have used up until now.

Mr. Berentzen said they have had to move their substance abuse services out of the building because space has become a premium there. He said it is very difficult to offer all of the services they have. The Health Department approached the Board of Health recently and talked about the potential of looking at building new or looking at alternatives. Tremonton City and Chief Nance have approached the Health Department and expressed an interest in the building. About three years ago there was some confusion into who really owned the building. There were several different titles on the building. Tremonton City had the title to the property where the Health Department was and the Health Department had the title to the property where the fire station was. The title has been cleared up, and it is now listed under Box Elder County. The Board of Health is in favor and Tremonton City is interested in pursuing a purchase of the facility. Mr. Berentzen said there is a Memorandum of Agreement between Cache, Rich and Box Elder Counties which was originally put in place in 1971, and that agreement was updated 4-5 years ago. The agreement essentially says that as a member of the Board of Health all of the properties are really owned by all three counties together.

The Board of Health has voted to bring the proposal to the Commissioners for approval for sale of the facility. Chairman Davis said the issue is what is the value that is going to be placed on the building because we have a willing seller and willing buyer and as the sellers we are representing three counties. Commissioner Davis said he abstained from voting with the Board of Health so he could bring it to the Commission table.

Rich Woodworth said Tremonton City is not opposed to an appraisal of the property. Tremonton City needs a bigger facility for their police department. Chief Nance said he feels like the building will work out good for his department

RECESS

The Commissioners took a recess at 10:26 a.m. and reconvened at 10:44 a.m.

EXECUTIVE SESSION

Strategy session to discuss the sale of real property when: value would be disclosed, notice of sale had been given, terms or sale are disclosed

MOTION: At 10:45 a.m. a motion was made by Commissioner Davis to move into an executive session to discuss sale of real property. The motion was seconded by Commissioner VanDyke, and the motion was unanimously carried.

MOTION: At 11:07 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 that there was a discussion on the sale of real property.

ADJOURNMENT

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

ADOPTED AND APPROVED in regular session this 22 day of May 2007.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk

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

1. Personnel Issues – Peggy Madsen

The Administrative/Operational Session adjourned at 12:12 p.m.