

**MINUTES
BOX ELDER COUNTY COMMISSION
SEPTEMBER 25, 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 **SEPTEMBER 25, 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. Auction – Chairman Hardy/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 Davis.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 18, 2007 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

DEPARTMENT OF AGRICULTURE LEASE AGREEMENT – LORNA RAVENBERG

MOTION: A motion was made by Commissioner Davis to approve Amendment No. 8 of the lease agreement with the Department of Agriculture, effective October 1, 2007-September 30, 2008. The motion was seconded by Commissioner VanDyke and unanimously carried.

RESOLUTION 07-14/BUSINESS LICENSE FEES – LUANN ADAMS

MOTION: A motion was made by Commissioner Davis to accept Resolution 07-14, a resolution setting fees for business licenses and amending Resolution 99-21. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 2 – Resolution No. 07-14.)

UTAH STATE FAIR AWARD PRESENTATION – JOAN HAMMER

Tourism Director Joan Hammer presented the Commissioners with a plaque and ribbon for the best overall county exhibit at the State Fair. She wanted to publicly thank Elizabeth Ryan and Tamara Zollinger for doing the work. She said Tamara's daughter Holly did the fabulous artwork. She also thanked Maggie Bull, Tony Hewlett and the trustees for setting everything up and taking everything down.

The Commissioners thanked the ladies for their efforts.

(See Attachment No. 3 – Pictures of Presentation.)

PUBLIC HEARING/SELMAN AG PROTECTION – COMMISSIONERS

(See Attachment No. 4 – Attendance List.)

Chairman Hardy declared the public hearing regarding the Selman Ag Protection open at 9:30 a.m.

County Planner Kevin Hamilton presented a map showing the proposed Agriculture Protection Area. Mr. Hamilton said this property meets all the requirements for an agriculture protection area. The Planning Commission and the Agriculture Protection Committee have recommended putting the property into agriculture protection in the unincorporated area.

Chairman Hardy asked if there were any public comments.

Attorney Brandon Baxter stated these areas clearly come within the agriculture protection criteria as stated in Utah Code.

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 9:50 a.m.

MOTION: A motion was made by Commissioner Davis to Adopt Resolution 07-15, a resolution approving a proposal to create an agriculture protection area in behalf of Harold Selman Inc. which includes 6153.83 acres and authorize the chair to sign the resolution. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 5 – Resolution 07-15.)

PUBLIC HEARING/BRETT JUDSON SETBACK – COMMISSIONERS

(See Attachment No. 6 – Attendance List.)

Chairman Hardy declared the public hearing regarding the Brett Judson setback open at 9:45 a.m.

County Planner Kevin Hamilton said the applicant requested to build a storage building located at 7607 S. 525 W. in South Willard. The Planning Commission recommended the five-foot variance on the east side of the property but they are required to meet the full 10 feet on the north side of the property.

Chairman Hardy asked if there was any input. There was 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 was closed at 9:55 a.m.

MOTION: A motion was made by Commissioner Davis to deny the waiver petitioned for in the application for variance for the setback, and that there is compliance with the County setback ordinance of 10 feet. The motion was seconded by Commissioner VanDyke and unanimously carried.

MISSION HEALTH SERVICES AGREEMENT – STEPHEN HADFIELD

County Attorney Hadfield said a lot of discussion has gone back and forth with the agreement, but the attorneys are o.k. with it now. He said there are a few errors that need to be corrected. Attorney Hadfield said all the exhibits are not included. He also reviewed a couple of other items.

MOTION: A motion was made by Commissioner Davis to approve the agreement for transfer of property entered into the first day of October 2007 with Box Elder County, Mission Health Service and IHC and that approval is subject to incorporation of all completed exhibits and the professional review and acceptance by County Attorney Stephen Hadfield. The motion was seconded by Commissioner VanDyke and unanimously carried.

TARP ORDINANCE – GINA ALLEN

Landfill Director Gina Allen said the County Landfill sponsors a cleanup every year for the communities where the cities can come to the landfill during the spring and summer months. They schedule three adjacent days they can come in and dispose city-wide refuse and clean up their cities and pay no tipping fee. In addition some of the cities have cleanup that takes place in the fall. Ms. Allen said the County gets increased traffic during the spring and fall months for cleanups. She said we are notifying the public the tipping fee will be doubled for any loads not covered by a tarp or tied down. She said in addition to the double fee, they will pay a littering fine if pulled over.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claim 52731 thru 52852, 220710 in the amount of \$134,072.06. Claim 200708 was voided.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF: Kendall Hyer, compensation change, effective 09/26/2007
SHERIFF: Austin Bowcutt, compensation change, effective 09/20/2007
SHERIFF: Scot Lewis, compensation change, effective 09/30/2007
SHERIFF: Kaylyne Ballard, compensation change, effective 09/30/2007
SHERIFF: Clarence Hewlett, compensation change, effective 10/04/2007

OTHER BUSINESS**PILT Bill – Commissioner VanDyke**

Commissioner VanDyke reported the PILT bill is out of committee.

EXECUTIVE SESSION

MOTION: At 10:10 a.m. a motion was made by Commissioner Davis to move into an executive session to discuss pending litigation based on recommendation by our County Attorney. The motion was seconded by Commissioner VanDyke and unanimously carried.

RECESS

The Commissioners took a recess at 10:33 a.m. and reconvened at 3:35 p.m.

MOTION: At 4:40 p.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.

ADJOURNMENT

A motion was made by Commissioner VanDyke to adjourn. Commissioner Davis seconded the motion, and the meeting adjourned at 4:43 p.m.

ADOPTED AND APPROVED in regular session this 2nd day of October 2007.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk