

**MINUTES
BOX ELDER COUNTY COMMISSION
AUGUST 28, 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 **AUGUST 28, 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. Farm Lease Property – Donnie Tarver

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 VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF AUGUST 14, 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**2007 Statewide Special Election Funding Agreement – LuAnn Adams**

MOTION: A motion was made by Commissioner Davis to approve the contract with the Lt. Governor's Office in the amount of \$27,600 to administer the statewide special election. The motion was seconded by Commissioner VanDyke and unanimously carried.

Clear Creek Fire – Chairman Hardy

Chairman Hardy thanked the County Fire Department and Snowville Fire Department for saving his cabin in Clear Creek. He also thanked Seth Poulsen who was burned in the fire trying to help. He said the County pushed a barrier within 100 feet of his cabin and five tankers laid down retardant. They got it stopped, and Chairman Hardy thanked them.

State Fire Restriction – Chairman Hardy

Chairman Hardy stated the state issued a fire restriction by the Governor, and it will be partially lifted Thursday for agriculture burning only. Thursday the County will go back to the same regulations the County has in place for burning.

County Fair – Commissioner VanDyke

Commissioner VanDyke said the County Fair was very successful and feels there is a lot of progress being made in different areas. He said there is a wonderful commitment from so many people in different areas. Commissioner VanDyke is thoroughly impressed with how things are held, the participation and the volunteers that put the fair on which was lead by Fair Board President Rick Kent, Fairgrounds Manager Gerald Smith and Fairgrounds worker Jerry Richins.

SEMI-ANNUAL STATISTICAL REPORT – SCOTT WOLFORD/DISPATCH

Scott Wolford presented a statistical report of the Dispatch Center. He reviewed graphs of the calls, response times and medical responses.

(See Attachment No. 2 – Statistical Report.)

SET PUBLIC HEARING/SELMAN AG PROTECTION – LUANN ADAMS

MOTION: A motion was made by Commissioner Davis to set the public hearing for the Selman Agriculture Protection on September 25 at 9:30 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

SET PUBLIC HEARING/CDBG GRANT APPLICATION – SUSAN THACKERAY

County Planner Kevin Hamilton said the purpose of the public hearing is to give the citizens an opportunity to talk about capitol improvement projects.

MOTION: A motion was made by Commissioner Davis to set the public hearing for CDBG Grant Applications for September 18 at 10:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

GERHARDT ONE-LOT SUBDIVISION – KEVIN HAMILTON

County Planner Kevin Hamilton said the Gerhardt One-Lot Subdivision is located in the West Corinne Area.

MOTION: A motion was made by Commissioner Davis to approve the Gerhardt One-Lot Subdivision subject to the conditions of the Planning Commission. The motion was seconded by Commissioner VanDyke and unanimously carried.

APPROVAL OF FOUR (4) SUBDIVISIONS – KEVIN HAMILTON

This item was canceled.

FUNDS FOR OPERATING COST/SOUTH WILLARD SPECIAL SERVICE DISTRICT – KEVIN HAMILTON

County Planner Kevin Hamilton said the South Willard Special Service District was created this summer and a tentative budget has been set for operational expenses. One of the goals is to see as little tax as possible and see the district and improvements funded by the developers. He presented a tentative budget.

Commissioner Davis said a voter information pamphlet will need to be put together and the District will need to hold meetings regarding the proposed tax increase which will be \$75,000. The money will not be available for another year and so he is requesting the County loan the district money for expenses that might be incurred by the election with an obligation to pay the County back. Commissioner Davis said we would need to plan within our budget cycle a temporary loan to the South Willard Special Service District. He is suggesting the County front-end the District's operating capital to assist the District in getting on the ballot.

MOTION: A motion was made by Commissioner Davis to approve the operating funds for the South Willard Special Service District and enter into a contract that the funds are repaid to the County based on a successful election to impose the \$75,000 in property tax and the County caps the initial contribution to \$5,000. The motion was seconded by Commissioner VanDyke and unanimously carried.

SET PUBLIC HEARING FOR SETBACK REQUIREMENTS/BRETT JUDSON – KEVIN HAMILTON

County Planner Kevin Hamilton said Brett Judson is requesting a setback variance in the South Willard area. The request requires a public hearing. The Planning Commission did recommend one of the setbacks and recommended against the other.

MOTION: A motion was made by Commissioner Davis to set the public hearing for setback requirements for September 25 at 9:45 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

LETTER OF SUPPORT/ELWOOD CITY – KEVIN HAMILTON

County Planner Kevin Hamilton said Elwood Town is requesting funding to construct a community wastewater treatment system.

MOTION: A motion was made by Commissioner Davis to have County Planner Kevin Hamilton draft a letter and have Chairman Hardy approve the letter and all three Commissioners will sign the letter. The motion was seconded by Commissioner VanDyke and unanimously carried.

PUBLIC HEARING/LAND USE MANAGEMENT CODE/DEAN BRETT SET-BACK VARIANCE

(See Attachment No. 3 – Attendance List.)

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

County Planner Kevin Hamilton said the Planning Commission has been working very hard for the last six months to update the ordinances and bring them into compliance with the state laws, and the County is now holding a public hearing to explain the changes.

Pat Comarell said the ordinances have been reformatted and brought up to the Land Use Management Code. She said they tried to address things in the code that were unreadable and incorporate the policies that were adopted in the community plans and upgrade the subdivision ordinance. She then reviewed the changes.

Chairman Hardy asked if there was any public comment. There was 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 was closed at 10:07 a.m.

MOTION: A motion was made by Commissioner Davis to adopt the Land Use Management Code as rewritten and presented and as reviewed by the Planning Commission and that the amendment is incorporated as stated by Pat Comarell as follows: Anywhere in the land use code where it refers to submittal of documentation to the Planning Commission prior to the Planning Commission Meeting, those documents will be submitted prior to the Planning Commission in time for adequate notice for the meeting as set by the Planning Commission. The motion was seconded by Commissioner VanDyke and unanimously carried.

Chairman Hardy reopened the public hearing at 10:13 a.m.

Chairman Hardy asked if there were any comments on the amendment. There were none.

MOTION: A motion was made by Commissioner VanDyke to close the public hearing. The motion was seconded by Commissioner Davis and unanimously carried. The public hearing closed at 10:14 a.m.

Commissioner Davis expressed appreciation to Pat Comarell for all the time she has spent helping Box Elder County and to champion the cause of developing the community plans. She was the facilitator for the South Willard Service District. Commissioner Davis appreciates all the work she has done.

Chairman Hardy reopened the public hearing at 10:25 a.m.

County Planner Kevin Hamilton stated that Dean Brett is requesting a variance from the 10-foot setback. The Planning Commission is able to grant a variance as a conditional use. The petitioner applied for the conditional use. His request is for a 7' setback from the south property line and a 5' setback from the west property line. He got a letter of approval from his neighbors.

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

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 10:27 a.m.

Commissioner Davis said he voted against granting the variance in Planning Commission because he feels it is not good planning. He said if you start granting exceptions, you never know where to draw the line.

Chairman Hardy said a neighbor living next to someone who wants a variance may sign something under duress in order to avoid a conflict with the neighbor.

MOTION: A motion was made by Commissioner Davis to deny the setback variance requested by Dean Brett. The motion was seconded by Commissioner VanDyke and unanimously carried.

PEACH DAYS UPDATE – MONICA HOLDAWAY

Brigham Area Chamber of Commerce President Marla Young presented the Commissioners with a basket full of peach items and invited the Commissioners to attend Peach Days and be part of the festivities. She thanked the County Commissioners for letting the Chamber use the County grounds and also for all their help and support. She said the events start on September 6 with the Peach Queen Pageant and ends the evening of September 8. There will be a carnival going on, a car show and the parade starts at 10:00 a.m.

DEPARTMENT OF AIR FORCE LICENSE AGREEMENT – LORNA RAVENBERG

This item was canceled.

CONSULTING CONTRACT/DOUG WEST – PEGGY MADSEN

Chairman Hardy stated that he is a first cousin and noted that Doug West was previously hired on a contract when he was not in office.

MOTION: A motion was made by Commissioner Davis to approve the consulting services with Doug West at \$75.00 per hour, .485 cents per mile for travel to and from Box Elder County and American Fork or other locations and one half of his travel time while driving to and from Box Elder County and American Fork. The contract is not to exceed 100 hours and the work is to be completed by December 31, 2007. 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 51858 thru 52155 in the amount of \$716,310.63. Claims 52156 thru 52268, 20070818 in the amount of \$354,887.07.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF:	William Burns, separation, effective 08/24/2007
SHERIFF:	Mary Ann Packer, compensation change, effective 08/20/2007
SHERIFF:	Mickie Austin, compensation change, effective 08/12/2007
JUSTICE COURT:	Klisty Wilson, separation, effective 08/23/2007
JUSTICE COURT:	Wendy Potter, compensation change, effective 08/20/2007
RECORDER/CLERK:	Stephanie Chalfant, separation, effective 08/24/2007
ASSESSOR/TREAS:	Mary Ann Packer, transfer, effective 08/20/2007
ASSESSOR/TREAS:	Sherry Rushton, re-assignment, effective 08/20/2007
ASSESSOR/TREAS:	Marilyn Mason, change of status, effective 08/20/2007
WEED DEPT:	Dallin Fukui, separation, effective 08/08/2007
FAIRGROUNDS:	Tyler Salvesen, separation, effective 08/22/2007

LANDFILL: Louise Taylor, compensation change, effective 08/18/2007
LANDFILL: Bruce Morris, compensation change, effective 08/19/2007

ADJOURNMENT

A motion was made by Commissioner VanDyke to adjourn. Commissioner Davis seconded the motion, and the meeting adjourned at 11:35 a.m.

ADOPTED AND APPROVED in regular session this 4th day of September 2007.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk