

**MINUTES
BOX ELDER COUNTY COMMISSION
NOVEMBER 20, 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 **NOVEMBER 20, 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

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 OCTOBER 30, 2007 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER DAVIS AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

LIBRARY BOARD/STATE CONTRACT – CHAIRMAN HARDY

This item has been cancelled.

PUBLIC HEARING/JULANDER RE-ZONE – COMMISSIONERS/KEVIN HAMILTON

Chairman Hardy declared the public hearing for the Julander rezone open at 9:30 a.m.

(See Attachment No. 2 – Attendance List.)

County Planner Kevin Hamilton said he had received a request to rezone property in the Bear River Area at approximately 2800 west. The request was to rezone from an A-20 to an RR-2. The lot size would be two acres. The general plan for this area recognizes one-half acre rezoning. The Planning Commission did not feel it appropriate to go to the one-half acre lots because of the availability of water and wetland issues. The Planning Commission recommended approval with one opposing vote.

Commissioner VanDyke said he received a few phone calls early on in the process.

Commissioner Davis said the two-acre request is consistent with the adjacent property owners. The general plan identifies the area as one-half acre lots.

Chairman Hardy opened the meeting up to the public.

Dot Huggins, adjacent neighbor, said the Commissioners received a letter last month from 15 residents that are against the rezoning, and there are four others that feel the same. She said the property across the road was subdivided illegally 12 years ago. The owner of the property is deceased and split the property up for his children. Ms. Huggins explained the owner of the property does not live in the community, and the area is not ready for that kind of subdividing. She is concerned about the comment that he does not intend to subdivide at this time. She said once it is on paper, he can sell to the highest bidder. Ms. Huggins does realize considering property rights, but he is not a neighbor. He invested in the land in 1974 on a land speculation. She said it is not fair to those that live there. The property owner lives in another community.

Duane Julander said the property was never divided illegally. Two lots were divided for his kids back when there was no zoning. Mr. Julander said he bought the property with the intention of being able to manage his own property and when he decided to have his grandson purchase the old farm house that is when he discovered the A-20 zoning was put in place. Mr. Julander said he has farmed there for over 40 years, and he did not buy the property as speculation property, he bought it to stay as a farm. He has been on the Corinne water waiting list for 10 years. He said this was all done before the zoning came into play. He has three children living on the property and two other children would like to build. Mr. Julander said there will never be any homes built on the property until water is available. He has no intention on building any homes other than letting his grandson purchase the old farm home. Mr. Julander said one of the things that got the neighbors upset was the subdivision

plat was labeled as one-half acre. The neighbors thought they were going to put in 160 homes. That is just not going to happen because of water and wetland issues. He said again that the property was never divided illegally.

Commissioner Davis explained the Corinne Community Plan.

Chairman Hardy said nobody from the Bear River area knew this was part of the West Corinne Community Plan. West Corinne showed up for the public hearings, but Bear River did not know about it. The landowners were completely unaware that their ground was zoned A-20.

Kevin Hamilton reviewed the rezone process.

MOTION: A motion was made by Commissioner Davis to close the public hearing. The motion was seconded by Commissioner VanDyke, and the meeting closed at 9:57 a.m.

MOTION: A motion was made by Commissioner Davis to approve the recommendation from the Planning Commission and grant the Duane Julander rezone request. The motion was seconded by Commissioner VanDyke and unanimously carried.

BEAR RIVER MENTAL HEALTH ANNUAL FINANCIAL AUDIT – ROB JOHNSON/REED ERNSTROM

Rob Johnson, Chief Financial Officer, said each year the law requires the mental health authority to present the audit to the County Commissioners by the executives from the mental health and a certification of the audit review is required. Rob Johnson gave some highlights of the audit. He said the independent auditor did not find any major issues. Mr. Johnson thanked the Commissioners for the county funding. He said without the county funds, they would not have a mental health program. It has a 20:1 multiplier effect. The revenue for the Bear River Mental Health was up and the majority of the expenses are personnel. There were no findings in the audit for this year.

MOTION: A motion was made by Commissioner Davis to accept the audit report, endorse the certification of the audit review and have the County Commissioners sign the certification. The motion was seconded by Commissioner VanDyke and unanimously carried.

Reed Ernstrom said he has been with the Bear River Mental Health for almost a year. He gained his passion for mental health by attending a seminar. He told the Commissioners Bear River Mental Health has hired therapists for the schools. They want to intervene at the earliest possible moment. The therapists are in Lakeview Elementary and the Middle Schools. They will respond to other schools as the need arises. The therapists will see any child. The funding is for the uninsured and the underinsured.

TREMONTON SENIOR CENTER – RICH WOODWORTH

This item has been cancelled.

BAILIFF AND SECURITY SERVICES AGREEMENT – SHERIFF YEATES/STEPHEN HADFIELD

Sheriff Yeates presented the 2007-2008 bailiff and security services agreement with the first district court and Box Elder County not to exceed \$180,000.

MOTION: A motion was made by Commissioner Davis to approve the contract for bailiff and security services agreement. The motion was seconded by Commissioner VanDyke and unanimously carried.

CONSULTING SERVICES CONTRACT/DENTON BEECHER – STEPHEN HADFIELD

MOTION: A motion was made by Commissioner Davis to approve Consultant Services Contract 07-58, approving consulting services with Denton Beecher. The motion was seconded by Commissioner VanDyke and unanimously carried.

PUBLIC HEARING/UDOT – COMMISSIONERS/MARJORIE RASMUSSEN

(See Attachment No. 3 – Attendance List.)

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

Chairman Hardy said there is a parcel of property in the Agri-Business Park that a developer wants to put a business on that site. They need ingress and egress coming off of State Road 13 and 4800 West. The County would like to have the egress take place at the same time that the county gifts their half of the road to the state. Corinne City owns the other half.

Commissioner Davis said the issue isn't just the parcel; it is a broader issue.

Brian Davis, General Manager of Bear River Valley Co-Op, gave an overview of the issue. He distributed their proposed site plan. He explained that with the road being changed, it will have an impact on their business, and that is why they are facilitating a move over to the Ag Park and are partnering with Flying J. They will need access to their building. The Co-Op is asking UDOT to help relocate in the Agri-Business Park.

Cory Pope, Director of Northern UDOT Region One, said the project has been ongoing for many years, and UDOT is excited and anxious to get the project completed. It is a good safety improvement for the area by eliminating the Y Intersection out to 4800 West. He said in doing that there is the transfer of the road to UDOT. He said the county would need to quit claim the property in order for the project to go forward. The timing of moving forward is in the spring.

Commissioner Hardy said the County wants to transfer the property, but we need to work out the egress.

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 10:15 a.m.

EXECUTIVE SESSION

MOTION: At 10:15 a.m. a motion was made by Commissioner Davis to move into an executive session to discuss land negotiations. The motion was seconded by Commissioner VanDyke and unanimously carried.

MOTION: At 11:00 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.

Chairman Hardy explained land negotiations of 4800 West were discussed in the executive session.

MOTION: A motion was made by Commissioner Davis that Box Elder County, through a quit claim deed, transfer the ownership on 4800 West to UDOT, subject to referral to the Planning Commission under the county surplus property policy so that this transfer is consistent with the county's general plan. The motion was seconded by Commissioner VanDyke and unanimously carried.

VOLUNTEER POLICY – PEGGY MADSEN

MOTION: A motion was made by Commissioner VanDyke to approve the Volunteer Policy which will go into the employee handbook as Section 2.7. The motion was seconded by Commissioner Davis and unanimously carried.

(See Attachment No. 4 – Volunteer Policy.)

BRWCD BOARD MEMBER APPOINTMENT – COMMISSIONERS

MOTION: A motion was made by Commissioner Davis to appoint Stan Stokes to the Bear River Water Conservancy Board to fill the unexpired term of Wayne Payne. The motion was seconded by Commissioner VanDyke and unanimously carried.

ROLLBACK TAXES – CRAIG GARDNER/MONTE MUNNS

County Assessor/Treasurer Monte Munns said Craig Gardner had a rollback tax issue on a piece of ground that he purchased. Mr. Munns' office sent Mr. Gardner a signup. It did not get back into greenbelt and he would like to ask the Commission for a rollback.

MOTION: A motion was made by Commissioner VanDyke to forgive the rollback taxes. The motion was seconded by Commissioner Davis and unanimously carried.

SET PUBLIC HEARING DATE FOR SALE OF LANDFILL PROPERTY – COMMISSIONERS/KEVIN HAMILTON

MOTION: A motion was made by Commissioner Davis to set a public hearing for the sale of the landfill property for December 18 at 10:00 a.m. and refer this sale to the Planning Commission to review in their meeting on November 29. The motion was seconded by Commissioner VanDyke and unanimously carried.

Chairman Hardy said with as much involvement and in order to get as much information out as possible, he would like to have two open houses to let the public come and have a discussion and have presenters. At the open houses, the Commission will not take comment in a formal setting. They will have presenters and split out so the public can address the Commission. The open houses were set for December 5 at the Tremonton Civic Center at 6:00 p.m. and at the Box Elder County courthouse in Brigham City on December 6 at 6:00 p.m.

A RESOLUTION APPOINTING INITIAL MEMBERS TO THE ADMINISTRATIVE CONTROL BOARD OF THE SPECIAL SERVICE DISTRICT OF SOUTH WILLARD BAY MUNICIPAL SERVICES, UTAH (THE “DISTRICT”), ADOPTING POLICIES AND PROCEDURES AND RELATED MATTERS – COMMISSIONERS

MOTION: A motion was made by Commissioner Davis to approve Resolution 07-19, a resolution to canvass the election results of the special tax election held November 6, 2007: 88 for a levy on property tax and 188 against a levy on property tax. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 5 – Resolution No. 07-19.)

MOTION: A motion was made by Commissioner Davis to approve Resolution No. 07-18, a resolution appointing initial members to the Administrative Control Board of the Special Service District of South Willard Bay Municipal Services, Utah (The “District”), adopting policies and procedures; and related matters. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 6 – Resolution No. 07-18.)

APPROVE 2007 CERTIFIED TAX RATE – COMMISSIONERS/TOM BENNETT

MOTION: A motion was made by Commissioner Davis to adopt Resolution 07-20, a resolution approving the 2007 property tax rates. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 7 – Resolution No. 07-20.)

2008 BUDGET PRESENTATION – TOM BENNETT

County Auditor Tom Bennett said the tentative budget must be adopted by the legislative body and thereafter can be amended prior to the public hearing. Mr. Bennett said in order to maintain our certified rate, the county needs to go through truth and taxation.

Commissioner Davis then reviewed the following adjustments:

(See Attachment No. 8 – Adjustments.)

MOTION: A motion was made by Commissioner Davis to adopt the Box Elder County 2008 tentative budget for all county budgets which include Perry Flood Control, Library and Marble Hills Special Service District and to set the public hearing for the tax increase on December 4 at 7:00 p.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

Tom Bennett said as part of the requirements, the budget will be available for public inspection in the Auditor's Office and on the Auditor's website.

RECESS

The Commissioners took a recess at 11:30 a.m. and reconvened at 11:45 a.m.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claim 53474 thru 53555, 200713 in the amount of \$201,490.04. Claims 990043 thru 990070, 53732 thru 53887, and 200714 in the amount of \$305,922.27. Claims 53556 thru 53731 in the amount of \$525,872.55.

PERSONNEL ACTIONS – COMMISSIONERS

ON CALL: Bonnie Horton, separation, effective 06/26/2007
ON CALL: Brice Lucas, separation, effective 08/03/2007
ON CALL: Terry Peterson, separation, effective 05/15/2007
ON CALL: Joseph S. Keller, separation, effective 07/05/2007

ASSESSOR: Sandra McNeely, new hire, effective 10/29/2007
ASSESSOR: Diana Peterson, compensation change, effective 11/29/2007
ASSESSOR: Dan Cassidy, compensation change, effective 11/20/2007
SHERIFF: Kevin Potter, compensation change, effective 11/12/2007
SHERIFF: Joseph Curfew, new hire, effective 10/22/2007
SHERIFF: Diane B. Robison, separation, effective 10/26/2007
SHERIFF: Brandon Fullmer, new hire, effective 10/29/2007
ROAD DEPT: Curtis Packer, compensation change, effective 11/09/2007
ROAD DEPT: William Gilson, compensation change, effective 10/30/2007
ROAD DEPT: Joshua Williams, separation, effective 11/01/2007
ROAD DEPT: David L. Marble, compensation change, effective 11/22/2007
REC/CLERK: Chad Montgomery, compensation change, effective 11/12/2007
REC/CLERK: Dawn Marie Layton, compensation change, effective 11/05/2007
REC/CLERK: Marla Young, change of status, effective 11/12/2007
REC/CLERK: Becky Elwood, compensation change, effective 11/15/2007
EXT SERVICE: Lacy Pope, compensation change, 11/14/2007
EXT SERVICE: Shauna Peterson, compensation change, effective 11/08/2007
TOURISM: Joan Hammer, compensation change, effective 10/04/2007
LANDFILL: Kellen Cook, compensation change, effective 11/30/2007

EXECUTIVE SESSION

MOTION: At 12:06 p.m. a motion was made by Commissioner Davis to move into an executive session to discuss litigation and personnel issues. The motion was seconded by Commissioner VanDyke, and the motion was unanimously carried.

MOTION: At 12:42 p.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 pending litigation and personnel matters were 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 12:43a.m.

ADOPTED AND APPROVED in regular session this 27th day of November 2007.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk