

**MINUTES
BOX ELDER COUNTY COMMISSION
AUGUST 07, 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 **7:00 a.m.** on **AUGUST 07, 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
4. Correspondence
5. Assignment Review
6. Budget Schedule – Commissioners
7. 2008 Budget Preparation – Commissioners
8. Seed Program – Tremonton/Brigham City/Box Elder County

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 JULY 31, 2007 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS**State No-Burn Moratorium Exceptions**

Chairman Hardy reminded those in attendance there is a state issued no-burn moratorium in the county. He said since the issuance some farmers have requested to do some burning so they can do laser leveling, plant certain crops like alfalfa and burn some ditches. Chairman Hardy has been working with the state on this issue, and the state has released the no-burn moratorium if certain conditions are met. The farmers will need to contact Chairman Hardy, who will then set an appointment with Blain Hamp from the Department of Natural Resources to approve the request, then a fire permit will be issued from the state. Chairman Hardy said one of the requirements for these state issued permits is the farmers will be liable for any fire that gets away from them.

Chairman Hardy has maps to show where these burn areas are. He said basically it only covers the flood irrigated plain of the Bear River Valley from the canal to the east to the canals to the west and north to Forest Street. Chairman Hardy asked the local farmers who may need this option, to comply with the conditions and requirements that have been set.

ADOPTION OF BUDGET SCHEDULE – TOM BENNETT

County Auditor Tom Bennett asked the Commission for approval of the 2007 Schedule for Preparation of 2008 Operating Budget. He said it basically outlines the time frame for getting budget requests out and back from the departments, meetings with department heads and public hearings that are needed at the end of the year.

MOTION: A motion was made by Commissioner Davis to adopt the Budget Preparation Schedule as prepared by Tom Bennett. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 2 – Schedule)

CANCELLATION OF COMMISSION MEETING – COMMISSIONERS

MOTION: A motion was made by Commissioner VanDyke to cancel Commission Meeting on August 21 due to the County Fair. The motion was seconded by Commissioner Davis and unanimously carried.

INTERLOCAL AGREEMENT FOR SEED PROGRAM - REESE JENSEN

Brigham City Councilman Reese Jensen presented the Commissioners with an interlocal agreement relative to the Seed Program. Mr. Jensen said the agreement has changed somewhat from the previous version whereas Utah State University has been removed from the agreement. Mr. Jensen said USU's Brigham City Campus Director, Andy Shinkle reported he did not have legal authority to commit the university to an interlocal agreement, so in lieu of USU participating, Mr. Shinkle has

donated \$7,000 from his budget which accomplishes the same thing. Mr. Jensen said by his donating the \$7,000 it decreased the total of the County's commitment from \$23,000 to \$16,000. He said the \$16,000 has now been distributed through the three entities with Box Elder County committed for \$7,510, Brigham City for \$6,324 and Tremonton \$2,166.

Mr. Jensen said other municipalities of Box Elder County were invited to participate and thought it was a great idea but stated their budgets did not have the money to fund it. Commissioner Davis noted the agreement specifies Box Elder County's participation financially begins with the 2008 budget year.

Commissioner Davis made note that this agreement is a dollar per dollar match so the County is also doing this to secure the matching money as well.

MOTION: A motion was made by Commissioner Davis to adopt the Interlocal Agreement between Box Elder County, Tremonton and Brigham City and authorize the chair to sign. The motion was seconded by Commissioner VanDyke and unanimously carried.

AMENDMENT TO CONTRACT WITH DEPARTMENT OF CORRECTIONS – SHERIFF YEATES

Sheriff Yeates presented an amended contract with the Department of Corrections which runs from July of 2004 to June 30, 2009. Sheriff Yeates said the original contract increased from \$3,168,000 to \$3,346,000 based on an increase of \$42 a day to \$45 a day for each state inmate housed. The County Attorney has reviewed the contract.

MOTION: A motion was made by Commissioner Davis to approve amendment No. 1 to contract #050719 between the Department of Corrections and Box Elder County and in that contract it specifies the increase of the compensated rate from \$42 to \$45 per offender a day. The motion was seconded by Commissioner VanDyke and unanimously carried.

BID OPENING ON LEASE PROPERTY – DONNIE TARVER

Building Official/Physical Facilities Manager Donnie Tarver opened bids for the transfer station at 4450 N Hwy 13. He said the County had renewed the contract and advertised the bidding in the local papers for 30 days. The lease of the property would run from December 1, 2007 to December 1, 2008. Mr. Tarver said only two bids were received.

Name of Bidder	Amount of Bid
Boyd Nebeker	\$2,050.00
Don Walker	\$1,850.00

MOTION: A motion was made by Commissioner Davis assuming all the requirements were met for bid specifications, to award the bid to the high bidder Boyd Nebeker at \$2,050.00. The motion was seconded by Commissioner VanDyke and unanimously carried.

BID OPENING FOR ICON BUILDING AT ROAD AND WEED DEPARTMENT – BILL GILSON

County Weed Foreman Bill Gilson informed the Commissioners this bid opening is for the construction of a 40' x 100' steel building to house equipment and supplies for the Weed and Road Departments. He said it is a joint venture between the two departments because there are grant funds from the Weed Department to pay for a portion of the building and mineral lease thru the Road Department of approximately \$20,000 to also help with costs.

Mr. Gilson said ten companies were contacted for bids and three were received back. Mr. Gilson opened the following bids:

Company Name	Bid Amount
Dave Misrasi	\$31,000
Elk Valley Construction (Salt Lake City)	Range from \$39,700 to \$48,800
ABCO Construction	\$49,414

MOTION: A motion was made by Commissioner VanDyke to award the bid to Dave Misrasi for \$31,000 and give Bill Gilson the discretion to visit with the contractor. The motion was seconded by Commissioner Davis and unanimously carried.

BOX ELDER COUNTY BRIDGES

Chairman Hardy said because of the disaster of a bridge collapsing in Minneapolis, he asked Bill Gilson to address the condition of the bridges in Box Elder County.

Mr. Gilson had two reports from the Utah Department of Transportation of bridge inspections throughout the County. He said out of all 40 bridges that were inspected, the percentage rating on the wear and tear on the actual bridge ranges from 20% being a very bad bridge to 99.9% which is a fairly brand new bridge. Mr. Gilson said out of those 40 bridges, 12 fell below 50% which is in the danger area of having to be replaced. Of those 12 bridges, 11 of them are 50 years old or older.

Commissioner Davis inquired if any of those 12 inspected bridges represent a major public safety hazard or concern. Mr. Gilson said the County is maintaining them, filling the cracks, making sure the footers are maintained around the bottom from washouts, but he thinks over the next 7-8 years this is something the County needs to address and budget for.

APPOINT ADMINISTRATOR FOR HARTFORD INSURANCE – PEGGY MADSEN

MOTION: A motion was made by Commissioner VanDyke to accept the appointment of Box Elder County Personnel Director Peggy Madsen to be the administrator of Hartford Life Insurance Program for the county. The motion was seconded by Commissioner Davis and unanimously carried.

(See Attachment No. 3 – Letter.)

TREMONTON HOSPITAL SUBDIVISION – KEVIN HAMILTON

County Planner Kevin Hamilton asked the Commission to authorize the chair to sign the plat for the Bear River Hospital transfer. Mr. Hamilton explained the plat does not transfer any property, but creates two lots on the property to facilitate the agreement between Box Elder County and Mission Health Services.

MOTION: A motion was made by Commissioner Davis to authorize the chair to sign the Tremonton Hospital Subdivision final plat subject to the County Attorney's approval. The motion was seconded by Commissioner VanDyke and unanimously carried.

PUBLIC HEARING – IHC HOSPITAL – COMMISSIONERS

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

(See Attachment No. 4 – Attendance List.)

Chairman Hardy introduced John Hoopes from Intermountain Health Care, Eric Packer, Administrator-Bear River Hospital/Nursing Home Administrator. Nursing Home staff Marcie Schultz, Irene Tello and Kristy Giles were also in attendance.

County Attorney Stephen Hadfield said state statute and Box Elder County Policy requires whenever the County is going to dispose of property that is deemed surplus, a public hearing is required to allow public input. He said the purpose of today's public hearing is for the nursing home property in Tremonton. The current direction is transferring the property to Mission Health Services for the purpose of allowing continued operation of a nursing home in that area.

John Hoopes commented that IHC has been working with this nursing home for many years and has had several meetings with past and present Commissioners and has maintained very good relationships. He said he wants to maintain that and for this to be a mutually satisfactory agreeable exchange. Mr. Hoopes said Mission Health Services is a great organization and has worked with Gary Kelso, the president of Mission Health Services. Mr. Hoopes believes this is in the best interest for the County, the people of the County, and for IHC. He stated IHC is anxious to see this happen.

Tremonton Mayor Max Weese said he has been involved in the care center by personal witnessing; his mother was a resident of the care center. He said the facility is a well run organization and has a good reputation with the people of the County.

Director of Mission Health Services, Gary Kelso said they have been working with IHC for over two years as well as the County Commission trying to figure out the best way to make this transition as smooth as possible and to ensure the quality of life and quality of care of the residents in the care center is maintained. Mr. Kelso reminded the Commission that Mission Health has been a non-profit organization for seventeen years with four facilities in Utah. He said all of these facilities have won quality awards from various organizations in the state. Mr. Kelso said all of Mission Health Services facilities have taken great pride in assuring the quality of life that is being given to the residents will be maintained. He said he believes MHS is going to take a very good organization and make it even better.

Chairman Hardy stated he is on the Intermountain Health Board and can see both sides of this issue. He said IHC is building a new facility in Tremonton and when IHC moves out of the present facility that is shared with the nursing home, IHC will have no interest in operating the nursing home. Chairman Hardy said the nursing home has been losing money and Mission Health Services is aware of this. He said Box Elder County is donating the property and IHC is donating the hospital facility to Mission Health Services so they can expand their services to bring the revenue line in to the black where they can exist and offer services in Tremonton Valley. Chairman Hardy recused himself from voting due to his position on the Board.

Commissioner Davis gave some background history stating when the County engaged in constructing and operating nursing homes, it was to provide that service within the County. He said it wasn't long until the County recognized this service could be better provided by the private sector rather than the governmental sector. Commissioner Davis said in 1994 the former County Commission members recognized this trend and outsourced this service to private providers. He noted the Pioneer Care Center has subsequently been sold. Commissioner Davis said the Commission applauds IHC efforts and their commitment to providing that service in the Bear River Valley and is anxious to work with MHS to continue to provide that service. He said the other motivating reason to transfer this property is to continue the level of service without continued government subsidy.

MOTION: A motion was made by Commissioner Davis to close the public hearing. The motion was seconded by Commissioner VanDyke and unanimously carried.

The public hearing was closed at 10:14 a.m.

RESOLUTION TO ADOPT INTERLOCAL AGREEMENT/PERRY RDA – CODY DEETER

Cody Deeter, Lewis Young Robertson & Burningham, Inc. was informed this Resolution was adopted and signed July 17, 2007 and forwarded to Perry City for additional signatures.

APPROVAL OF PRECINCTS BY MAIL, PRECINCT AND POLLING LOCATIONS – LUANN ADAMS

Box Elder County Recorder/Clerk LuAnn Adams presented a resolution in which two precincts have been added and a few boundaries have been changed to clean up the annexations and so forth. Ms. Adams said the County has gone from 46 to 48 precincts. There is now a Fielding One precinct which is the incorporated area and Fielding Two which is the unincorporated area and Riverside and East Garland which have been split. Ms. Adams explained the resolution has legal descriptions and a map attached to show the boundaries.

MOTION: A motion was made by **Commissioner Davis** to adopt Resolution 07-11 defining the 2007 Box Elder County Voting Districts as described in the legal descriptions and the attached map. The motion was seconded by **Commissioner VanDyke** and unanimously carried.

(See Attachment No.5 – Resolution No. 07-11.)

Recorder/Clerk LuAnn Adams said if municipalities want to run by mail precincts they are unable to do so. She said the law states by mail precincts must be run through the County. Ms. Adams stated the County Commission has previously approved ten (10) by mail precincts and she is asking the Commission today to approve seventeen (17).

Ms. Adams informed the Commission the legislature passed a bill stating municipalities must have early voting two weeks before Election Day. Some of Box Elder County's smaller municipalities are only open one day a week, three hours a day. She said with this legislation the municipalities would have to be open a block of four hours every day for two weeks and on the last day be open all day. Ms. Adams noted that these smaller towns do not have that kind of revenue so the County Clerk's Office can help them with their municipal elections by using by mail voting versus the electronic equipment. She said there is a cost savings voting by mail.

MOTION: A motion was made by **Commissioner Davis** to approve the polling locations as outlined and the seventeen (17) by mail locations for the November 6, 2007 election and the February 8, 2008 Western Presidential Primary Election. The motion was seconded by **Commissioner VanDyke** and unanimously carried.

(See Attachment No. 6 – Polling Places/By Mail Precincts.)

WSPP ELECTION FUNDING AGREEMENT – LUANN ADAMS

Recorder/Clerk LuAnn Adams presented a contract from the state giving Box Elder County \$50,000 to cover the 2008 Western States Presidential Primary election plus cover the contract the County has with Diebold.

MOTION: A motion was made by Commissioner VanDyke to approve the 2008 Western States Presidential Primary Election Funding Agreement. The motion was seconded by Commissioner Davis and unanimously carried.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF DEPT: Scott Womack, rotate to civil division, effective 08/06/2007
SHERIFF DEPT: David P. Freeze, compensation change, effective 08/06/2007
SHERIFF DEPT: David Nicholls, compensation change, effective 07/23/2007
SHERIFF DEPT: Clark Richards, compensation change, effective 07/12/2007
SHERIFF DEPT: Robert Rodeffer, compensation change, effective 07/09/2007
ATTORNEY: Brandon J. Maynard, compensation change, effective 08/02/2007

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claim 51644 thru 51737 in the amount of \$84,060.96.

OTHER BUSINESS

Fair Tickets for Employees

Peggy Madsen said the County is excited for the fair and has elected Thursday, August 23rd as Employee Night for all Box Elder County Employees.

ADJOURNMENT

A motion was made by Commissioner Davis to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 10:25a.m.

ADOPTED AND APPROVED in regular session this 14th day of August 2007.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk