

MINUTES
BOX ELDER COUNTY COMMISSION
JANUARY 26, 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 26, 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
6. Disposal of Accessory Buildings at Stock Building – Donnie Tarver
7. County-Owned Parcel in Garland – Commissioner Hardy

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 19, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

BRIDGE/BID OPENING – BILL GILSON

Road Supervisor Bill Gilson said he received two bids for the rebuilding of a bridge located at 300 East Main in Fielding. Mr. Gilson said this is the second worst bridge in Box Elder County. He explained the requirements for the bid and then opened the following bids:

Oldcastle Pre-Cast	\$99,057.87
Robertson Manufacturing	\$123,210.00

MOTION: A motion was made by Commissioner Shaffer to accept the bid from Oldcastle Pre-Cast in the amount of \$99,057.87, subject to all specifications being met on the bridge. The motion was seconded by Commissioner Hardy and unanimously carried.

FUNCTIONAL CLASSIFICATION OF CORINNE CITY'S ROADS – BILL GILSON

Road Supervisor Bill Gilson said Greg Seegmiller, J.U.B. Engineering and Corinne City's Engineer, met with the Commission on getting a functional classification of a road system. They want to get a loop around the town increased to the classification of major collector. The county is the main entity to submit this information back to the State of Utah. Mr. Gilson said one letter from the Commission was previously sent that states 4000 West and 2300 North are major collectors. J.U.B. has supplied the county with a letter stating they have done the counts and 4800 West qualifies as a major collector. Mr. Gilson asked the Commissioners to sign a new letter for Corinne City's Mayor Nimori to forward to the state declaring the three segments of 4000 West, 2300 North and 4800 West as major collectors. Mr. Gilson said this will bring the loop up to a major collector which will qualify them for federal funding.

MOTION: A motion was made by Commissioner Hardy to declare 4000 West, 2300 North and 4800 West as collector roads to be added to the functional classification map. The motion was seconded by Commissioner Shaffer and unanimously carried.

(See Attachment No. 2 – Letter.)

DISPOSAL OF ACCESSORY BUILDINGS AT STOCK BUILDING – DONNIE TARVER

Buildings and Grounds Supervisor Donnie Tarver requested he be given permission to dispose of personal property at the Stock Building. The personal property in question is the north building that is attached to the actual structure to be remodeled. There is also an enclosed structure on the front of the building. The Road Department will remove the structure to the west of the building and use it on their property. Mr. Tarver said the proposal is to post a notice in the paper and hold a Saturday morning auction. Mr. Tarver understands the county will probably not make money on the auction, but someone might agree to take the structures and remove them from the property at no cost to the county. He said the removal of these structures is a savings of \$12,000-\$15,000 for the county. Mr. Tarver said a contract will be in place to initiate a time frame in which the buildings need to be removed and a fine attached if not completed within the allotted time.

MOTION: A motion was made by Commissioner Shaffer to authorize Donnie Tarver to sell some personal property in an auction, and to advertise in the local newspaper and have the county attorney draw up a contract of responsibility, timeframe for removal and a penalty. The motion was seconded by Commissioner Hardy and unanimously carried.

CANCELLATION OF COMMISSION MEETING – COMMISSIONERS

MOTION: A motion was made by Commissioner Shaffer to cancel regularly scheduled Commission Meeting on March 9th. The motion was seconded by Commissioner Hardy and unanimously carried.

RESOLUTION #10-02 OPPOSING HOUSE BILL 48 – JOAN HAMMER

Tourism Director Joan Hammer said Resolution #10-02 is a resolution from the Commission opposing HB-48 which would repeal the restaurant tourism tax and replace it with a .01% general sales tax. Ms. Hammer said it will be a tax increase for the people of Box Elder County. Right now there is a 1% Tourism/Recreation/Culture/Convention Tax that has been in place since the 1990's which is used for tourism, recreation, culture or convention related items.

Chairman VanDyke said the Association of Counties is opposing this bill. It was also pointed out that The League of Cities and Towns and the Tourism Association are also opposing this bill.

MOTION: A motion was made by Commissioner Shaffer to pass Resolution #10-02, a resolution opposing House Bill No. 48 and authorize the chair to sign the resolution. The motion was seconded by Commissioner Hardy and unanimously carried.

(See Attachment No. 3 – Resolution #10-02.)

RESOLUTION #10-03 ADOPTING PRE-DISASTER MITIGATION PLAN – KEVIN HAMILTON

Director of Community Development Kevin Hamilton said last week a public hearing on the pre-disaster mitigation plan was held. Mr. Hamilton said there is a need to adopt this plan as a requirement to receive money from FEMA in the case of a disaster.

MOTION: A motion was made by Commissioner Hardy to adopt Resolution No. 10-03, a resolution adopting a pre-disaster mitigation plan. The motion was seconded by Commissioner Shaffer and unanimously carried.

(See Attachment No. 4 – Resolution No. 10-03.)

INDIGENT BURIAL REBECCA DILG

Administrative Assistant Rebecca Dilg said she was contacted this week by an individual whose husband attempted suicide in the jail by hanging. He was transferred to Brigham City Community Hospital and then to Ogden Regional Hospital where he died. A funeral was held at the Rudd Funeral Home in Tremonton. The funeral home gave the family a discount and there was also an anonymous donation, but the balance owed is still \$3,242.82. Ms. Dilg advised the lady to talk to Weber County where the gentleman died. Weber County will not help pay because the burial does not fit within their guidelines.

Chairman VanDyke said in the past we established the indigent fund to take care of the remains of those that have no ability to be taken care of.

Commissioner Shaffer said from the information they were able to gather, it appears they do have family members around, and that it doesn't fall under an indigent-type situation. They had a full funeral which indigent funds do not come close to covering and some other circumstances do not fall within the indigent burial.

MOTION: A motion was made by Commissioner Shaffer to decline the request for assistance for this indigent burial. The motion was seconded by Commissioner Hardy and unanimously carried.

RECESS

The Commissioners took a recess at 9:43 a.m. and reconvened at 9:50 a.m.

INDIGENT ABATEMENT/HARDSHIP APPEAL – CINDY DERUWE

Cindy Deruwe came before the Commissioners and gave an explanation of her income and circumstances. Ms. Deruwe was unaware that she could get an abatement.

MOTION: A motion was made by Commissioner Hardy to table until February 16. The motion was seconded by Commissioner Shaffer and unanimously carried.

ORDINANCE #326 SEPARATING THE ASSESSOR/TREASURER OFFICE – COMMISSIONERS

Chairman VanDyke said in order to comply with state mandate the Commissioners need to pass an ordinance separating the office of the Assessor from the office of the Treasurer.

MOTION: A motion was made by Commissioner Shaffer to adopt Ordinance No. 326, an ordinance separating the Assessor/Treasurer Office and authorize the chair to sign. The motion was seconded by Commissioner Hardy and unanimously carried.

(See Attachment No. 5 – Ordinance No. 326.)

ORDINANCE #327 SEPARATING THE RECORDER/CLERK'S OFFICE – COMMISSIONERS

Brad Mortensen, Heritage West Title, came before the Commission stating he feels it is important the Commission and the public understand the reasons the local title companies feel this split is necessary. Mr. Mortensen said right now LuAnn Adams wears three hats as the Clerk, Recorder and Surveyor, and that is a lot for one person to handle. He commended LuAnn Adams for handling all of those duties. He is concerned going forward to find a candidate that will be able to perform all of those duties. Mr. Mortensen thinks the surveyor and the recorder make a natural combination. The clerk is the one that has nothing to do with the other two. With the proliferation of the election requirements and the electronic voting machines, it takes a lot of time away from the staff. He said the title people rely on the accuracy of the records, and they are afraid the time that the election administration takes, detracts from the staff's ability to maintain those records in an adequate fashion. Brad Mortensen said he was the chief deputy recorder for 1½ years. By law every document that gets recorded, the office is required to index, abstract and keep an accurate map of the ownership and the dimensions of each property. He said the staff has done a good job with that and commended Ms. Adams for the administrative work she has done. Box Elder is the only county in the state where the recorder's position is combined with the clerk. In Cache and Davis counties the position is a recorder. In Weber County the position is a recorder/surveyor. These recorders are able to sit at their desks all day every day to help facilitate the complicated things.

Chairman VanDyke came from a background of a combination business and is sympathetic to serving two masters. He said it is very difficult. He had the opportunity sixteen years ago to separate these two businesses. It has proved to be very beneficial on both sides. Both businesses are very successful. Chairman VanDyke said there are issues related to the separation of the office that cause some concern. He said years ago when the offices were combined, the finances needed to maintain the office of surveyor as well as some engineering fees, stayed in the surveyor's budget. He said the cost of separating the office has been part of the budget ever since they were combined.

Mr. Mortensen said going forward he recommends combining the recorder/surveyor offices and separating the office of the clerk. He said that allows some cost savings by not having three separate elected officials. He feels this can be done with no additional expense required by the taxpayers.

Chairman VanDyke said we have taken steps to free up some office space for the expansion.

Commissioner Shaffer received a survey letter from Representative Menlove stating the state budget will be short and asked the question of how he would recommend filling the gap. Another question was if spending was cut, where would you like to see those cuts implemented. Commissioner Shaffer said this is a reality that is facing our county. He said there will be some short falls within

the county if these budget cuts come through. He walked into his bank the other day and there was one teller where there used to be three. Thursday ATK will lay off 500 individuals from their work, which will directly affect our county. There is a possibility of ATK's tax base being lowered because of their personal property not being valued as high due to the possibility of losing their shuttle program. People in our county, in many jobs like construction, are seeing reduced revenues because of lower activity in the construction business. Commissioner Shaffer has been thinking about the positives and the negatives as to whether we should split this office. His position is the county does need to split the office, but that it might not be the right time because of the economics we are facing. He said there are 19 counties in the state of Utah that have a clerk/auditor combination and seem to be functioning very well. He said maybe that is an option the county can look at in the future.

MOTION: A motion was made by Commissioner Hardy to pass Ordinance No. 327, an ordinance separating the Recorder/Clerk's office. The motion was seconded by Chairman VanDyke. The motion carried 2-1 with Commissioner Shaffer voting nay.

Commissioner Hardy said he has been on both sides of this issue. He said the clerk could be put with another office, but at this time he does not think it is the right way to go. The recorder's office needs to come out of being three offices. Commissioner Hardy said we will address the salaries of those positions in the near future.

(See Attachment No. 6 – Ordinance No. 327.)

DISCUSS BEAR RIVER MENTAL HEALTH/HEALTH DEPARTMENT BUILDING PROJECT- LLOYD BERENTZEN

Todd Barson, Deputy Director of the Bear River Health Department; Reed Ernstrom, Director of Bear River Mental Health; Tim Frost, Director of Mental Health Services, and Dan Vanzeehen, Vanzeehen Architects, gave a status update on what has transpired the last couple of months with the project in Tremonton.

Reed Ernstrom said both of their boards have had some recent discussions during the last couple of meetings about the project, and they are in agreement that a cooperative project is still the best solution in getting services provided in Tremonton. They still have the dedicated funds for the project and have purchased some property last year adjacent to Bear River Mental Health's property on 600 North in Tremonton. The property is secured, and they have some great plans. They pulled back on the project because of some concerns with the economy and what was going to happen with the legislature. They still have those concerns this year. In November they were made aware of using the old hospital facility located on 600 North in Tremonton as a potential home. They did an initial tour with Mission Health Services and Bear River Valley Nursing Home. They walked through the building and then brought in Dan Vanzeehen to give some options for the building. Dan Vanzeehen said they identified three basic options for the building. The first was the potential of being able to use that building and doing a minor remodel to accommodate them for five years and then changing to a new building. They anticipated using the existing boiler plant and all of the

existing mechanical and electrical systems. To make the changes they need would cost approximately \$490,000. This would be a temporary and short-term renovation. The other option is to do a major demolition keeping all of the structure elements of the building and taking advantage of the boiler plant and being able to share some facility-operation costs going forward. This would be the equivalent of a new or renovated building including an exterior renovation. This renovation would cost approximately \$925,000. The estimate of a new building was \$1.8M. Because of the economy they are seeing a cost difference of 20-30% less. Today to build the building on the 600 North property, there would be a hard-cost budget of \$1.5-\$1.6M. Mr. Vanzeehen said it is a good time to be building to get the most you can for the dollar. The other option would be to completely tear down and raise the hospital building, still anticipating there would be some savings from building a new structure relative to the site, landscaping, parking and utilities. The cost is \$1,479,000.

Reed Ernstrom said one of the unknowns is what the current owners of the facility's intentions are; whether they will donate or sell or whether their intention is to lease. Mr. Ernstrom said today is just an update. Mr. Berentzen has heard the current owner wants to enter into a lease. Mr. Ernstrom said the Bear River Mental Health is dedicated to working with the Health Department, and there can be a real savings.

Commissioner Hardy stated they have tried to facilitate and keep the services in that community. They tried to help Mission Health Services keep the nursing home in Tremonton. He said if we can have the three entities work together to offer the services to the community and do it at the least cost, that is a win-win for everyone. He explained there is a problem with a short-term lease.

Gary Kelso, Administrator of Mission Health Services, said they are very open. They are willing to enter into whatever it takes to make a viable location. They remain committed to maintaining this relationship with the county. He said they also have 2 ½ acres to go out the back side for expansion.

Commissioner Hardy said the Professional Center to the east is now owned by Intermountain Health Care. He suggested getting a donation from Mission Health Services and taking some of the funds that would have been put into the cost of the land to negotiate for the facility to the east for the additional room. He said maybe Intermountain could also make a donation.

Reed Ernstrom said the intention is to work well with all of the partners. He believes Bear River Mental Health owns all of the facilities they currently utilize.

Chairman VanDyke said each of the Commissioners has served on the Health Board or Mental Health Board and understand the services that are being rendered continue to grow, and our population will be growing. The services the two departments and Mission provide to the community are a natural fit. The Commissioners are hopeful that a compatible agreement can be worked out.

Commissioner Shaffer is encouraged by Mental Health and the Health Department's dedication to have a presence back in Box Elder County and is very encouraged by the dialogue today. He said it

looks like there are opportunities, and maybe they can put a plan together to utilize an existing building which will come in at a net cost savings to the taxpayer.

CELL PHONE ALLOWANCE/TAMARA WRIGHT – PEGGY MADSEN

Personnel Director Peggy Madsen requested a cell phone allowance for Tamara Wright in the amount of \$25.00. Ms. Madsen said she is sometimes out in the field.

MOTION: A motion was made by Commissioner Hardy to give Tamara Wright a cell phone allowance of \$25.00 a month. The motion was seconded by Commissioner Shaffer and unanimously carried.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved for payment: Claims 68010 through 68153, 2010002 in the amount of \$478,240.22.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF'S DEPT: Bradley Whitley, separation, effective 01/31/2010
ROAD DEPT: Kory M. Anderson, separation, effective 01/29/2010

RECESS

The Commissioners took a recess at 10:30 a.m. and reconvened at 6:00 p.m.

PUBLIC HEARING AT THE BEAR RIVER CITY OFFICE/AMENDING CENTRAL BOX ELDER FIRE SSD – COMMISSIONERS

(See Attachment No. 7 – Attendance List.)

Chairman VanDyke declared the public hearing open at 6:00 p.m. and explained the purpose of the public hearing is to talk about the boundaries of the Special Service District that have been redrawn.

County Attorney Stephen Hadfield said the fire district was set up by five different communities. By statute the special service district has to be authorized and created by the county and because some of the area within the district is not within the cities, a County Commissioner has representation on the administrative control board. He said the county was approached by the municipalities, and the county decided it was something that needs to be done. The county set up the district. The district will remain in place until it is dissolved by the County Commission. The election was just for taxes for the district; it did not have anything to do with whether the district would stay in place. The district is a separate entity. It had to come first before any elections on the taxes could happen. The purpose of the hearing tonight is to address some changes to the district boundaries. He said any time you change anything with the district like the boundary or the service,

there has to be a public hearing. The public hearing tonight is just on the changing of the boundaries. The county is a neutral party, but the county has to be used to set up the district. It is really the entities involved that will be running and managing the affairs.

