

**MINUTES
BOX ELDER COUNTY COMMISSION
JANUARY 12, 2010**

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 **JANUARY 12, 2010**. The following members were present:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	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 Administrative/Operational Session adjourned at 8:59 a.m.

The regular session was called to order by Chairman VanDyke at 9:00 a.m. with the following members present, constituting a quorum:

Rich VanDyke	Chairman
Jay E. Hardy	Commissioner
Brian K. Shaffer	Commissioner
LuAnn Adams	Recorder/Clerk

The prayer was offered by Chairman VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF JANUARY 05, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.

THE MINUTES OF THE SPECIAL COMMISSION MEETING OF JANUARY 08, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER HARDY, SECONDED BY COMMISSIONER SHAFFER AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS**Search and Rescue Banquet – Chairman VanDyke**

Chairman VanDyke said last Saturday night he had the opportunity to attend the Search and Rescue Annual Officers Banquet. He reviewed a summary of the man hours and miles accumulated by the Sheriff's Search and Rescue for 2009. (*See Attachment No. 2 – Summary of Man Hours and Miles.*) Chairman VanDyke said he was a former member and has always enjoyed the group. He said it is a very active group in terms of benefits to the residents of Box Elder County based on the man hours and activities. The total dollar value for 2009 is \$106,424. He appreciates their efforts and dedication. Chairman VanDyke said we also have a scuba team and a horse posse with very dedicated individuals, and he wants to make it known that we appreciate their time.

Commissioner Hardy said there are 52 weeks in a year and every weekend a Search and Rescue person is put in a patrol car and taken out west so the officer is not out there alone. He said that is 48 hours times 52 weeks. It does not take long to have a great impact which is probably equal to one officer that we don't have because of their service.

Sustainable Agriculture Research and Education – Commissioner Shaffer

Commissioner Shaffer said he attended a meeting where they were talking about sustainable agriculture research and education. There is a project sponsored by agriculture groups to protect agriculture land in the state of Utah. They are discussing ways to be able, in a growing urbanized state, to protect some of the valuable agriculture land and resources available to us. They talked about different ideas such as creating buffer zones between agriculture land and urbanized areas so that the touch points don't cause contention. He talked about a person who was a fruit and vegetable producer in a larger town and he said allowing people on the farm creates less vandalism, and they become more accepting of odors and dust and it also gives them an opportunity for walkways and people to enjoy open space. Commissioner Shaffer said there is proposed legislation that is calling for an Ag Sustainable Investment Fund. The funding source would come from greenbelt rollback taxes. If passed, it would establish an account in each county that it is created to be specifically used to purchase conservation or ag-land easements in conjunction with federal monies to help preserve these agriculture lands forever.

Simmental Western Agriculture Beef Show – Commissioner Shaffer

Commissioner Shaffer said he is excited that Box Elder County has the opportunity to become the host of the Simmental Western Agriculture Beef Show in 2011. He said it is a pure-breed beef show for youth and kids. The show would have upwards of 100 individuals participating. Commissioner Shaffer said there are other beef shows that are looking at our county as a host. Our county can be a tourism draw with these kinds of events, and our county can benefit from the tourism dollars.

LETTER OF SUPPORT FOR ARTHUR DOUGLAS – COMMISSIONERS

Chairman VanDyke said Arthur Douglas was recently appointed as the State Executive Director for the Farm Service Agency, and he now has the opportunity to be on the Utah State Fairboard. With his experiences, the Commissioners feel he will be a real asset. Mr. Douglas asked the Commissioners to write a letter of support to Governor Herbert.

MOTION: A motion was made by Commissioner Shaffer to sign a letter of support for Arthur Douglas and wish him well in his endeavors. The motion was seconded by Commissioner Hardy.

(See Attachment No. 3 – Letter.)

Commissioner Hardy commented that Mr. Douglas has served as Junior Livestock Director and on the fair board over the entertainment.

AMENDED MOTION: An amended motion was made by Commissioner Shaffer to sign a letter of support for Arthur Douglas and wish him well in his endeavors and to include his accreditations in the letter. The motion was seconded by Commissioner Hardy and unanimously carried.

LETTER OF CREDIT RENEWAL FOR SHERM RICHINS SUBDIVISION – TAMARA WRIGHT

County Planner Tamara Wright gave the Commissioners a new letter of credit for the Sherm Richins Subdivision located at 15050 North Hwy 13, Riverside. It is Phase II of his original subdivision.

Ms. Wright said a letter of credit is money that they insure to make sure the required improvements for the subdivision are installed in a timely manner so that if they are not done, the County can go forward with the improvements and draw the money from the bank. She attached the escrow release summary from Jones and Associates. The original bond was for \$44,750.40. The county has approved and accepted all of the improvements except for the seal coat. The seal coat is estimated to be \$18,049.60; however, they cannot do that until spring time. They are also including the 20% contingency and guarantee on all of the improvements that the county is accepting. This new letter of credit is in the amount of \$9,308.

MOTION: A motion was made by Commissioner Hardy to accept the letter of credit for the Sherm Richens Subdivision and allow the chair to sign. The motion was seconded by Commissioner Shaffer and unanimously carried.

APPOINT MEMBERS TO THE CIP COMMITTEE – COMMISSIONERS

Chairman VanDyke said a Capital Improvement Project Committee was recently formed to give the public more involvement in some of the county projects. He said the board is now being increased from 3 to 5 members. The members come from varying areas of expertise.

Commissioner Hardy said he sits on the board. Originally the committee was made up of two members from the private sector, two staff members and a county commissioner. He said they have remodeled the committee so that we now have five members appointed from the private sector. A county commissioner will sit on the committee as well as the county auditor and Buildings and Grounds Supervisor Donnie Tarver. The commissioner and county staff will not be voting members.

MOTION: A motion was made by Commissioner Hardy to appoint Micah Capener from Riverside and Ron Germer from Brigham City to the CIP Board. The motion was seconded by Commissioner Shaffer and unanimously carried.

Chairman VanDyke said he had the opportunity to speak with Ron Germer and he is excited. Commissioner Shaffer has spoken to Micah Capener, and he is also excited. He said this is a wonderful concept and feels it will be beneficial to the county.

Commissioner Hardy said Jon Thompson is chair of the committee and John Parsons also serves.

SET PUBLIC HEARING/ORDINANCE AMENDING CHAPTER 3-7 LUM & DC – TAMARA WRIGHT

Tamara Wright told the Commissioners a date needs to be set for a public hearing to amend Chapter 3-7 of the planning code.

MOTION: A motion was made by Commissioner Shaffer to set a public hearing date regarding amending Chapter 3-7 zoning regulations on February 2 at 10:00 a.m. The motion was seconded by Commissioner Hardy and unanimously carried.

Chairman VanDyke appreciates the Office of Community Development taking this slow time and making improvements to their department and streamlining.

AMENDMENT TO COUNTY SURPLUS PROPERTY POLICY – KEVIN HAMILTON

Elizabeth Ryan presented an amendment to the county surplus property policy to the County Commission.

County Attorney Stephen Hadfield said the amendment is to change subparagraph 3 number 1 regarding leases for agriculture purposes. In the past the Planning Commission reviewed the lease. The amendment will bypass the Planning Commission and go directly to the Commissioners, but will still require a public hearing to be held.

MOTION: A motion was made by Commissioner Hardy to amend the county surplus property policy and allow the chairman to sign. The motion was seconded by Commissioner Shaffer and unanimously carried.

DECLARE HARDSHIP/APPEAL TO REDUCE PROPERTY TAXES – DWAIN SYLVESTER

County Auditor Tom Bennett explained there are state programs for individuals with low income, or if they are over 66 years of age and fall into certain categories, to give relief on property taxes. Mr. Bennett said if someone does not fall into those categories they can apply for an indigent abatement and based on circumstances can have 50% of their taxes abated. The income guidelines are similar to the guidelines set by the state. He said when someone doesn't fall in the category they can come to the Commission to present their personal situation. The County Commission has the authority to grant the deferral based on the case presented before them. Mr. Bennett said the Sylvesters are here because they do not fall under the guidelines set up.

Dwain Sylvester said they got themselves into a financial situation by financing something for their children. Mr. Sylvester said the interest is eating them up. He said at one time they had their mortgage paid off. They put money up for their children, and now their children are unable to repay them. He went on to explain the situation. Mr. Sylvester said the only purpose in coming before the Commissioners is to get a little money back. They are putting every penny on the debt so the interest stops.

Tom Bennett said they are current on all of their taxes.

Commissioner Shaffer truly respects the Sylvesters helping their family but said there comes a time when it is not the parents' obligation to support children to the point of getting yourself in trouble. He understands the obligation and hardship they have been put in by helping their children and appreciates the fact that they are helping their children, but one of these things is making hard decisions for them. He recommends starting at the family level and helping the children understand obligations before abating any taxes. Mr. Shaffer said there are other avenues of getting help, and he would be glad to go over the areas that might be in place.

Mrs. Sylvester said at the time they did not know about liens, and they did not have the money to go see a lawyer to know if it was possible.

Commissioner Hardy said the Sylvesters worked themselves into a corner to help their children. He said they worked their whole lifetime and now want to live with relief in retirement. He also said the Commissioners know some special things about their family.

MOTION: A motion was made by **Commissioner Hardy** to give the Sylvesters 50% abatement for years 2009 and 2010. The motion died for lack of a second.

Chairman VanDyke said we as elected officials have an obligation to protect and support public funds; it is not our money. He believes there are resources available to help. Chairman VanDyke recommended the Sylvesters talk with Commissioner Shaffer who has experience in that area.

DENTAL SELECT CONTRACT – PEGGY MADSEN

Personnel Director Peggy Madsen explained the Dental Select contract addendum to the Commissioners. She said the provision raises the maximum allowed per benefit period in graduated levels on the anniversary of the employee.

MOTION: A motion was made by Commissioner Shaffer to authorize the addendum to the Summary Plan Description/ Plan Document, effective January 1, 2009. The motion was seconded by Commissioner Hardy and unanimously carried.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 67815 through 67932, 201001 in the amount of \$689,873.17.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF DEPT: Kevin Potter, compensation change, effective 01/04/2010
SHERIFF DEPT: John Kevin Ward, compensation change, effective 01/07/2010
SHERIFF DEPT: James D. Summerill, GL Change, effective 01/04/2010
ATTORNEY: Kirk Morgan, compensation change, effective 01/04/2010
ROAD DEPT: H. Doug Peterson, compensation change, effective 01/04/2010

RECESS

The Commissioners took a recess at 10:10 and reconvened at 11:03

EXECUTIVE SESSION**DISCUSSION OF CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL.**

MOTION: At 11:03a.m. a motion was made by Commissioner Hardy to move into an executive session to discuss personnel issues. The motion was seconded by Commissioner Shaffer and the motion was unanimously carried.

MOTION: At 11:46 a.m. a motion was made by Commissioner Hardy to reconvene into regular commission meeting. Commissioner VanDyke seconded the motion, and regular commission meeting was reconvened.

Chairman VanDyke explained that personnel matters were discussed during the executive session.

ADJOURNMENT

A motion was made by Commissioner Hardy to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 11:47 a.m.

ADOPTED AND APPROVED in regular session this 19th day of January 2010.

Rich VanDyke, Chairman

Jay E. Hardy, Commissioner

Brian K. Shaffer, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk

The following items were discussed in Administrative /Operational Session after Commission Meeting had adjourned:

1, Personnel Policies – Peggy Madsen

The Administrative/Operational Session adjourned at 11:03 a.m.