

**MINUTES
BOX ELDER COUNTY COMMISSION
SEPTEMBER 14, 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 **SEPTEMBER 14, 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. Reclassification Request – Peggy Madsen

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 Hardy.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 07, 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 - COMMISSIONERS**

Chairman VanDyke said a situation has developed in relationship to the 911 Center. The situation came up last year with the agreement. The county will need to pay this year's 911 service agreement and then it will be reimbursed by the 911 Commission.

MOTION: A motion was made by **Commissioner Shaffer** to authorize the payment of the 911 Service Agreement with the understanding that this payment will be reimbursed by the state. The motion was seconded by **Commissioner Hardy** and unanimously carried.

El Paso Pipeline – Commissioner Hardy

Commissioner Hardy said they have started putting pipe in the ground on the Ruby Pipeline in the Monte Cristo Area and also the Emigrant Trail in Box Elder County south of Park Valley. An issue developed over El Paso Gas giving \$20M to the Western Watersheds Project. Since the conception of the Western Watersheds Project 15-20 years ago, its sole purpose has been to purchase grazing permits by forcing ranchers to sell. The Multi-County Coalition was formed to help protect the permitted grazers on federal lands. Commissioner Hardy said the State of Utah has filed as a cooperating agency in the FERC permitting process. The State of Utah can act on behalf of the counties to exercise and file an appeal against FERC. The counties think it is flawed. They issued the permit and four days later the counties found out about this agreement. In the process of looking into this agreement, the counties found that 26 environmental agencies have figured a way to file law suits against the federal government regarding permitting of gas and mining permits. In the end 75-80% of their money is coming from the tax payers through these lawsuits. He said this is not right, and it is an issue. Commissioner Hardy said the Commissioners are working to have a meeting in Midway with the Governor regarding these permits.

Thank You Letter – Commissioner Shaffer

Commissioner Shaffer read a letter commending some county employees for service at the fairground. The letter thanked Keith Keller, Shaun Thornley, Marla Young and Tammy Berry.

(See Attachment No. 2 – Letter.)

BID OPENING/NRCS PACKAGES D & E – BRENT SLATER/BILL GILSON

This item was cancelled.

AWARD OF CONTRACT/BLUE CREEK PROJECT PACKAGE C – BRENT SLATER

County Surveyor Brent Slater said he is before the Commissioners to award Package C for the Blue Creek Watershed Project. He said a meeting regarding this bid was held yesterday.

Commissioner Shaffer read the contract document which goes to every person that puts in a bid which says the owner has the right to reject any and all bids. Commissioner Shaffer said there was great deliberation, discussion and consideration for the best interest of the project; it was a unanimous decision that the contract be awarded to Staker Parson. They were the second lowest bidder. He said we have to take into consideration that the low bidder is not always in the best interest of the project.

MOTION: A motion was made by **Commissioner Shaffer** to award the bid to Staker Parson in the amount of \$1,158,173.45. The motion was seconded by **Commissioner Hardy** and unanimously carried.

LETTER OF SUPPORT/BRHD BANNING THE POSSESSION & SALE OF SPICE – COMMISSIONER SHAFFER

Jim Abel, Bear River Health Department Board Member, said there have been newspaper articles about Spice. This drug is being sold as incense in some of our communities and it causes intoxication. It is as bad as or worse than alcohol or marijuana. Mr. Abel attended some meetings in Snowbird and learned a lot about Spice. The health board is going to pass a resolution to ban Spice. They have the tools to enforce, and the Health Board feels a resolution is better than waiting for the legislature to pass something.

Commissioner Shaffer read the draft resolution. He said the Bear River Health Department will hold a public meeting on October 5 at 4:00 p.m. to hear public comments on the resolution. The resolution will make it unlawful for anyone to possess or sell the chemical Spice. The Health Department is asking for a letter of support from the Box Elder County Commission as well as any town or city that would like to join in this endeavor by the Health Department. Commissioner Shaffer said if Box Elder County passed a resolution, it would only cover unincorporated Box Elder County. If a city or town passes a resolution, it would only cover their city or town. The Bear River Health Department is Tri-County and so the resolution would cover Rich, Cache and Box Elder Counties.

MOTION: A motion was made by **Commissioner Shaffer** to ask Administrative Assistant Rebecca Dilg to draft a letter of support for the Bear River Health Department's position in making it unlawful to possess or sell Spice in Box Elder County or the Tri-County area. The motion was seconded by **Commissioner Hardy**. The motion died for lack of votes.

County Attorney Stephen Hadfield is concerned that the Board of Health cannot pass a criminal ordinance. He would like to look it over for a week.

PROPERTY TAX/INTERMOUNTAIN INDIAN PROPERTY – TODD LISH

Tom Mannschreck, Thomas Development Company, Boise, Idaho, thanked the Commissioners for continuing to look at the property tax request relative to the BID property. He said since they met two weeks ago, they have made tremendous progress in due diligence. He can report that the infrastructure is put in. There are some environmental problems relating to the buildings that will need to be taken care of in an environmentally responsible fashion. Mr. Mannschreck said Attorney Hadfield and Kevin Hamilton have been helpful in working through provisions of the agreement. Paul Larsen with Brigham City has also been helpful. Mr. Mannschreck said the seller has signed a letter of sale and so they are making good progress. He asked for an extension on the payment of property taxes and a waiver of penalties and interest for 2010.

Lee Beverley said if the County Commissioners choose to defer the taxes; by state statute there is a deferral interest rate which is the federal rate of ¼%. If the Commissioners choose to defer the property taxes, the rates will drop from 6% to ¼%. The Auditor's Office asked that if the deferral is granted, it be granted contingent on the sale of the property.

MOTION: A motion was made by **Commissioner Shaffer** that we accept the agreement with Thomas Development Company, subject to review by the County Attorney with the stipulations that we accept the performance of A or B conditions in the contract and strike C and D and that we defer taxes for one year, and that we accept a ¼% interest rate for the 2010 year deferred taxes and that back taxes, penalties and interest plus the ¼% interest on 2010 taxes are due on November 30, 2011. The motion was seconded by **Commissioner Hardy** and unanimously carried.

STUBLE BURNING/RESPONSIBILITY – ROGER BURNHOPE

Roger Burnhope, Tiffanie Burnhope and Darlene Burnhope came before the County Commissioners. Roger Burnhope said they wanted to discuss the issue of burning stubble fields and the effects. On August 21 a stubble field was burned next to Mr. Burnhope's property. The fire department was called but within minutes the straw, shed and animals were consumed. The fire was out of control and the Thatcher, Tremonton and Box Elder County Fire Departments could only protect the surrounding buildings. Their daughter lost a show lamb. They were able to save two lambs and one badly burned dog. In the process of getting the dog out, one deputy was burned. The fire also destroyed property at Mr. Burnhopes parents' home. Roger Burnhope would like to see agriculture burning come to an end. He said if that is not possible he would like to see stiffer regulations put in place. (1) Adequate fire breaks (2) Adequate insurance (3) The fire department should be at the scene to look and see that the wind is not blowing at the responsible party's expense and not the county's expense.

Mr. Burnhope said the fire happened on August 21, and it has consumed his life. There were a lot of personal belongings in the shed that cannot be replaced. His question is will the next fire effect everyone's health or will the next fire take someone's home or life in the process of burning the fields. His goal is to prevent that from happening.

Darlene Burnhope said she has asthma and smoke is bad. She said when you breathe smoke there is a combination of gasses and fine particles that are in the air. They do not go away soon when they are breathed in. They stay in your lungs and never go away. She said that is what has caused her asthma. She showed the Commissioners the medicine she is taking for her asthma. Ms. Burnhope said when it gets really bad she must get a prescription so she does not get pneumonia. When there are stubble fires, she has to leave her home for a couple of days until the particles settle down, and then she has to clean her house. She gave the Commissioners a report on air quality from the American Lung Association. She talked about carpooling and using less electricity and that citizens should be smarter about clean air. She supports measures to cut pollution, and said we must take steps to clean up pollution. She is concerned about our children.

Commissioner Shaffer said as we go down the road we find and understand things that are better. The farming community is understanding more as they get educated. Commissioner Shaffer said the Commissioners will take these ideas under advisement. He said if we cannot totally ban burning, they will see what they can do to reduce it and keep promoting it that way.

Commissioner Hardy said if a farmer knows of a neighbor that has asthma, they should be considerate.

Tiffany Burnhope said her oldest daughter has an autoimmune disease that is concentrated in the lungs. She has a significant lung disease. She asked the Commissioners to consider that good air quality is maintained and that smoke and particulate matter should be discouraged as much as possible. She encouraged them to look for alternative solutions so our health can stay good.

PAY-FOR-STAY COLLECTIONS – LEE BEVERLEY

This item was cancelled.

ASSURANCES RELATING TO REAL PROPERTY ACQUISITION #10-62 – LEE BEVERLEY

Lee Beverley said in regards to the Emergency Watershed Project Packet C to Staker Parson, they need the assurances relating to real property acquisition to be signed by the Commission Chair.

MOTION: A motion was made by **Commissioner Shaffer** to authorize the chair to sign the assurances relating to real property acquisition as related to the Emergency Watershed Project Packet C. The motion was seconded by **Commissioner Hardy** and unanimously carried.

SUBSTITUTE JUDGE FOR JUSTICE COURT – JUDGE CHRISTENSEN

This item was cancelled.

OVERPAYMENT OF TAXES – CRYSTAL BUTLER

Chrystal Butler came before the Commissioners and said she received her tax notice and realized she has been paying on Tremonton Roads. She asked the county to review her taxes and asked for a reimbursement.

MOTION: A motion was made by **Commissioner Hardy** to direct staff to research the tax parcel and to take the necessary action for the reimbursement of taxes to Chrystal Butler. 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 72038 through 72113, 990418 through 990427 in the amount of \$239,380.44.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF DEPT:	Mary Ann Packer, compensation change, effective 09/13/2010
ROAD DEPT:	Sterling Robbins, separation, effective 09/02/2010
SURVEYOR:	Dennis Allen, separation, effective 09/03/2010
COUNTY LIBRARY:	Joanna L. Yardley, compensation change, effective 09/16/2010
EXTENSION:	Loralie Cox, separation, effective 09/03/2010
COMMUNITY DEV:	Tamara Wright, separation, effective 09/01/2010

RECESS

The Commissioners took a recess at 10:25 a.m. and reconvened at 11:36 a.m.

EXECUTIVE SESSION**Discussion of Character, Professional Competence or Physical or Mental Health of an Individual**

MOTION: At 11:36 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 unanimously carried.

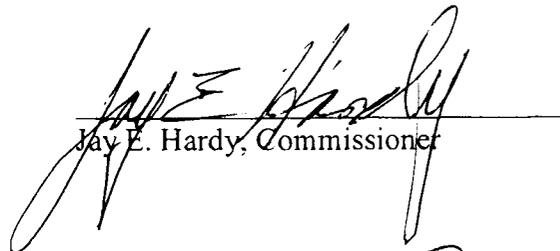
MOTION: At 12:50 p.m. a motion was made by **Commissioner Hardy** to reconvene into regular commission meeting. **Commissioner Shaffer** seconded the motion, and regular commission meeting was reconvened.

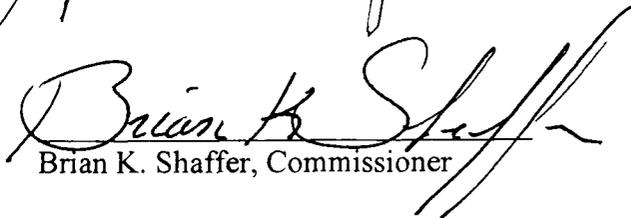
ADJOURNMENT

A motion was made by **Commissioner Hardy** to adjourn. **Commissioner Shaffer** seconded the motion, and the meeting adjourned at 12:50 p.m.

ADOPTED AND APPROVED in regular session this 21st day of September 2010.

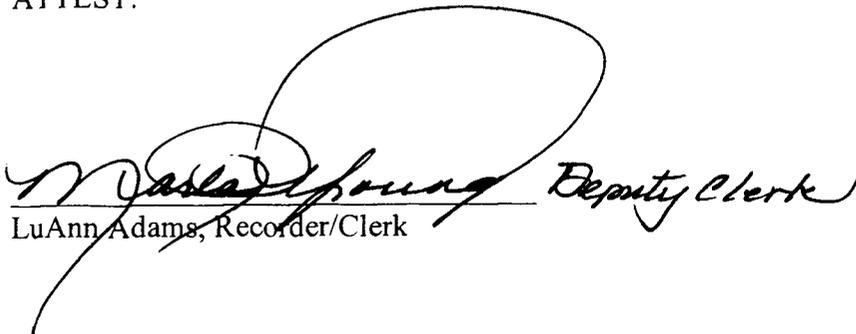


Rich VanDyke, Chairman

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, SEPTEMBER 14, 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. Reclassification Request – Peggy Madsen

- *9:00 – 9:05 Call to Order: Chairman VanDyke
Invocation: Commissioner Hardy
Approval of Minutes of September 7, 2010
- *9:05 – 9:10 Follow-Up Business
- *9:10 – 9:20 Bid Opening/NRCS Packages D & E – Brent Slater/Bill Gilson
- *9:20 – 9:25 Award of Contract/Blue Creek Project Package C – Brent Slater
- *9:25 – 9:30 Letter of Support/BRHD Banning the Possession & Sale of Spice –
Commissioner Shaffer

- *9:30 – 9:40 Property Tax/Intermountain Indian Property – Todd Lish
- *9:40 – 9:55 Stubble Burning/Responsibility – Roger Burnhope
- *9:55 – 10:00 Pay-for-Stay Collections – Lee Beverley
- *10:00 – 10:05 Assurances Relating to Real Property Acquisition #10-62 – Lee Beverley
- *10:05 – 10:10 Substitute Judge for Justice Court – Judge Christensen
- *10:10 – 10:15 Overpayment of Taxes – Chrystal Butler
- *10:15 – 10:20 Warrant Register & Personnel Actions – Commissioners
- *10:20 – 10:25 Assignment Review – Commissioners

Executive Session

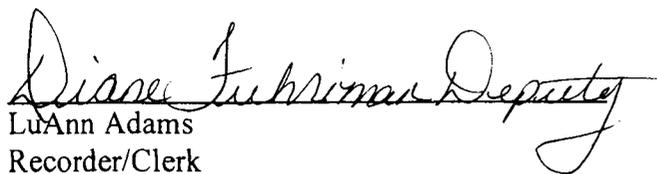
1. Discussion of character, professional competence or physical or mental health of an individual.

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 9th day of September 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 9th day of September 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.

September 8, 2010

Jay Hardy
Box Elder County Commissioner
01 South Main
Brigham City, UT 84302

Dear Commissioner Shaffer,

I want to thank you for your support of the Box Elder County Fair and for all the work which has been done this year by Keith Keller in installing a server in the fair office and wiring into the home arts building for the computer system. The computers worked well during the fair and Keith was very helpful in setting up the computer stations and providing IT support whenever needed. I really appreciate Keith and all he did. I'm grateful for the work which Shaun Thornley, Marla Young and Tammy Berry did in the fair office. I realize it takes a lot of funding to make the fair successful and I try to be as frugal as possible with fair supplies and other purchases. Thank you so much for your support of the fair office financially and with county personnel.

Sincerely,



Shauna K. Petersen

Aff #2