Attorney Eric Johnson said about three years ago he was approached by some of the mayors about how to set up a district to provide fire services. He said there were five towns in the district: Corinne, Elwood, Deweyville, Honeyville and Bear River and the unincorporated areas around the communities are included. He said to create the district the mayors of the five communities approached the County Commissioners and asked if they would consider creating a district. They called a public hearing like the one tonight, and gave the same notice that has been given for this meeting for a public hearing. He said there was a fairly good attendance at the public hearing. There were people who spoke on all sides of whether the district would be created or not. After the public hearing tonight, the County Commissioners will continue to receive public comments for another 15 days. Tonight is the formal time to speak verbally but people can still submit written comments for another 15 days. That is how it was when the district was first set up. The Commissioners took comments and considered all the pros and cons and elected to create the district. He said as far as the boundaries of the district the real reason there is change occurring in the district is because there was a mistake made on the eastern boundaries where a couple of streets in Honeyville were intended to be in the district, but the property description accidentally left those streets off and it affected a couple dozen homes. The reason to change the boundaries was to make sure we added enough on the east bench to get Honeyville in. Initially the mayors thought Collinston would be interested in the fire district, but the public sentiment was such that it didn't appear they were interested. They decided to remove Collinston and also the West Corinne area; there were some wild lands that also didn't need to be included. The other proposed change is clarifying the boundary between Deweyville and Tremonton and between Elwood and Tremonton. An area right by Brigham City the district was backed off.

Attorney Johnson gave a history on what the district has done and the real structure of the district. He said this type of district is a special service district. Because the special service district goes beyond a single city the county had to create the district. The county commission is the governing authority of the district. The County Commissioners have delegated most of the powers for the district to an Administrative Control Board. That board consists of one elected official from each of the five municipalities and one representative from the county. He said it is the Administrative Board that asked the Commission to propose these boundary changes. Attorney Johnson said there are two powers that cannot be delegated to the Administrative Control Board that remain with the County Commission. One of those powers is the power to impose a tax. The Administrative Control Board can make a recommendation to the County Commission, but for a tax to be imposed the County Commission has to call an election and the people vote. The majority of those that vote determine whether there would be a tax imposed or not. Attorney Johnson said the purpose of the public hearing is for discussion of the boundary change, and that is one power the Commission always retains. The Administrative Control Board has asked the County Commission to call this public hearing and to receive public input on these proposed boundary changes.

Royce Thompson, Bear River City, said he is looking at the boundaries and it is right down the middle of town. He said half of the town goes one way and half of the town goes another way. Mr. Thompson was informed the line he was looking at on the map is the road.

Jeff Kent, Tremonton Third Ward, wants to know how the boundaries were set on the Iowa String. He said the east side is in the district and west side is not. He asked did anybody look at who could respond to the people in the area the quickest rather than just by location.

Chairman VanDyke said the boundaries were established by the Administrative Control Board.

Jeff Kent would like the names of those on the board.

Attorney Eric Johnson said when the district was originally created; there was a public hearing like this. The people spoke as to what parts they wanted to have in or out. It was specifically discussed about the Iowa String Road as to whether they wanted to push that a little bit north to the west or a little bit north to the east. The ultimate decision was to run down the Iowa String Road. One of the major criteria in the decision was fire response time.

Jeff Kent said he lives in the northwest corner of the district boundary which is 3½ miles from the Tremonton Fire Station. He said we are not going to get the response like we would from Tremonton. He said it was not considered for everybody. He said they have a neighbor that lives 1½ miles from the Tremonton Fire Department in the district.

Attorney Eric Johnson said it was considered and the representative from Elwood mentioned that part of the city of Elwood is really quite close to the fire station and going forward, one of the considerations within the district will be getting a fire station in Elwood. There would need to be a discussion on where the station would be located because there are some citizens in Elwood so close to the Tremonton Fire Station. He said it was discussed numerous times. Attorney Johnson said it was considered best if all of Elwood city was either in or out of the district. There are parts of Elwood that are not closer to that fire station. There are other fire stations close or closer. In the future it is hoped there will be a fire station within Elwood that would be even closer.

Jeff Kent asked how someone annexes out.

Attorney Eric Johnson recommended getting with his neighbors and if they want to present a proposal to the control board, and they will go through the process for changing boundaries.

Jeff Kent wanted to know who the Administrative Control Board consists of.

Attorney Eric Johnson said it is the five mayors and Commissioner VanDyke. Mayor Robert Thayne from Deweyville serves as chair.

Lynn Hardy said he was the mayor of Elwood at the time the district was formed. He said to clarify the boundaries and why they were put where they were is that they followed the annexation plans of

the cities. He said Elwood's annexation plan follows the railroad tracks, and they included the Iowa String Road so they could get access. He said all of the communities got together and established boundaries basically on their annexation plans. They were required by the state to do those annexation studies some years ago. Mr. Hardy said there is a small portion along the Iowa String that is not in Elwood, but the rest of that area will someday be annexed into Elwood.

David John wanted to know who has the authority to go outside of the city and annex. He said who put them in?

Attorney Eric Johnson said a public hearing was held and the public was invited to weigh in. There were proposed boundaries and after the meeting the district was created by a vote of the county commission, and it included areas of unincorporated areas.

David John said the unincorporated areas do not have any representation.

Jeff Kent, Tremonton, wanted to know how we would have been involved in the public hearing if we were not involved with any of the five cities. How would we have known we would be sucked into the district?

Commissioner Shaffer said because of the public notice that was given.

Dr. Walker, Deweyville, said he has been talking to a good friend in the Tremonton Fire Department. He is having a hard time with the boundary line because his house is in the furthest section north of Honeyville. He is wondering who is going to cover his home. Is it Honeyville or Tremonton? He is outside of the five-mile radius. He would like to know why the line was there. He said when they are out over five miles how are they going to cover my home. He said Tremonton can get there faster, and you don't have any ladder trucks. You can't even take care of a home that is two levels high. He said you are just going to let it burn and protect the property around it. He thought when we voted on these property lines the first time and when the voters defeated that, he doesn't even see why this is going on. He said explain why when the voters voted on it and defeated it, there is even a discussion on property lines right now going on.

Chairman VanDyke said Attorney Eric Johnson explained this has been a two step process. The first was the formation of the district. It was put together as an entity. Step two was the funding of the entity and that is what went on the ballot. The entity exists without funding from a tax increase.

Dr. Walker wanted to know how something is funded without the public telling us where those funds are coming from.

Chairman VanDyke said the cities come up with the money to do this within their own boundaries.

Dr. Walker said his biggest question is his home. It is the furthest home on the boundary and why. He is in Deweyville and why does he have to rely on Honeyville who doesn't have a sufficient truck to take care of his property? He is outside the five-mile radius.

Commissioner Shaffer said Attorney Johnson has outlined a very simple process for you to remedy your problem. He said get your neighbors to petition and meet with your Mayor and go through this process.

Dr. Walker wants to know what liability the county has if you guys don't get a truck to me in time or that truck doesn't run because they need more than one truck to back up. He said after you get this done Tremonton is not going to come and save my house. He asked how will they page them when this is done. They will not get a page to come to my house. He does not understand.

Commissioner Shaffer said if there is a page out, they are paged from Brigham City in the Sheriff's Office. Every department in the county gets a page. He said they will call for help.

Dr. Walker said when you have a volunteer fire department, you are relying on other people to leave their jobs to make a run to that fire district to get into a truck. Let's ask one of our fire chiefs how long it takes for a house to burn down and the time it takes to have a volunteer fire department show up. He is at the end of the boundary line and they are expected to get there in an adequate time to save his home. He is having a hard time signing off on this. He said this is a hot potato big time.

Commissioner Shaffer said we are telling you that there is a way if you don't like this situation, you can have yourself removed.

Chairman VanDyke suggested doing the petitions in sections. He said it is not wise to have a Swiss-cheese type district. He said if there is an area that wants to be removed, they can be taken out in blocks.

John Frazier, Honeyville, said a couple of questions were raised with the boundaries. If you draw a circle around each one of the towns, you will have areas in that circle that are not covered by any fire department at all. You have to cut it a certain way. He understands the concerns. He sold a 13,000 square foot home with four levels in Honeyville. When he built his home he looked at water resources and fire departments. He knew Brigham City or Tremonton would come if they got called. The thing we need to look at is the fire fighters that are in each one of the communities. They are there for a purpose. They are there to serve the people of the communities and to do the best job they can do. He said as far as the boundaries go, he appreciates all the work that has gone into them.

That is a hard, hard road to hoe coming up with those boundaries because response times is a big issue. If you can respond that is huge; if you can't that is huge. You want the department that is going to be able to respond. He said there have been several times in all of our departments that is has taken a while to respond. He appreciates the work that has gone into the boundaries. He can understand a lot of the issues. He had no issue at all with building a 13,000 square foot home in Honeyville, four stories and that it was going to burn to the ground. Honeyville has water trucks and water tenders that are ready to roll. They have pulled them out for several of the departments in the county. They have rolled them out for Weber County. He said Honeyville does not have a ladder truck. One reason for doing the district with these boundaries is so these smaller communities can put in for the grants that the bigger communities are able to and maybe get a station in Deweyville

and Elwood. He said there are people in Deweyville and Corinne that are training with them so they can help the communities. He likes the boundaries.

Jim Buchanan read the following letter from Mayor Fife: *(See Attachment No. 8 – Letter from Brigham City Mayor.)*

Jeff Kent, Tremonton, said since there are two or three areas that have a concern with the boundaries, rather than going separately to present to Mr. Thayne, could we go together?

Chairman VanDyke said that would be the preferred way.

David John said he has a processing shed in Honeyville, but cannot vote because he does not live in the district. He wanted to know how that can be right. He said it is based on a property tax basis.

Attorney Eric Johnson said that is how the nation is set up. You vote where you live even if you own other property elsewhere. This is the way it is set up for all elections throughout the nation. If there is an election called, only registered voters within the district will have a vote.

Mayor Robert Thayne, Deweyville Mayor, said he is president of the control board. They have been talking with Tremonton management and have had good conversations with them. Tremonton seems to be okay with the district. They had some concerns with some boundaries lines. He presented the descriptions of the boundary. They also talked about mutual-aid agreements and the ability for them to come into the district and take care of some areas they felt could be better served by Tremonton. The word he got from the Mayor of Tremonton was it makes sense that we have a mutual-aid agreement with the district and that we should and could easily work something out. He wanted everyone to know that they did not establish the district to hurt anyone. They thought they were helping people in these communities, and the boundaries were set as such. They felt this district would be a good thing for each community because they can share in the burden as well as having the blessings of the district which is cooperation with each other and ownership rather than rental. There were a great many good reasons for it. As far as Deweyville goes, if he was not clear in Deweyville he apologizes to Dr. Walker. He felt like they were clear. At that point he felt they had the majority of the Deweyville people that were on their side that wanted the district; therefore, the majority carries. They chose to go ahead with the district in Deweyville. He said it is now being funded through funds from each community. If the majority chooses to not do this, we can take the route that if you folks can get a majority that wants out of this district, guaranteed they will do it because that will be the law.

Attorney Eric Johnson informed everyone the election that was called was not on whether the district would exist or not exist. The election was called on how the district would be funded. What was voted down was a proposed direct property tax to purchase equipment and for operations and maintenance. The district was already created, and it continues to exist. The five communities within the district have long provided fire protection services to their citizens in one form or another. Honeyville and Corinne have created their own fire departments. Elwood, Bear River and Deweyville have all contracted with neighbors to provide fire services. He said what was decided by

the mayors of the communities after the election failed was they would continue to contract with their neighbors for fire services. It was decided that it would be better if Honeyville and Corinne committed their fire equipment to the district and the contracts are between each of the cities within the district. Right now the district has a contract with each of the cities and the unincorporated areas of the county whereby the district provides fire protection services throughout the district. He said the district has been in existence for a couple of years and this is not a referendum of whether the district dies or moves forward. That is not what is being proposed. There is a question on whether certain portions are added or removed from the district. He said there was a proposal by a neighboring community to provide fire protection services in Deweyville, Elwood and Bear River for \$50.00 per household per year. By the mutual cooperation of the communities within the district, they are currently providing fire protection services at \$45.00 per household throughout the district. That is a savings in every one of the cities from the other proposal or from what they were already expending for fire protection services.

Lisa Hess, Elwood, referred to Jeff Kent's question, if you have a group of people that get together that want to be out of the boundary the newspaper says you have 30 days. She wanted to know how they go about it. She asked is that 30 days after today?

Attorney Eric Johnson said it is the language in the Utah Code. He said the paper is saying if the decision is made to change the boundaries of the district; that decision will not be made tonight. There will be another 15 days to receive public comment and then after all the public comment is received a decision will be made to change the boundaries as proposed. It is not a decision of whether the district will continue or not, it is just to change the proposed boundaries. He said if you disagree with that decision being yea or nay the paper says you have 30 days after the adoption of said annexation resolution for the writ of review. The writ of review is a lawsuit. He said if you are within the boundaries and you do not like it, then you can file a lawsuit within 30 days after the boundaries are changed.

Attorney Eric Johnson said if you are in Corinne and your neighborhood says they don't want to be in the district, you can request to be removed from the district.

Attorney Eric Johnson said a portion of a city can conceivably be withdrawn from the district even though it is within the city and legally that is possible. As a practical matter that is not a good idea. Legally it could happen. If you only have a portion of the city within the district, how much of a voice does that city have?

Attorney Stephen Hadfield gave a clarification on how you get out of the district. He said you have an Administrative Control Board. They are over the district. There is a member on the county commission that is on the Administrative Control Board so his voice will be heard when they are trying to decide whether to grant your application to be withdrawn from the district. Anyone who wants out of the district must go to the Administrative Control Board.

Attorney Eric Johnson said the county commission delegated most powers to the Administrative Control Board.

Georgiana Batis wanted to clarify a comment in regard to Procter & Gamble offering to pay half of the expenses. She asked do you have a representative talking to P&G?

Commissioner Hardy said Procter & Gamble is inside the fire district. If you don't fund it by adding it as a tax base, they will probably do their own fire service. If you include it and vote to make it a fire district and fund it,---- if you take the houses in the whole district right now and value them at the 52% and all of the businesses within the district, it comes up to \$360M. If you add P&G which is already in the district, their taxing on the first phase is \$350M which is half. That is if they have the control. If you vote to do that, they will pay 50% today.

Georgiana Batis asked if they opted out.

Commissioner Hardy said they are not allowed to opt out. Businesses are not allowed to opt out. He said P&G's first phase is \$350M. As soon as they complete the first phase, they are going to do the second phase at \$350M again. He said \$700M is two-thirds of the total amount of the tax valuation of the whole district. He said they cannot opt out if you vote them in as a taxing entity. If you do then this service district will be funded two-thirds by P&G. He said P&G knows they have to pay taxes.

Attorney Eric Johnson said elections are done based on registered voters. Corporations cannot be registered voters. They aren't anywhere in the United States. When the district was created both registered voters and property owners could appear at the public hearing. Procter and Gamble could appear tonight. They could send an official to be heard by the Commission. If an election is called, there is no mechanism under the law to give a corporation a voice in the election. Only registered voters are allowed to vote.

MOTION; A motion was made by Commissioner Shaffer to close the public hearing. The motion was seconded by Commissioner Hardy, and the public hearing was closed at 7:26 p.m.

ADJOURNMENT

A motion was made by Commissioner Hardy to adjourn. Commissioner Shaffer seconded the motion, and the meeting adjourned at 7:27 p.m.

ADOPTED AND APPROVED in regular session this 2nd day of February 2010.

Rich VanDyke, Chairman

Jay E. Hardy, Commissioner

Brian K. Shaffer, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk