

**MINUTES
BOX ELDER COUNTY COMMISSION
JUNE 15, 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 **JUNE 15, 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. Cache County Contract/Assistance to do Roadwork – Bill Gilson/Attorney Hadfield
7. Lighting Fixtures & Signage at 6800 W and Hwy 38 Intersection – Bill Gilson
8. Contract/West Corinne Water Company – 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 Commissioner Shaffer.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF JUNE 01, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS – COMMISSIONERS

Lee Beverley said Cindy Deruwe's house is in danger of going to the tax sale. She has been making payments on it. She was delinquent \$4,413.11. To date Ms. Deruew has paid \$3,700. She has petitioned the Commission to waive the penalties and interest in the amount of \$357.40.

Commissioner Shaffer is impressed with her willingness, effort and ability to pay her back taxes in a short time. He feels she has shown such good faith and should be rewarded.

MOTION: A motion was made by **Commissioner Shaffer** to waive the penalties and interest as well as accept her payment in the amount of \$3,700 as payment in full for her back taxes. The motion was seconded by **Commissioner Hardy** and unanimously carried.

Commissioner Hardy said we should waive the amount owing so she can start building her account to pay her taxes this fall.

LANDFILL EMPLOYEES

Landfill Director Gina Allen said last Thursday they participated in a landfill rodeo. This is a state competition where the employees compete in an obstacle course as heavy equipment operators. The competition took place at Trans Jordan Landfill in South Jordan. They competed on an 836 compactor, a loader and a scraper. Kellen Cook took first place in the compactor division, first place in the loader division and fifth overall.

Travis Limb took third place in the loader and fourth place in the compactor. Because Kellen Cook took first place, he is eligible for the national competition.

Commissioner Shaffer said it says a lot for the quality of operators that we have.

The Commissioners congratulated Kellen Cook and Travis Limb.

CACHE COUNTY CONTRACT/ROADWORK ASSISTANCE–BILL GILSON/ATTORNEY HADFIELD

Road Supervisor Bill Gilson said this request originally started in the County Attorney's Office. Cache County has done some lawsuit work for Box Elder County and instead of billing the county, they are requesting to lease a dozer to do some road work east of Hyrum.

MOTION: A motion was made by **Commissioner Hardy** to finalize the contract with Cache County on behalf of the CAT work in Cache County. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

BID OPENING/USED OIL CONTAINMENT FACILITIES – BILL GILSON

Road Supervisor Bill Gilson said many years ago an oil tank was buried and water is getting into it. Mr. Gilson said they burn the oil to heat the road shed facility. He has worked with the State of Utah through their used oil recycling program to get tanks. The tanks will need to be placed on cement with an awning. Mr. Gilson said bids were sent to local contractors that do cement work. He received the following three bids:

<u>Contractor</u>	<u>17' x 8' Structure</u>	<u>11' x 8' Structure</u>
Dave Misrasi	\$4,280	\$3,310
Matt Peterson Concrete	\$2,760	\$2,180
Kris Oyler	\$4,890	\$2,430

MOTION: A motion was made by **Commissioner Shaffer** to accept the bid from Matt Peterson Concrete and award him the job. The motion was seconded by **Commissioner Hardy** and unanimously carried.

BID OPENING/AUCTIONING SERVICES FOR ROADSHED – BILL GILSON

Road Supervisor Bill Gilson said the road department has come up with a list of antiquated equipment that could be sold, and he would like to have a sale at the road shed on July 17. Mr. Gilson contacted five auctioneers and received a bid from Greg Marble.

MOTION: A motion was made by **Commissioner Shaffer** to accept the bid from Greg Marble Auctioneering Company for the proposed sale of surplus items at the road shed. The motion was seconded by **Commissioner Hardy** and unanimously carried.

Bill Gilson will come back in a couple of weeks with a complete list of items to be sold for the Commissioners to review.

LIGHTING FIXTURES & SIGNAGE/INTERSECTION OF 6800 W & HWY 38 – BILL GILSON

Road Supervisor Bill Gilson said the intersection at 6800 W and Hwy 38 has become a safety issue because of the increased traffic on those roads. Meetings have been held to discuss this issue and UDOT funded a study. One of the ideas is lighting and signage at the intersection. Rocky Mountain Power will install the lighting for \$2,800 and there will be a monthly charge of \$42.00 per month. Procter & Gamble and ATK will pay for the installation. The other option would be to put up LED lights. Mr. Gilson said with the increased traffic, he feels it would be worth installing the light.

MOTION: A motion was made by **Commissioner Shaffer** that if we can use the RDA as a funding source for the monthly bill of \$42.00, he recommends that we go ahead with the lighting. The motion was seconded by **Commissioner Hardy** and unanimously carried.

PUBLIC HEARING/SURPLUS PROPERTY IN GARLAND – COMMISSIONERS

(See Attachment No. 2 – Public Hearing Attendance List.)

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

Community Development Director Kevin Hamilton said in Garland there is an old coal alley that was vacated years ago. Half of the alley was sold to the property owners on either side. The alley on the south was not sold and it has come back on the tax rolls. Mr. Hamilton stated the property has no value to the county, and by surplusing the alley, it will allow the adjacent property owners a chance to purchase the property.

Chairman VanDyke asked for comments. There were none.

MOTION: A motion was made by **Commissioner Hardy** to close the public hearing. The motion was seconded by **Commissioner Shaffer**, and the public hearing was closed at 10:07 a.m.

BRIGHAM CITY RDA TAXING ENTITY COMMITTEE/REPRESENTATIVE APPOINTMENT – LUANN ADAMS

MOTION: A motion was made by **Commissioner Hardy** to appoint Kevin Hamilton to serve as the county representative on the RDA Taxing Entity Committee. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

FIRE CONTRACTS – GREG MARTZ

MOTION: A motion was made by **Commissioner Hardy** to approve the following fire contracts and allow the chair to sign: Snowville, Fielding, Garland, Grouse Creek, Mantua, Park Valley, Plymouth, Portage, Thatcher, Brigham City, Corinne and Howell. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

NATIONAL ENGINE PROPOSAL – GREG MARTZ

County Fire Marshall Greg Martz told the Commissioners there is money to be made with our fire engines nationally. He said there are a lot of fire volunteers that are out of work.

MOTION: A motion was made by **Commissioner Hardy** to allow Fire Marshall Greg Martz to utilize the National Engine Program and put one engine on the board at NUIFC for a one-year basis and to keep good records of outlay and manpower. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

RESOLUTION/ACCEPT CIP COMMITTEE POLICY & PROCEDURES AND BYLAWS – SHIRLENE LARSEN

Shirlene Larsen, CIP Committee Staff, said they have been in the process with the CIP Committee to formalize policies and procedures that are approved by the County Commission. She said the document formalizes the procedures the department heads go through in making their capital improvement plans. She then reviewed the resolution.

Commissioner Shaffer had a few concerns regarding committees like the TTAB and the Library Board. He asked for a few additions to be put into the resolution.

This item will be placed on the agenda for June 29th.

LETTER ACKNOWLEDGING THE GOLDEN SPIKE TRAP CLUB CONDITIONAL USE PERMIT – KEVIN HAMILTON

Director of Community Development Kevin Hamilton said the Golden Spike Trap Club has submitted a request to Brigham City for a conditional use permit to expand their trap club facilities. In order to have the application go forward, the city needs something from the county, as property owners, stating we are aware of the project and what the conditions are. The county is aware that any approval the city makes would be subject to the trap club finalizing or updating the lease agreement with the county.

MOTION: A motion was made by **Commissioner Shaffer** that we authorize the chair to sign the letter stating we are aware of the conditional use permit application and that Kevin Hamilton get the letter to Brigham City. The motion was seconded by **Commissioner Hardy** and unanimously carried.

(See Attachment No. 3 – Letter.)

CONTRACT/WEST CORINNE WATER COMPANY – COMMISSIONER HARDY

This item was cancelled.

PROPERTY TAX DEFERRAL AND INDIGENT ABATEMENT – BRENDA SMITH (FLINT)

MOTION: A motion was made by **Commissioner Shaffer** that Brenda Smith Flint and her daughter meet with the Housing and Financial Counseling at USU to see if a plan can be worked out and that the Commissioners will remove the home from the June 30th tax sale and the Commissioners will make the decision in October. The motion was seconded by **Commissioner Hardy** and unanimously carried.

Commissioner Hardy said we don't want to force people out of a home. The Commissioners will work to see if there is a way for people to receive some help. Commissioner Hardy also complimented Commissioner Shaffer for doing the research.

PROPERTY TAX DEFERRAL AND INDIGENT ABATEMENT – MERLENE WOODLAND

MOTION: A motion was made by **Commissioner Shaffer** to remove Merlene Woodland's home from the June 30th tax sale on the condition that she is willing to meet with the Housing and Financial Counseling at USU to get help with putting together a budget to help her understand how to best meet her needs and obligations, and that the Commissioners will review her property in October. The motion was seconded by **Commissioner Hardy** and unanimously carried.

DIVIDEND FROM WORKERS COMPENSATION – PEGGY MADSEN

Personnel Director Peggy Madsen informed the Commissioners that Box Elder County received a dividend in the amount of \$10,684.54. She said this is the last year we will get a dividend specific to our county. We now belong to Worker's Compensation through UCIP, and if the members do well, UCIP will receive a check and distribute it to its members.

EMPLOYER CERTIFICATION OF URS CONTRIBUTION RATES – PEGGY MADSEN

Personnel Director Peggy Madsen said each year before the end of the year we need to certify the rates for the retirement. She said July 1, 2010-June 30, 2011 the rate will be 13.37% a 1.71% increase. For public safety the rate will be 26.13%, an increase of 2.79%. Ms. Madsen also mentioned that we have three employees still contributing to the contributory system. We will pay the same for them as we do for the regular employees.

MOTION: A motion was made by **Commissioner Hardy** to accept the annual certification rates as presented by Personnel Director Peggy Madsen and to allow the chairman to sign and to also honor the 3% 401K contribution for all public employees. 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 70279 through 70394 in the amount of \$111,395.94. Claims 70395 through 70510, 990387 – 990389, 990391 – 990397, 2010012 in the amount of \$669,702.64. Claim 70283 was voided.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF DEPT: Steve Eddington, new hire, effective 06/07/2010
ASSESSOR/TREAS: Marilyn Mason, compensation change, effective 06/18/2010
ROAD DEPT: Neil Marble, new hire, effective 06/01/2010
ROAD DEPT: Sheldon R. Richins, new hire, effective 06/07/2010
ROAD DEPT: Jeffrey Walker, new hire, effective 06/07/2010

EXECUTIVE SESSION

Discussion of character, professional competence or physical or mental health of an individual.

MOTION: At 10:54 a.m. a motion was made by **Commissioner Shaffer** to move into an executive session to discuss personnel issues. The motion was seconded by **Commissioner Hardy** and the motion was unanimously carried.

MOTION: At 11:14 a.m. a motion was made by **Commissioner Shaffer** to reconvene into regular commission meeting. **Commissioner Hardy** seconded the motion, and regular commission meeting was reconvened.

Chairman VanDyke explained that there was a discussion of character, professional competence or physical or mental health of an individual in executive session.

ADJOURNMENT

A motion was made by **Commissioner Shaffer** to adjourn. **Commissioner Hardy** seconded the motion, and the meeting adjourned at 11:28 a.m.

ADOPTED AND APPROVED in regular session this 29th day of June 2010.

Rich VanDyke, Chairman

Jay E. Hardy, Commissioner

Brian K. Shaffer, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk

BOX ELDER COUNTY RECORDER/CLERK
Box Elder County Courthouse
01 South Main Street
Brigham City, Utah 84302

NOTICE and AGENDA

Public Notice is hereby given that the Box Elder County Board of County Commissioners will hold an **Administrative/Operational Session** commencing at **8:00 a.m.** and a regular **Commission Meeting** commencing at **9:00 a.m. TUESDAY, JUNE 15, 2010** in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.

Administrative/Operational Session

*8:00 a.m.

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports – Agenda Related
4. Correspondence
5. Assignment Review

*8:20 a.m.

6. Cache County Contract/Assistance to do Roadwork – Bill Gilson/Attorney Hadfield
7. Lighting Fixtures & Signage at 6800 W and Hwy 38 Intersection – Bill Gilson
8. Contract/West Corinne Water Company – Commissioner Hardy

*9:00 – 9:05 Call to Order: Chairman VanDyke
Invocation: Commissioner Shaffer
Approval of Minutes of June 1, 2010

*9:05 – 9:10 Follow-Up Business

*9:10 – 9:20 Cache County Contract/Roadwork Assistance – Bill Gilson/Attorney Hadfield

*9:20 – 9:35 Bid Opening/Used Oil Containment Facilities – Bill Gilson

*9:35 – 9:50 Bid Opening/Auctioning Services for Roadshed – Bill Gilson

*9:50 – 10:00 Lighting Fixtures & Signage/Intersection of 6800 W & Hwy. 38 – Bill Gilson

*10:00 – 10:10 Public Hearing/Surplus Property in Garland – Commissioners

*10:10 – 10:15 Brigham City RDA Taxing Entity Committee/Representative Appointment –
LuAnn Adams

*10:15 – 10:25 Fire Contracts – Greg Martz

*10:25 – 10:35 National Engine Proposal – Greg Martz

- *10:35 – 10:45 Resolution/Accept CIP Committee Policy & Procedures and Bylaws –
Shirlene Larsen
- *10:45 – 10:50 Letter Acknowledging the Golden Spike Trap Club Conditional Use Permit –
Kevin Hamilton
- *10:50 – 11:00 Contract/West Corinne Water Company – Commissioner Hardy
- *11:00 – 11:10 Property Tax Deferral and Indigent Abatement – Brenda Smith (Flint)
- *11:10 – 11:20 Property Tax Deferral and Indigent Abatement – Merlene Woodland
- *11:20 – 11:25 Dividend from Workers Compensation – Peggy Madsen
- *11:25 – 11:30 Employer Certification of URS Contribution Rates – Peggy Madsen
- *11:30 – 11:35 Warrant Register & Personnel Actions – Commissioners
- *11:35 – 11:40 Assignment Review – Commissioners

Executive Session

1. Discussion of character, professional competence or physical or mental health of an individual.

Adjournment

These assigned times may vary depending on length of discussion, cancellation of scheduled agenda items or agenda alteration. Therefore, the times are estimates of the agenda items to be discussed. If you have any interest in any topic, you need to be in attendance at 9:00 a.m.

Prepared and posted this 10th day of June 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 10th day of June 2010.

LuAnn Adams
Recorder/Clerk

NOTE: Please turn off or silence cell phones and pagers during public meetings

This facility is wheel chair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made three (3) working days prior to this meeting. Please contact the Commission Secretary's office at 734-3347 or FAX 734-2038 for information or assistance.

PUBLIC HEARING
BOX ELDER COUNTY

Date: 6-15-2010

Surplus Property in Garland

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
LEE BEVERLEY	BECO AUDITOR	734-3360
Clarke Brazelton	BE news journal	730-0485
Amy Macavinta	Standard	225-0049
Dave Archer	The Leader	257-5182
Jamara Wright	BECO	734-3316
Greg MARTIN	BE Fire	730-4594
Rebecca Dilg	BE County	734-3347
Kevin Hamilton	BE County	734-3313

COUNTY COMMISSIONERS

JAY HARDY
RICH VANDYKE
BRIAN K. SHAFFER



OFFICERS

THOMAS H. BENNETT, AUDITOR
LJANN ADAMS, RECORDER-CLERK
J. LYNN YEATES, SHERIFF
STEPHEN R. HADFIELD, ATTORNEY
MONTE R. MUNNS, ASSESSOR-TREASURER
KEVIN R. CHRISTENSEN, JUSTICE COURT JUDGE

Brigham City Zoning and Planning
10 North Main
Brigham City, UT 84302

To Brigham City Zoning and Planning:

Box Elder County has been apprised of and is fully aware of the Golden Spike Trap Club's conditional use application with Brigham City to expand their facility at approximately 330 South 1400 West. Golden Spike Trap Club has been a long-term tenant on Box Elder County property at this location, and we fully expect that tenancy to continue and are in the process of entering into another long-term lease agreement with Golden Spike Trap Club.

In the event that Brigham City does approve the conditional use application, we would ask that the application be contingent on the signing and approval of the long-term lease agreement with Box Elder County. If you have any further questions or concerns, please do not hesitate to contact a member of the Box Elder County Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich VanDyke", written over a circular stamp.

Rich VanDyke, Chair
Box Elder County Commission