

MINUTES
BOX ELDER COUNTY COMMISSION
DECEMBER 18, 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 **DECEMBER 18, 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 Chairman Hardy.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF DECEMBER 11, 2007 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

A.T.N.A.S. BUSINESS IN BOX ELDER COUNTY – CHAD MONTGOMERY

Santa Claus came to the Commission table and made a presentation to the Commissioners.

RESOLUTION 07-27 – A RESOLUTION PROPOSING THE ESTABLISHMENT OF THE CENTRAL BOX ELDER FIRE SPECIAL SERVICE DISTRICT, UTAH; PROVIDING NOTICE OF INTENT TO CREATE AND INVITING PUBLIC COMMENT; AND RELATED MATTERS

Mayor Neil Nelson, Bear River City; Mayor Lynn Hardy, Elwood; Mayor Robert Thayne, Deweyville; Mayor Richard Nimori, Corinne; and Mayor Ellen Cook, Honeyville came before the Commissioners regarding the creation of a fire district. Eric Johnson, legal counsel, said the municipalities asked him to provide the legal vehicles by which the district could be created. The fire district plan as presented covers the five communities and some areas in the unincorporated county. Mayor Nimori said they are looking at having one community-wide fire district, and they will welcome other communities into the district. They have already had several inquiries. Eric Johnson said other communities can join, but they will have to go through a similar process. Mr. Johnson said the five communities are asking the commissioners to approve the concept.

The Commissioners stated that they applaud the efforts of the Mayors.

MOTION: A motion was made by Commissioner Davis to adopt Resolution No. 07-27, a resolution proposing the establishment of the central Box Elder Fire Special Service District, providing notice of intent to create and inviting public comment and related matters, and to also set the public hearing for January 22, 2008 at 10:00 a.m. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 2 – Resolution 07-27.)

COUNTY BEER LICENSES – LUANN ADAMS

Commissioner VanDyke said there were three stores asking for the renewal of their Class C Beer Licenses. They are Fast Stop Food Store 711 in Plymouth, GC Gone Country in Grouse Creek, and Riverside Corner in Riverside.

MOTION: A motion was made by Commissioner VanDyke to approve the following renewals of Class C Beer Licenses: Fast Stop Food Store 711 in Plymouth, GC Gone Country in Grouse Creek and Riverside Corner in Riverside. The motion was seconded by Commissioner Davis and unanimously carried.

PUBLIC HEARING – RE-OPENING OF 2007 BUDGET – COMMISSIONERS

(See Attachment No. 3 – Attendance List.)

Chairman Hardy declared the public hearing open at 9:30 a.m. for the re-opening of the 2007 budget.

County Auditor Tom Bennett said as we start off the year and come up with a tentative budget, the Commission reviews and adopts the budget, but as the year goes along adjustments are made and sometimes there are increased revenues that were unexpected. Mr. Bennett said by law the Commission must amend the budget in a public hearing and make the adjustments to make sure all the departments are balanced, and by the end of the year after the amended budget is approved and no one has over expended their budget, the County ends up with a balanced budget at the end of the year.

Chairman Hardy asked if there were any comments from those in attendance. 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 was closed at 9:37 a.m.

MOTION: A motion was made by Commissioner Davis to approve Resolution 07-22, a resolution amending the 2007 budgets for Box Elder County, Box Elder County Library, Box Elder County/Perry City Flood Control Drainage District and the Marble Hills Special Improvement District. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 4 – Resolution 07-22.)

LITTLE MOUNTAIN AREA EXEMPTION CONFIRMATION – KEVIN HAMILTON

County Planner Kevin Hamilton said a property owner has adjusted property lines which are exempt from subdivision requirements under County ordinance so their property is a legal division of land, but County code requires the Commission to sign a letter.

MOTION: A motion was made by Commissioner Davis to authorize Chairman Hardy to sign the letter communicating to the property owner that parcel number 04-004-0070 is a legal division of land under the Box Elder Land Use Code and the findings are outlined in the attached letter that Kevin Hamilton has drafted. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 5 – Letter.)

RENEWAL OF BOX ELDER COUNTY RECYCLING ZONES – SUSAN THACKERAY

MOTION: A motion was made by Commissioner Davis to direct Economic Development Director Susan Thackeray to make an application and re-approve the Box Elder County recycling zones, subject to the state giving authorization. The motion was seconded by Commissioner VanDyke and unanimously carried.

RECESS

The Commissioners took a recess at 9:45 a.m. and reconvened at 10:00 a.m.

PUBLIC HEARING/SALE OF LANDFILL – COMMISSIONERS

(See Attachment No. 6 – Attendance List.)

Chairman Hardy declared the public hearing regarding the sale of the landfill open at 10:02 a.m.

Brett Mickelson said he has been a solid waste consultant in the State of Utah for 20 years and has worked for Box Elder County for eight years. He said the Commissioners asked him to do an evaluation of the existing Little Mountain operation from the perspective of what is best for Box Elder County. He then gave a brief synopsis of the results of the study. He said the existing solid waste service for Box Elder County's disposal fee is \$26.25 a ton. Those fees don't include costs for equipment replacement. The current operation allows residents and businesses to haul directly to the Little Mountain facility. There is limited recycling at this point in time. There is no household hazardous waste available at the facility and about two years ago he did do a design for a residential offloading facility to provide a place for the residents to drop waste and recycle. There is also low traffic impacted due to the amount of waste being collected at the landfill.

Mr. Mickelson said one of the operations he evaluated was Box Elder County continuing operation at the Little Mountain facility. That operation would likely result in an increased tipping fee. He said the County would also maintain direct haul for residents and businesses. There would be no money under that scenario for any expanded recycling revenues to support any other expansion. There would be minimal traffic impacts due to maintaining that operation at Box Elder County in its current state. There is no change in environmental liability. The waste is currently being deposited on soil since there are enough silts and clays in the basin to act as a liner. There is also no reduction in debt to Box Elder County because there would be no sale of property. If Box Elder County continues operation of Little Mountain, they will maintain the responsibility for closure and post-closure care for 30 years.

Another scenario the Commissioners asked Mr. Mickelson to look at is Box Elder County's operation at Little Mountain as a regional facility. The operation with Box Elder County in control at Little Mountain will be the same as previously described. There are no willing participants to contribute additional waste to the landfill at this point in time.

The third thing considered was Box Elder County, as part of a NURLA operation, consisting of Cache County, Box Elder County, Weber County, and Wasatch Integrated who represents Davis County and Morgan County. NURLA is a group of public entities. The NURLA entities have committed upfront to capitalize this project, not only the initial sale cost of the landfill but also the revenues that would be required to operate it which is about \$2.5M each upfront. If Little Mountain is operated as a NURLA operation with Box Elder as an equity partner, the disposal fees will decrease. They will also maintain a direct haul for residents and businesses. It will also provide the funding for the expansion of services, recycling, household hazardous waste and also education programs. There will be more impact on local roads due to the higher waste volumes. The County debt associated with Little Mountain will be relieved by the sale of the property. Also the environmental liability will be reduced because all the waste will be transferred from a soil liner into a lined cell. Also a host fee of \$1.50 per ton will be recognized by Box Elder County, and the redesign of the Little Mountain Landfill will increase the service life. Box Elder County will also transfer closure and post-closure care responsibilities to NURLA. Also evaluated were potential other sites in Box Elder County. The sites were ranging from Whites Valley, Rattle Snake Pass, Bulls Pass, Promontory and Monument Peak. Every one of the options will require Box Elder County to construct a transfer station. There will be direct access to the facility by residents or businesses. All alternatives will also have higher transportation costs to the County since currently all waste is being delivered to the facility. This would require additional cost for transportation. It would still result in a host fee, and would have lower traffic impacts to local roads.

Conclusions: Little Mountain Landfill Operation cannot be maintained at the current tipping rate nor can any new programs be implemented. Additional waste streams, which are revenues to the County, can likely be obtained only by Box Elder County's participation in NURLA. Any future landfill operations, other than Little Mountain, will require Box Elder County to construct a transfer station. Also any facility other than Little Mountain will require Box Elder County to participate in the purchase of another facility. The transportation cost will also increase the operational cost. The commitment of waste through the sale of Little Mountain to other NURLA partners will lower tipping rates and insure a viable waste stream. It will secure the host fees for the County and eliminate debt associated with the current operation and reduce Box Elder County's environmental liability. It will increase traffic impacts to the area, and it will increase the availability of landfill to the residents and businesses. Mr. Mickelson said based on his 20 years of solid waste consulting and eight years with the Box Elder County Commissioners both present and past and landfill managers present and past, it would be his recommendation to the Commission that Box Elder County sell the existing landfill operation to become an equity partner in NURLA at a regional facility operated at Little Mountain.

Chairman Hardy then opened the public hearing up for comments by the public and limited their speaking to three minutes.

Lori Hunsaker said as a reporter she has covered County Commission in the past, and has watched the agony of a good site when the landfill on West Forest was closed. She said it took years and considerable sweat and hard work to get the landfill at Little Mountain. She feels the County went above and beyond to find the best site in the County. She is glad to see the County doing everything

they can to preserve the site and use it until it is completely full. She thinks they were wise in being so careful to get a good location, and she would like to see the County do everything they can to use that site and not even look at any other sites until it is completely used up. It is the best thing right now in the County. Ms. Hunsaker does not want to see people bring in waste but they are going to bring it whether we sell the landfill to NURLA or not. She thinks if the County sells the landfill to NURLA, we will still have some control and will reap some benefits from it. She is in support of selling the landfill because she feels it is the best choice of the options available.

Brian Shaffer – resides in Garland and said it appears that a premature vote may not allow a thorough study of the revenue opportunities that may be gained or lost due to the sale of County's Little Mountain Landfill facility. He urged the Commission to not give up the opportunity to have created a long-term source of revenue by privatizing a regional-wide county landfill system. It is his opinion that the County might have an opportunity to manage this system than to give it up and put it in the hands outside of our County. Mr. Shaffer urged the Commissioners to postpone the vote and research a little further and listen to what the residents in the County have to say and take that into consideration.

Mayor LouAnn Christensen, Brigham City Mayor, said she appreciates the opportunity to speak. She commended the Commission for looking ahead as far as finding solutions to the challenge that is out there at the landfill with increasing costs and decreasing revenues. She quoted Walter Kohl who said, "We must look for opportunity in every difficulty, instead of being paralyzed at the thought of difficulty in every opportunity". She said it is a challenging situation. Mayor Christensen said there has been a lot of homework done on both sides. She appreciates the effort. She said Commissioner VanDyke has gone his direction, and he has studied it in-depth and she appreciates his work as well. She has some concerns. She said that whenever we can get five counties to agree to move forward together on addressing an issue, to share the liability as well as the resources is a positive thing for Box Elder County. She also said the fact that if we sell the 75%, we still retain the 25% and retain control as well as the veto power. One of the big concerns that Northern Utah, especially Tremonton has had, is the Whites Valley Landfill Site. She said it is her understanding that if NURLA is successful in going through and purchasing the Little Mountain Site that the Whites Valley site will go away and that is a big issue for Tremonton. She said with the lower cost for the tipping fees, it is a huge benefit to Brigham City. There is anywhere from \$90,000 up to \$147,000 of potential savings depending on which direction this goes to Brigham City which is a benefit to all cities that participate in that landfill. Mayor Christensen said in closing each Commissioner is to be commended. She appreciates them looking for what they believe is the best solution for our County and from what she can see being able to share resources and the liability in order to insure our future. It will reward everyone as citizens of Box Elder County by going with the NURLA Landfill.

Richard Nicholas, resident of Tremonton, told the Commission we do not always appreciate or are aware of what the Commissioners have to go through to make some of these decisions and all the things that are considered and the public is not privy to every little thing. He said in this particular case, one of the things he has found out since he learned about this three days ago, is that there is not very many people in the County that know this is an option on the table for consideration. He responded to a couple of things that Mr. Mickelson said. He said under the existing situation with

the landfill there is no debt reduction. That is kind of a misstatement. That means there is no immediate debt reduction. He said the County is paying for the landfill site over a long period of time. So we are reducing debt every year. All that means is there is no immediate debt reduction. He considers that a moot point because we are going to reduce the debt over a period of time. He said personally if the tipping fees have to go up a little bit, he will pay them; but he thinks it is a mistake for the County to sell part of its infrastructure. He does not want anybody else's garbage coming here. He sympathizes with the other counties. They have to find a place to put it. They have a challenge. He said that doesn't mean their problem has to transfer to the County's problem. He said consider what was also stated by Mr. Mickelson that when the landfill is full, it will be NURLA's responsibility. He said Box Elder County is NURLA. He was wondering how that changes the responsibility from the County to somebody else. He sees no change there. He is curious as to why all of the sites listed are in Box Elder County. He said it troubles him about what the thought process is about our County. He realizes we have open space and a lot of stuff looks like desert and nobody wants it, but how come the only sites they even consider are in this County? He said on the Promontory Site, he does not understand why the other members of NURLA cannot secure a site in Promontory and the County not even be a part of it. Why does the County have to take their garbage to Promontory Point when we have a landfill right here, and they even have the opportunity to expand the size of the landfill? He said Promontory is a good choice for them. It is closer to them. That is private property. The people that own that property can do what they want with it. Mr. Nicholas read in a report on the pros of selling this landfill that Perry and Willard have taken their garbage to Weber County, and we have lost some revenue because they do not take their garbage to the landfill. He said if Weber County has room to take somebody else's garbage, why do they want to bring their garbage here? He said that seems like a conflict. If you have room for someone else's garbage and yet you are starving for your own, why are you taking somebody else's garbage? He said if you need more revenue, why don't you take Perry and Willard back? Bottom line is he strongly urges the Commission to please postpone this vote until after the holidays. He said this is a terrible time to discuss this; people are busy. They cannot come to a 10:00 a.m. meeting. He said please postpone it until after the holidays and let the public become more aware because they have a right to know. They own it.

Chairman Hardy made a comment it is not Willard's waste that is going; it is South Willard.

Jim Madsen, Brigham City, said he has a couple of questions he would like to have cleared up. He said the tipping fees that are at \$26.00, if they stay there and Allied is cheaper and Brigham City might decide to go where it is cheaper and just as close. If we raise our tipping fees in Box Elder County from \$26.00 to \$31.00, Brigham City could easily go to Allied and we would lose them and then the County would go bankrupt. He said that is something that needs to be considered. He said host fees are ours permanently, and we do not share those. He asked what the anticipated revenue is from the host fees.

Commissioner Davis said it is a \$1.50 a ton and the total tonnage currently is 30,000 tons and it could be as high 550,000 with the consolidation of NURLA. The revenue could be close to \$900,000 when it is fully operational and everyone comes, and we secure the entire waste stream. He pointed out those are assumptions, not necessarily guarantees.

Arthur Douglas, citizen of Box Elder County and representing Farmer's Union, said Commissioner VanDyke has the letter representing the concern and interest of not only the residents, but members of the Farmer's Union here in the County and also board members from Cache, Weber, Davis and Morgan Counties. The concern and feelings he is hearing from members down in that area is they don't feel they have been informed of the direction of where they are going to go with their garbage. He believes this time of year we are hurrying the process up, and he would hope the Commissioners would postpone this decision until there is more study and review and more input from the people. He said something that has not been brought into the studies is the safety factor going from point A to point B. He said with the new growth that is going to be taking place out in that area with the businesses that are already there in place and the amount of truck traffic that is going to be going down in that area, he looks at safety as being a key issue that to his knowledge has never been talked about in the studies. He thanked the Commissioners for giving the citizens the opportunity to come and voice opinions.

Peter Knudson, citizen and also State Senator, wanted to compliment his fellow public servants for allowing the public to have a voice in this process. Recently he heard a presentation about making choices and how to make sure the choices you make are good. He compared it to a range officer in boot camp where the recruits are out on the firing line, and they are getting ready to do some target practice. The procedure is the range officer checks to make sure everybody is prepared and safe. He looks down the firing line and he asks the questions, ready on the right? And he looks down the other side, ready on the left? The range officer then says ready-fire-aim. They got things backwards. There should have been more time on the aim. Peter Knudson's disappointment doesn't come from the fact the Commissioners are considering the sale of an asset. He said sometimes the sales of assets are the right thing to do. In his own particular experience both in local and state government, it is a legitimate process. He complimented not only the Commissioners in this County, but the good Commissioners in the counties that are part of NURLA. They recognize there is a reason to work together. Recently there has come forth information from one of the County Commissioners that seems to be distasteful to some others. He asked that in the best interest of all citizens there be a continuation of this process where Commissioner VanDyke is given the opportunity to present his facts. He has put in a great deal of time, and he has seen the facts. He cannot tell whether it is good or bad to sell the landfill, but he can tell the Commissioners that a quick pleasure is not worth a long regret. He believes you need to take the time that has been asked for by other citizens to consider all the facts and then if you base your decision where all have had an equal opportunity to participate, your decision may not be accepted by all, but he believes the Commissioners will have a greater opportunity to please a greater number. He thanked the Commissioners for the opportunity to share a few thoughts and wished them well.

Dave Seberhard, Vice President of Operations at Promontory for ATK Launch Systems, said his biggest concern is the travel across State Road 83. He is unaware of any studies that have been done. He is concerned about the additional traffic, the large trucks going through there along with this situation and also the Proctor and Gamble site that is actively going on right now. He said there are an awful lot of trucks moving in and out of there with dirt right now. He said the two new projects and growth that will continue has ATK concerned. They have over 4,000 employees that make the trip every day. They have a lot of products and hardware that go across that road. It is ATK's

understanding that we have not taken the time to take a good look at safety. With both this project and the Proctor and Gamble site, there are some issues that need to be looked at. He said ATK is not for or against this particular proposal; they are here to be concerned about public safety and the concerns for his people and other people traveling along the road.

Commissioner Davis said the Planning Commission has, under the conditional use permit for both Proctor and Gamble and for the Little Mountain Landfill site, required a traffic study. That is part of the conditions of issuing the conditional use permit. He said that is part of the process, and it is a requirement.

Ron Germer, citizen of Brigham City, said it looks like to him all of the Commissioners have tried to find a way to be heard on this. He knows that Jay and Clark have had open houses and Rich has chosen the internet. He said a couple of things come to his mind on the Internet. There was a very unofficial vote so that the people who looked at the internet site could voice their opinion. He said it is interesting there were over 1,500 for the County to keep the site and 15-16 for the sale. He said that is 100 to 1 on a small scale. He said for whatever reason. Mr. Germer said maybe it is they do not understand, as he does not understand everything that is going on. He said the timetable is wrong. He does not know that it is a bad thing to sell the landfill. He does not have enough information. Mr. Germer said when he does; he will make a comment that way. He said we have an asset we do not need to disturb right now. He said if it is a good deal today, it will be a good deal in six months. If parts of NURLA disappear so be it. He said the County has operated it, and he feels the County can continue to operate it while we look at other things.

Pauline Moen is Brigham City resident and has a large farm in West Corinne. She said Box Elder County is a very unique county. We have the largest agriculture operation in the state, the Golden Spike, Willard Bay, Bird Refuge and have beautiful little communities all around the county and pretty mountains. She said we have everything we need. She does not think we should consider this. We can get along monetarily without the help of the others, and we want to leave our County the way it was 85 years ago. She wants it to remain the way it is. She said we do not need everyone's trash brought into our County. They are already looking to take our Bear River water, and if they do that and if we have the trash at Little Mountain, we will end up as a dry big trash heap. Our water will be gone, and we will have everybody else's trash.

Dean Anderson commended the Commissioners and the people here for efforts put in on both sides of the issue. He said there is a lot of numbers and people have worked hard. He said there has been a Zions report come out that has been issued on the positive side which is a flawed report with a lot of errors. He thinks something needs to be said for the little people in Box Elder County; people that might not understand the numbers. He said if you went to all of the people and asked if they want 600,000 tons of trash brought to Little Mountain, they would probably tell you no. He said Logan has a site already set in Clarkston and are just waiting for them to start putting it together. Mr. Anderson said lets let them. Let's let Davis County, who says their trash doesn't stink and people are building houses around it, dig another hole and start a landfill, sell lots and houses and triple their income stream. He said it is real and there is a lot more out there that would like to have a say then what have. There are a lot more that would like to have more time to look into the issue.

Justin Douglas, resident of Tremonton, would like the Commissioners to take some time and consider the impact of this landfill and what it will have on the younger generation. He said a lot of the people will not be around when this issue arises, and he hopes the Commission would make the best decision and look at the younger generation and the impact this could have on them and their families. He said the Commission is looking at a short-term fix, and he hopes they will take some more time to notify other people, and a lot of the younger generation so they know and can be aware and can do what is best for them and their families. He would hope the Commissioners will consider taking more time on this. He said where it is the holidays, it is horrible timing; and he would hope they would consider that and let the voice of the people be heard and to help with this situation.

Jeff Kent, Box Elder resident and also on North Box Elder County Farm Bureau, said the Farm Bureau sent the Commissioners a letter urging the Commissioners to postpone this decision until further research could be done. He is personally opposed to selling the landfill because once you sell then you have lost control. It is like selling cars. There can be a lot said when you are buying it, but once you buy it, if it is a lemon you are stuck with it. He urged the Commissioners to hold off on a decision today, and he appreciates all that each one of the Commissioners do.

Godfrey Pommier, Brigham City resident said all he hears is the negative. He said lets talk about the positive. He said after a few years there will be more methane gas coming out of the landfill. There will be a company coming in there to run their factory off of this methane gas and the County will start getting tax money in. He does not see too much problem with the stuff that is coming in where it is covered up, and you will never see it again except for making methane gas and bringing in the money.

John Petroff, Davis County Resident, said he has been the Mayor of Westpoint for six years. He talked about Wasatch Integrated. He said it is the government agency that runs the landfill and burn plant for Davis County. Their board consists of 15 Mayors and three County Commissioners. They are just people that are trying to do the best for their citizens. He made a couple of comments. He said we have had a great relationship working with all of the five counties involved in this. There has been a great deal of respect, and they have been trying to work for a very, very long time on this. The board has been formed for a long time. He said for a few years before this, they have been searching this out and doing this. He said this has not been quickly studied. The first thing they did when they formed the board was they gave the two Box Elder County representatives veto power regardless of how it was voted. He said it could be 6-2. They had the right to choose the site. They wanted to make sure that Box Elder County was comfortable. They did not want to impose their feelings on the citizens of Box Elder County. He said last week they passed a resolution that if this does go forward and NURLA does form this landfill, and we begin to work together like we think would be so valuable for everyone, especially Box Elder County, that we will forfeit our sited landfill at Whites Valley. He said that is already a sited landfill, and they will give that up so that nobody has the misinformation that they would go forward with Whites Valley after this is filled up. He said we talk about your grandchildren. It is not going to be your grandchildren. It is going to be your grandchildren's grandchildren. This is a landfill that will last for 80 years. He said in Davis County they take the methane that comes off their landfill and pipe it and have enough methane to run the equivalent of 1,200 homes. They take that to Hill Air Force Base, and they use the gas for electricity

on the base. He said they renew that energy. Mr. Petroff said somebody made a comment about Weber County and why is the trash hauled from South Willard down to Weber County. Weber County does not have a landfill. They haul it down there, and it is transported to Allied. Allied is the hauler for those two cities. He said the one thing you can think about on the truck traffic, we are talking at maximum when this plant is up and running and everyone is contributing all of their material, it would be two trucks per hour. He also said that none of us live in a vacuum. We might be different counties, but we are all in this together. He said one of the great pleasures that he has had is working with the other Mayors of the other cities in Davis County and with the Commissioners in Box Elder County and with the Commissioners in Weber County. He said they are all working together to try to do the very best thing for the people in the counties that they live. He truly believes this will be a great asset to Box Elder County, and the impacts will be virtually minimal.

David John, Box Elder County resident, commented on the two trucks an hour. He lives on the landfill road, and there has got to be 20 trucks an hour right now. He said when someone is telling you they are going to have two trucks an hour, it is not right. He thinks we need to let the people know all this information. The Commissioners need to let the people decide and then do what the citizens decide if it is right. He said there are two Commissioners that have a conflict of interest. They are on the other Board as well as this one, and they are voting for themselves a job there. He thinks there is way too much information the county needs to know, and they need to listen to the voice of the people

Dennis Gailey, Brigham City resident, has been a business owner in Brigham City and is a consultant to Boeing Aircraft suppliers. As he has listened today and researched this since he visited Commissioner VanDyke's website, he is struck with the business sense of this. He said it is all about risk and reward. He does not disagree with a word that has been said here today. He thinks it emphasizes the fact that we need to stop, slow down and get everyone's opinion and vote not no, but not now. To do it just because we have people in agreement, does not mean it is a good deal. We need to have the entire community behind this. He commended the Commissioners on the efforts that went into putting Little Mountain together. He said some mistakes were made at that point that put us where we are today. He said if we had secured those waste streams, then got contracts from South Willard, Brigham City, Willard, Perry, Tremonton then everybody would be signed up. They wanted to do it verbally, but some Commissioners made some mistakes. He urged the Commissioners to vote not no, but not now.

Patti Timbimboo Madsen, resident of Plymouth and Cultural Natural Resource Manager for the Northwest Band of Shoshone, said these are our homelands. She looks at some of the destruction that goes on. She moved back here when the landfill went to Promontory. It saddened her because that mountain and landfill were sacred land to her people. Those waters that run there are healing waters for our people and what is going to happen when those waters are no longer useful for the people to be healed by? She said look at the other places. She said our people are here and buried here. They are all over here. Ms. Madsen said don't turn your backs and deny the fact that we exist. She said we have always sat back and been silent. We are not going to be silent any more. We listen to you, and we trust what you have brought to us when you came to our country. Sometimes she

wonders who the savages are. She said talk this out. She lives here too, and she is a citizen of this county too. Don't walk away from each other. Do it in a good way.

Ruth Jensen, Brigham City, said the people have spoken. They want you to take more time. A lot of people don't understand what is going on exactly. Some of the research does not jive with the other research. She thinks it is a good opportunity for the Commissioners to step back at this point and listen to the people that have elected you and to take appropriate measures of which way we need to go. She does not know if it is a good or bad thing. She feels it is an asset to us at this point. She said we are growing. We have economic development growing everywhere. Proctor and Gamble is coming in. She said they will make garbage. There is a new hospital coming in Garland. They will make garbage. She said we need to take it to the table and maybe talk to the other cities. Get them to sign contracts, get people more involved and committed to making the Little Mountain Landfill work out for us. She thinks it is time to take a moment and research it some more and take our time on it. She said it took a long time to get to this point. She does not see why we need to go ahead and sell it right now. The people have spoken.

Amy Hugie, Brigham City resident, thinks it is a little disingenuous to say it hasn't been a long time that this has been on the table. At least four years. There has been a lot of research that has gone into this. To say otherwise and that this is somehow a snap decision now is not expressing the full truth because there has been a lot of people involved, and there has been a lot on the table. She supports the sale. She didn't necessarily support it at the beginning how NURLA was all made up, but some of the safeguards she was concerned about were put into place like Box Elder County having the veto power and there are other issues in the agreement with NURLA that protects Box Elder County. She thinks those things are important and the process that has been gone through this whole entire time is an important one and it is not something that has happened over night. She supports the Commission to sell the landfill, and thinks they have looked at all of those things and not only this Commission has looked at that, but the previous Commission did too. Ms. Hugie was a part of that, and she is very well aware that they looked at all of what was going on. She thanked the Commissioners for this opportunity.

Scott Newman, Bothwell resident, said don't sell. He said we own it. Let's not sell it. He disagrees with the two Commissioners that are on the NURLA Board. He thinks it should be someone from the public on the board instead of them. He thinks there are some bad numbers out there going on. He said they can say what they want on paper, but in all reality it doesn't look good.

Dennis Roberts, Tremonton, has looked at the whole situation and looked to see what his ancestors went through when they first came to these areas to settle. He doesn't think we are all taking into consideration the best interest of everybody in our County. The County Commissioners should realize they are elected officials. They represent the people, and he has talked to a lot of people and there are not very many people in favor of what is going on. He does not know how two people can have the authority to make that decision for the whole County when a lot of the County doesn't know already. It would be his advice to postpone this for a little while. He is not saying it is a good or bad thing, he is saying there are question marks they have, and there are a lot of unanswered questions the citizens of Box Elder County need to know.

Darrell Gibbons, Chairman of Cache County Council, said he wanted to speak in behalf the Box Elder Commissioners. He has worked with Cache County and Box Elder County Commissioners for 21 years. He has sat on that governing body, and he said these men do not make decisions lightly. They don't make decisions based on their personal interests. He said your governing body never sets to make a decision but what they carefully consider the best interest of all citizens of their County. That is who elected them, and that is who represent them. He said as he has worked together over the last four years on this issue, he can tell everyone they have carefully considered the interests of the citizens of their County. As documents were drafted and dialogue took place, the Commissioners were very careful to try and do everything they could do to protect the County's interests. As they have reviewed the figures and have had the professional people do the evaluations, the Commissioners were careful all the way along to protect your interest. He has great empathy for the position they sit in today because they are going to have to make a hard decision. His question might be, you may wait, but how long do you wait. Often times we say not no, just not now. If this thing has been in process for four years, do we wait another year? Is that going to be long enough? Do we wait two years? Does that satisfy everyone? He can tell you based on 21 years experience in county government, it will not. The decision has to be made even when there are emotions on both sides of the issue. He commends the Commissioners, all three of them. He said they are doing their very best to represent the citizens of this County, and when they speak, the voice of the people will be heard because you represented them. He hopes you don't consider the fact that they got into office without any responsibility, and they are taking this decision lightly.

Lynn Hardy, Elwood Mayor, said he has heard a lot of things here that he hears often as Mayor. People want to know about some of the things you are doing. We try hard; we send out letters and communicate. He commended the Commissioners for the communications that have been done on the internet. They have held open meetings to inform people. Sometimes it gets to the point where it is our responsibility as citizens to go find out what is going on. He knows that all elected officials try really hard to inform their constituents. He said it is our responsibility to go find out the issues. Mayor Hardy has had people in his community ask him if we close Little Mountain where are we going to haul our garbage. That was explained to us today. If Little Mountain stays there, we will be able to haul our garbage to Little Mountain. If we close Little Mountain and go elsewhere, we are not going to be able to do that in the County. He said it has been really hard to get the voice of the people. He said our Commissioners, as do most cities, try really hard to get the voice of the people; but one thing we do is we elect officials, and we elect officials to make those decisions. Those decisions are really hard. He said they are trying to put a sewer in Elwood City, and they have informed the engineers to put the ponds or the plant in the best location. That happened to end up in the Mayor's backyard. He does not like that any better than anybody else does, but we have to have prisons, sewers and garbage dumps. Personally he cannot see why we would abandon one that is working, that is partially full for another one. He feels we need to consider the options, the money that is involved. We need to consider traffic. He thinks these things have been done. He thinks there has been a lot of time spent on this. He commended the Commissioners, all three of them, for the information they have tried to get out to people, but he thinks he knows what the feeling in his community is and he knows there is opposition. We need to support our elected officials. We are the ones that put them in there, and he thinks we need to allow them to make decisions, and these decisions are going to be hard.

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 11:06 a.m.

Commissioner VanDyke said he appreciated the turnout that is here, and he said we have all had our ears wide open listening to all the comments on either side of this position. It is a very difficult decision. He has collected quite a bit of information and responses from the individual people in the County. He has brought it with him, some of the comments and so forth. Most of it is available on the internet. Commissioner VanDyke said he would leave the site up for a few days, but it won't stay up for long. It will come down. He wants the public to know that regardless of how the vote ends up, this is just another issue, and there will be many more to deal with. He respects and has a fine appreciation for the people that are involved in NURLA. He happens to disagree with the direction, but if that is the way this thing turns out, then that is the way we will go.

Commissioner Davis commented on the scope of services that are addressed by the Box Elder County Commission. He said during this past month we have had a lot of issues that have been basically a three-member decision. This again comes down to a three-member decision. Those issues include an ongoing capital murder case authorizing one-quarter million dollars in additional expenditures for that capital murder case to proceed forward, decisions regarding the Rocky Dugway and keeping the public road open with collaboration with Cache County in that regard, two weeks ago we adopted a \$21M budget and when we had a public hearing for that budget we had one person that came to the public hearing. We go through a board of equalization, we conduct elections, we have an ongoing FBI investigation at the jail for a suicide, and we have discussions with Proctor & Gamble and Brigham City regarding the development of West Forest. Commissioner Davis said there are several issues that are brought to the attention of the County Commission on a regular basis.

He said this morning we talked about the formation of a Fire District. Five communities have come up with a consolidated solution for governmental services. We think that is not too unlike five counties coming up with a consolidation of services that presents a win-win situation for all people. Commissioner Davis said we have been criticized for having a conflict of interest. He said it is important to understand what a conflict of interest is in public office. He said in public office you have a conflict of interest if you can stand to benefit personally, if you have personal gain from that endeavor or engagement. Commissioner Davis believes none of the three Commissioners serve as a consultant and receive money from the developer, none are investors or owners in the proposed development, and none have accepted political contributions from the proposed developer. In his own opinion it is best if we serve on the NURLA Board. There are two out of eight members that represent Box Elder County. He would think that the citizens would want representation. Commissioner Hardy was primarily responsible for the original citing of the Little Mountain Landfill. He has a wealth of information, history and knowledge relative to landfill citings. Commissioner Davis is the only carry-over Commissioner from the previous Commission. He credits Commissioner Rees for having the insight and foresight to pursue this during her term in office. As far as control, there has been a lot said about giving up control. In his opinion, the Commission has invited the NURLA members to participate in an effort gain control of a waste stream. A waste stream that allows us to realize economies of scale, that represents a \$1.50 per ton

tipping fee that perhaps may provide some property tax relief to our residents, and he thinks we have not given up control, but we have participated in the consolidation of services that will provide greater service to the residents of our County and greater financial and fiscal responsibility to the residents of our County as we manage that \$21M budget. Commissioner Davis appreciates the citizen's input. He said it has been a long process. It has been a divisive and a stressful process with our Commission, and he is hoping to put the divisiveness behind him and move forward.

Chairman Hardy said he wanted to thank some people. He thanked Gina Allen, Box Elder County Landfill Manager. When he came on as a Commissioner in 1995 the first time, the landfill issue and the Whites Valley issue was an ongoing issue, and there was a Commissioner by the name of Dan McConkie and LeGrande Bitter, who was in operation at the landfill in Davis County and they would get into UAC meetings and they wouldn't even let him and Dan get together because they would have to pull them apart because of the Whites Valley issue. At that time there was a lot of contention between Davis and Box Elder, and he came back in this last year and found out that these guys were actually talking to each other in a meeting. He wanted to compliment Mayor Randy Watt for his foresight in bringing this group together and the council from Cache County, Weber County Commissioners and their people that have been on board with this and Davis and the help that they have given. He complimented the Zions people that put the study together to tell the Commissioners what the feasibility was of putting this together as far as what revenue it would generate. He thanked Brett Mickelsen for his engineering skills that helped us with this also. He also thanked all the citizens that are concerned in Box Elder County. He wanted to let them know the Commissioners are trying to make the decisions based on the best ability they have.

RESOLUTION #07-23- A RESOLUTION OF THE BOX ELDER COUNTY COMMISSION FINDING AND DETERMINING THAT ITS REVIEW OF THE PROPOSED SALE OF THE BOX ELDER COUNTY LANDFILL TO THE NORTHERN UTAH REGIONAL LANDFILL AUTHORITY HAS BEEN IN ACCORDANCE WITH BOX ELDER COUNTY POLICY #2000-01 REGARDING THE DISPOSAL OF SURPLUS REAL PROPERTY

County Attorney Stephen Hadfield said he has been asked to draft a resolution for the Commission to sign concerning Box Elder County's policy whenever real property is disposed of. The resolution sets forth what has been done and shows that the County has complied. Box Elder County has a policy which is Policy No. 2000-01 which requires certain things to be done before property is disposed of by the County. Resolution 07-23 sets forth what has been done and that the requirements have been met and the public hearing is part of the process.

MOTION: A motion was made by Commissioner Davis to approve Resolution No. 07-23, a resolution finding and determining that its review of the proposed sale of the Box Elder County Landfill to the Northern Utah Regional Landfill Authority has been in accordance with Box Elder County Policy #2000-01 regarding the disposal of surplus real property. The motion was seconded by Chairman Hardy and the motion carried 2-1 with Commissioner VanDyke voting nay.

(See Attachment No. 7 – Resolution 07-23.)

RESOLUTION #07-24 – A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR SALE AND PURCHASE OF BOX ELDER COUNTY LANDFILL (LITTLE MOUNTAIN) AND RELATED PROPERTY LEASES, EASEMENT AND RIGHTS-OF-WAY; AND RELATED MATTERS

Craig Hall, Chapman and Cutler, said he was asked to draft the resolutions, and he is also the principal drafter of the agreements that are attached as exhibits to the various resolutions. Resolution #07-24 is a resolution authorizing the execution delivery of an agreement for the sale and purchase of the Box Elder County Landfill also known as Little Mountain and the related property leases, easements and right-of-ways. That resolution will authorize the Chairman of the Commission to execute the agreement for the sale of the landfill for \$4.4M together with all of the assignment of the leases and the sale of the equipment that goes along with the landfill. The equipment is listed as an exhibit to the agreement together with the leases from the Nicoli Nicholas family regarding not only the 112 acres the County owns but also approximately 1,000 that is involved in the leases.

MOTION: A motion was made by **Commissioner Davis** to adopt Resolution #07-24, a resolution authorizing the execution and delivery of an agreement for sale and purchase of Box Elder County Landfill (Little Mountain) and related property leases, easements and rights-of-way and related matters including all the attachments. The motion was seconded by **Chairman Hardy**. The motion carried 2-1 with **Commissioner VanDyke** voting nay.

(See Attachment No. 8 – Resolution 07-24.)

RESOLUTION #07-25 – A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR THE PARTICIPATION IN THE PURCHASE, ACQUISITION AND FINANCING OF THE BOX ELDER COUNTY LANDFILL (LITTLE MOUNTAIN) AND OTHER RELATED PERSONAL PROPERTY AND EQUIPMENT; AND RELATED MATTERS

Attorney Craig Hall said Resolution #07-25 is a resolution authorizing the execution and delivery of an agreement on behalf of the County to participate in the purchase, acquisition and financing of the Box Elder County Landfill and other related personal property and agreements. He said this is the agreement that the entities to NURLA also must sign. This obligates the County to bring \$2.5M to the table to participate in the ongoing activity and acquisition and development of the Little Mountain Landfill. If the other three entities join as anticipated, there will be total sum of \$10M in cash that will pass hands. There will be \$4.4M that will come to the County, a portion will pay off the existing debt that Box Elder County has with the present facility and the remainder will be put in a restricted account to be used only for capital improvements at the landfill.

Commissioner Davis said the \$2.5M contribution is a contribution of capital that isn't refundable if an entity decides not to come or participate or wants to withdraw.

MOTION: A motion was made by Commissioner Davis to approve Resolution #07-25, a resolution authorizing the execution and delivery of an agreement for the participation in the purchase, acquisition and financing of the Box Elder County Landfill (Little Mountain) and other related personal property and equipment and related matters including attachments. The motion was seconded by Chairman Hardy. The motion carried 2-1 with Commissioner VanDyke voting nay.

(See Attachment No. 9 – Resolution #07-25.)

RESOLUTION #07-26 – A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR THE LEASING AND INTERIM OPERATION OF THE LITTLE MOUNTAIN FACILITY; AND RELATED MATTERS

Attorney Craig Hall said Resolution #07-26 is a resolution authorizing the execution and delivery of an agreement for the leasing and interim operation of the Little Mountain Facility. This will be the lease between NURLA and Box Elder County to allow Box Elder County for a period not to exceed one year or until December 31, 2008 to continue to operate the landfill as it is presently constituted and also there is some financial obligations by Box Elder County for the use of the equipment that is existing and all the equipment will now be the asset of NURLA. It is being released back on a depreciated basis over the period of 60 months on a monthly basis. The interim operational agreement will become null and void as of December 31, 2008.

Commissioner Davis pointed out that all these contracts will not be executed immediately by the other NURLA participating members. It may take a while for everything to come together. In the interim period if Box Elder County wants to continue to be able to operate the landfill in its existing condition before any new improvements are made, this lease agreement is in place. It does have a December 31, 2008 drop dead date. There is a short fuse to put everything together. Box Elder County has an opportunity to continue to operate the existing landfill in its current capacity.

MOTION: A motion was made by Commissioner Davis to approve Resolution No. #07-26, a resolution authorizing the execution and delivery of an agreement for the leasing and interim operation of the Little Mountain Facility and related matters. The motion was seconded by Chairman Hardy. The motion carried 2-1 with Commissioner VanDyke voting nay.

(See Attachment No. 10 – Resolution No. #07-26.)

WORKER’S COMPENSTION CONTRACT – PEGGY MADSEN

Personnel Director Peggy Madsen said the County has looked at the proposal from UCIP and Worker’s Compensation. The Worker’s Compensation proposal is the lowest, and she noted that it is less than last year. She said the County is always striving to have safe practices and encourage a safe workplace which will result in a good rate.

MOTION: A motion was made by Commissioner VanDyke to accept and sign the Worker's Compensation in the amount of \$101,395. The motion was seconded by Commissioner Davis and unanimously carried.

APPOINTMENT TO DEPUTY SHERIFF MERIT COMMITTEE – PEGGY MADSEN

Personnel Director Peggy Madsen said the County is required to have a Deputy Merit Commission and Larry Howell was serving on this board. Larry Howell recently passed away.

MOTION: A motion was made by Commissioner Davis to appoint Tim Munns to the Deputy Sheriff Merit Committee to fill the unexpired term of Larry Howell which expires February 1, 2009. 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 54236 thru 54347 in the amount of \$447,894.34. Claim 53391 was voided.

MOTION: A motion was made by Commissioner Davis to approve the warrant register contingent upon Commissioner VanDyke's review and approval. The motion was seconded by Commissioner VanDyke and unanimously carried.

PERSONNEL ACTIONS – COMMISSIONERS

CORRECTIONS:	Margaret M. Bull, separation, effective 12/28/2007
SHERIFF:	Darren Phelps, new hire, effective 12/17/2007
RECORDER/CLERK	Diane Fuhrman, compensation change, effective 12/30/2007

ADJOURNMENT

A motion was made by Commissioner Davis to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 11:30 a.m.

ADOPTED AND APPROVED in regular session this 08th day of January 2008.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk