

**MINUTES  
BOX ELDER COUNTY COMMISSION  
JULY 20, 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 5:00 p.m. on **JULY 20, 2010**. The following members were present:

|                  |                |
|------------------|----------------|
| Rich VanDyke     | Chairman       |
| Brian K. Shaffer | Commissioner   |
| LuAnn Adams      | Recorder/Clerk |

EXCUSED: Jay E. Hardy Commissioner

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 5:59 P.m.

The regular session was called to order by Chairman VanDyke at 6:00 p.m. with the following members present, constituting a quorum:

|                  |                |
|------------------|----------------|
| Rich VanDyke     | Chairman       |
| Brian K. Shaffer | Commissioner   |
| LuAnn Adams      | Recorder/Clerk |

EXCUSED: Jay E. Hardy Commissioner

The prayer was offered by Commissioner Shaffer.  
Pledge of Allegiance – Led by Katelyn Illum

Chairman VanDyke excused Commissioner Hardy from the meeting.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF JULY 06, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY CHAIRMAN VANDYKE AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**FOLLOW-UP BUSINESS - COMMISSIONERS**

Commissioner Shaffer said he attended a NACO Conference and had the privilege of listening to Robert Reich speak regarding the recession. He stated the 1981 recession was V shaped and this recession is U shaped and is slower to bounce back. The 1981 recession was based on interest rates and today it is based on job loss and the demand for jobs. He said this reiterated the fact that we continually need to look for ways to conserve and protect the resources we have and not do things that will raise taxes in Box Elder County. Commissioner Shaffer said we now have a situation of so many people being out of work. The ratio is 1-4. It is taking two people in a household to cover debt and meet the day-to-day expenses. He said we need to stay focused on doing more with less and think outside of the box. He said we are experiencing a new way of living and said don't expect a return to the norm. Commissioner Shaffer said education will help with the recovery, and our county is set up to educate our children. He said with the new schools there will be advantages for our children and grandchildren in the future as well as having a University in Brigham City and Tremonton. This allows our kids to get an education or trade. This will give Box Elder County an advantage over other areas in the country. He has a commitment to be conservative with the resources we have at hand, and it will not be an easy situation.

Chairman VanDyke said everyone is aware of the economic stresses and strains. The county is in better shape than many places, but it does not excuse us from watching our nickels and dimes.

**BID OPENING/DEJARNATT SEDIMENT BASIN CLEAN-OUT – BILL GILSON**

Road Supervisor Bill Gilson opened the following bids:

| <b><u>BIDDER</u></b> | <b><u>BID AMOUNT</u></b> | <b><u>BID BOND</u></b> |
|----------------------|--------------------------|------------------------|
| Randy Marriot        | \$411,600                | Yes                    |
| Counter Point        | \$710,113                | Yes                    |
| Harper               | \$485,324.63             | Yes                    |
| HHH Construction     | \$780,820                | Yes                    |
| Staker Parsons       | \$737,085                | Yes                    |
| Geneva               | \$544,360                | Yes                    |
| Rupp                 | \$814,520                | Yes                    |
| Thurgood             | \$785,000                | Yes                    |
| ABC                  | \$1,011,850              | Yes                    |
| Ormond               | \$869,000                | Yes                    |
| Gregg Chambers       | \$712,850                | Yes                    |
| P R Paving           | \$502,526                | Yes                    |
| Whitaker             | \$498,500                | Yes                    |
| SW Pipeline          | \$356,000                | Yes                    |
| Sky View Excavating  | \$667,800                | Yes                    |
| Hogan Construction   | \$1,008,000              | Yes                    |

**MOTION:** A motion was made by Commissioner Shaffer to authorize Road Supervisor Bill Gilson to organize a review committee and schedule a meeting with the ditch company and NRCS to review the bids and make sure they are in order and then come back to the Commission with a recommendation of the best contractor to do the work. The motion was seconded by Chairman VanDyke and unanimously carried.

### **CHANGE CIP FOR PURCHASE OF SNOWPLOW AND SANDER – BILL GILSON**

Road Supervisor Bill Gilson said one of the projects was to purchase a used snowplow truck in the amount of \$45,000. Mr. Gilson went out on the market and at this time he has not come up with anything the county would like to sink \$45,000 into. He would like to retrofit an existing tractor trailer truck. Mr. Gilson has received two bids to take an existing truck and turn it into a dump truck snow plow.

The Commissioners would like a letter of support from the CIP Committee.

### **OPEN HOUSE FOR NEW COUNTY BUILDING DURING PEACH DAYS – DONNIE TARVER**

Buildings and Grounds Supervisor Donnie Tarver recommended the county have an open house to look at the new Box Elder County Justice Center. The completion date will be August 31 and there will be a ribbon cutting and pictures on September 1. There will be an open house September 10 from 1:00-3:00 p.m. Mr. Tarver asked the Commissioners to give approval for scheduling these events.

Commissioner Shaffer feels it is a great idea to give the public a chance to see where they will get their cars licensed and tour the facility.

**MOTION:** A motion was made by Commissioner Shaffer to accept the outline of August 31 as having the building completed, September 1 for a ribbon cutting and pictures, and September 10 as the open house from 1:00 p.m. to 3:00 p.m. The motion was seconded by Chairman VanDyke and unanimously carried.

### **WIND ORDINANCE PROPOSAL ADOPTION – TAMARA WRIGHT**

County Planner Tamara Wright stated a public hearing was held on June 29 for Ordinance No. 339 and Wasatch Wind had a couple of comments and concerns. Ms. Wright said these concerns have now been addressed in the ordinance. She said this wind ordinance will be for the zoned and un-zoned areas of Box Elder County.

Commissioner Shaffer is very excited to have a wind ordinance within Box Elder County. He feels there is a lot of focus to harness some wind energy and feels it could provide jobs in the future. He said the Commissioners are taking advantage of every opportunity to be ahead of the curve.

MOTION: A motion was made by Commissioner Shaffer to adopt Ordinance No. 339, an ordinance amending Article 5 of the Box Elder County Land Use Management and Development Code Entitled “Regulations of General Applicability” to include a new chapter, designated as Chapter 5-4, entitled “Wind System Regulations” and authorize the chair to sign. The motion was seconded by Chairman VanDyke and unanimously carried.

*(See Attachment No. 2 – Ordinance No. 339.)*

**SET PUBLIC HEARING FOR TEXT AMENDMENT TO ARTICLE 5-1-150 – TAMARA WRIGHT**

County Planner Tamara Wright asked the Commissioners to set a public hearing to amend Article 5-1-150 regulating the minimal height and floor area of accessory buildings. The Planning Commission recommends setting a public hearing date.

MOTION: A motion was made by Commissioner Shaffer to set a public hearing for a text amendment to Article 5-1-150 on August 10 at 10:00 a.m. The motion was seconded by Chairman VanDyke and unanimously carried.

**COMMISSIONERS APPOINTMENT TO NEW UTAH STATE RAILROAD MUSEUM AUTHORITY COMMITTEE – MIKE BURDETT**

Mike Burdett came before the Commissioners and said he is currently the Chairman of the Golden Spike Heritage Foundation which is one of several groups working to re-lay the rails to the Golden Spike site. Mr. Burdett said for the last three years they have been trying to get the Utah Legislature to establish a state authority to help get the job done, and this year legislation was passed thanks to Senator Knudson and Representative Ferry. One of the things it calls for is that two commissioners from the Box Elder County Commission be appointed to the Utah State Railroad Museum Authority Committee. The Committee will get the rails to Promontory within the next 8 years.

MOTION: A motion was made by Commissioner Shaffer to appoint Chairman VanDyke and Commissioner Shaffer to the Utah State Railroad Museum Authority Committee. The motion was seconded by Chairman VanDyke and unanimously carried.

**PROMONTORY POINT PUBLIC ROADS – PAUL T. HALES**

This item was cancelled.

**AUTHORIZATION FOR INSURANCE – PEGGY MADSEN**

This item was cancelled.

**RETIREMENT INCENTIVE – PEGGY MADSEN**

Personnel Director Peggy Madsen said occasionally it comes up that people would retire if they have some kind of incentive. Ms. Madsen prepared a memo for employees eligible for retirement on or before December 31, 2010. She said they would need to sign up by September 30, 2010. This incentive will be available to public safety employees as well as public employees who meet certain criteria. She said those that qualify will be eligible for half of their sick leave accrual amount.

Chairman VanDyke and Commissioner Shaffer feel it is a win-win situation for the employee and the county. They feel it is an opportunity to offer a reward and a tax savings to the county.

**MOTION:** A motion was made by Commissioner Shaffer to adopt the memo and implement it immediately and that the retirement date be November 30 and authorize the chair to sign. The motion was seconded by Chairman VanDyke and unanimously carried.

*(See Attachment No. 3 – Memo)*

Ms. Madsen said in order to meet the budgetary requirements, if a person chooses to retire, the position will not be filled until the full amount of their sick leave is recouped.

**TAX SALE RESULTS – TOM BENNETT**

County Auditor Tom Bennett presented the following June 30, 2010 Tax Sale Results for 33 parcels:

*(See Attachment No. 4 – June 30, 2010 Tax Sale Results)*

**MOTION:** A motion was made by Commissioner Shaffer to accept the tax sale results on the condition that if there are any illegal subdivisions among the list of parcels that were sold, that the county contact the purchaser of the property and make him aware that the parcel is an illegal subdivision and at that point give him the opportunity to accept or reject the final sale, and if he chooses to not purchase the property, it will strike back to the county. The motion was seconded by Chairman VanDyke and unanimously carried.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 70836 through 70989, 990398 through 990408, and 2010014 in the amount of \$293,685.47. Claims 70990 through 71129 in the amount of \$548,035.06.

**PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF: Elizabeth Thompson, compensation change, effective 07/06/2010  
SHERIFF: Andrew K. Hurst, compensation change, effective 06/18/2010  
SHERIFF: Clark W. Richards, compensation change, effective 07/12/2010  
SHERIFF: Jackie Potter, compensation change, effective 07/13/2010  
SHERIFF: Dave Nicholls, compensation change, effective 07/18/2010  
SHERIFF: James Hal Salvesen, compensation change, effective 06/25/2010  
SHERIFF: Christine Gerhardt, compensation change, effective 07/14/2010  
LANDFILL: Travis Limb, compensation change, effective 07/09/2010  
JUSTICE COURT: Lorraine J. Riser, compensation change, effective 07/09/2010  
PERSONNEL: Lorna Ravenberg, re-hire, effective 07/19/2010  
ROAD DEPT: H. Doug Peterson, compensation change, effective 07/28/2010  
ROAD DEPT: Kelly Walker, compensation change, effective 07/28/ 2010

**RECESS**

A motion was made by Commissioner Shaffer to take a recess at 7:07 p.m. The motion was seconded by Chairman VanDyke and unanimously carried. Commission Meeting was reconvened at 7:11 p.m.

**EXECUTIVE SESSION****Strategy session for “imminent” litigation.**

MOTION: At 7:12 p.m. a motion was made by Commissioner Shaffer to move into an executive session to discuss potential litigation. The motion was seconded by Chairman VanDyke and unanimously carried.

MOTION: At 7:56 p.m. a motion was made by Commissioner Shaffer to reconvene into regular Commission Meeting. Chairman VanDyke seconded the motion, and regular Commission Meeting was reconvened.

Chairman VanDyke explained that possible litigation was discussed in the executive session.

**ADJOURNMENT**

A motion was made by Commissioner Shaffer to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 7:57 p.m.

**ADOPTED AND APPROVED** in regular session this 27<sup>th</sup> day of July 2010.

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Rich VanDyke, Chairman

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Brian K. Shaffer, Commissioner

ATTEST:

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LuAnn Adams, Recorder/Clerk