

**MINUTES
BOX ELDER COUNTY COMMISSION
NOVEMBER 16, 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 **NOVEMBER 16, 2010**. The following members were present:

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

The following items were discussed:

1. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports
4. Correspondence
5. Assignment Review
6. Resolution to Re-Certify Justice Court – Judge Christensen
7. Discuss Anniversary Date for Vacation Accrual – 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
	LuAnn Adams	Recorder/Clerk
EXCUSED:	Brian K. Shaffer	Commissioner

The prayer was offered by Chairman VanDyke.

Chairman VanDyke excused Commissioner Shaffer who was attending another meeting for the County Commission.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 09, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER HARDY, SECONDED BY CHAIRMAN VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS - COMMISSIONERS**Energy Efficiency Forum – Lee Beverley**

Lee Beverley, Accountant, said January 20-21, 2011 NACO and the Department of Energy will be hosting an energy efficiency and renewable energy forum for the counties who have received an energy efficient block grant in Los Angeles, California. There will be a presentation on how the funds are being used, discussions on ideas of how to improve things and things that have worked. Mr. Beverley said the forum will be no cost to the county. The expenses can be paid out of the administrative expenses from the grant. Registration is \$100.00 which includes hotel accommodations, breakfast and lunch. The air and ground transportation as well as a couple of meals would be reimbursed. The county can send up to two people.

MOTION: A motion was made by **Commissioner Hardy** to allow Lee Beverley and Donnie Tarver to attend the Energy Efficiency Forum in Los Angeles, California on January 20-21, 2011. The motion was seconded by **Chairman VanDyke** and unanimously carried.

Letter of Appreciation – Commissioner Hardy

Commissioner Hardy said Elko County Commissioner Demar Dahl came from Nevada to attend the UAC Meeting in St. George and made a presentation regarding the El Paso Gas issue. Commissioner Hardy recommended sending the following letter of appreciation:

(See Attachment No. 2 – Letter of Appreciation.)

MOTION: A motion was made by **Commissioner Hardy** to send a letter of appreciation to Commissioner Demar Dahl and to have the chairman sign the letter. The motion was seconded by **Chairman VanDyke** and unanimously carried.

Chairman VanDyke said there has been an extreme amount of work done by the counties, and he feels the letter to Commissioner Dahl is appropriate.

Commissioner Hardy said Lincoln County, Wyoming and other counties in Wyoming may be taking a different direction than Utah, Nevada and Oregon. They are negotiating a settlement payoff to take some funds and walk away from the issue. Utah and Nevada are very adamant about not getting into the extortion business. He said Utah will be going the other direction.

RESOLUTION TO RE-CERTIFY JUSTICE COURT – JUDGE CHRISTENSEN

County Attorney Stephen Hadfield said every four years the state goes through the process of making sure the court is in compliance. Attorney Hadfield said he provided an opinion letter on what the requirements were, and felt the court meets the requirements. It is the Commission's responsibility to pass a resolution that they are in compliance and will try to remain in compliance in the future.

MOTION: A motion was made by **Commissioner Hardy** to pass Resolution #10-11, a resolution to re-certify the Box Elder County Justice Court and allow the chairman to sign the resolution. The motion was seconded by **Chairman VanDyke** and unanimously carried.

(See Attachment No. 3 – Resolution #10-11.)

COORDINATION POLICY – COMMISSIONER HARDY

This item was cancelled.

ROCKY MOUNTAIN POWER LETTER AND SETTLEMENT – COMMISSIONER HARDY

Commissioner Hardy gave a brief history. He said people met with Rocky Mountain Power regarding damages to a bridge in the Honeyville area. This bridge was damaged with the construction that took place from the many trucks that went over the bridge. Rocky Mountain Power agreed to settle with Box Elder County in the amount of \$7,000. Commissioner Hardy then read the following letter:

(See Attachment No. 4 – Letter.)

MOTION: A motion was made by **Commissioner Hardy** to accept the \$7,000 check for the settlement of the bridge and to thank George Humbert and Rocky Mountain Power for their efforts on the settlement. The motion was seconded by **Chairman VanDyke** and unanimously carried.

Chairman VanDyke said the letter was reviewed by County Attorney Hadfield and the road supervisor was consulted as to whether all of the aspects of the repair have been addressed.

CIP RECOMMENDATIONS FOR LANDFILL AND FUEL TANKS – BILL GILSON/GINA ALLEN

Road Supervisor Bill Gilson said he is before the Commissioners to give an update on the fuel tank situation on the west end of the county. Mr. Gilson said he presented scenarios to the CIP Committee for upgrading. They recommended going with the offer from Cardwell Distribution to supply the tanks and pumps for each location. With Cardwell Distribution the total cost went from \$65,000 to \$43,000. The CIP Committee said this is a worthwhile proposal because of fuel prices and what the future market indicates as well as the safety and EPA. Mr. Gilson said there will be double tanks and regulation of the fuel storage. The CIP Committee also recommended going with the Mineral Lease Board to ask for funding. Mr. Gilson is looking into the possibility of having access to the fuel with the new setup if the power goes out. He is looking at a transfer switch in the main panel and hooking into a small generator system to have the capability of getting fuel for the fire, road and sheriff's departments in case of a disaster.

Commissioner Hardy said rather than going with the backup generator, he recommended running the pumps off of a 12-volt battery by lifting the hood of a pickup. He said it will be cheaper.

MOTION: A motion was made by **Commissioner Hardy** that we accept the recommendation from the CIP Committee to move forward to refine the bids on the tanks and approve the tank and pump request and to go to the Mineral Lease Board to obtain funding. The motion was seconded by **Chairman VanDyke** and unanimously carried.

Commissioner Hardy feels this is very critical. Chairman VanDyke said with the price of fuel, it will not take long to recover the security of putting these new tanks in place.

Bill Gilson said the old tanks have a lot of rust in them, and the new tanks will make Box Elder County in compliance.

LANDFILL 2011 CIP REQUEST & TIPPING FEE INCREASE – GINA ALLEN

Landfill Supervisor Gina Allen said the landfill employees are the only ones that have access to their gas pumps, but she feels it is not a bad idea in the future to put a new system in place.

Gina Allen said she met with the CIP Committee regarding a Public Convenience Center. The approval is contingent upon a tipping fee increase. The CIP Committee approved the Public Convenience Center up to \$250,000. She has met with Buildings and Grounds Supervisor Donnie Tarver who feels the work can be done for around \$230,000.

Ms. Allen said the revenue over expenses is currently \$200,000 and with the increase in the tipping fee from \$26.25 to \$29.00 per ton, it will be \$300,000. They will only need to take around \$30,000 from the reserve fund. She has \$1.6M in unrestricted funds. The reason the amount is so high is if they had to do a super cleanup, it could be very costly. She does not feel the fund balance should go below \$1M. She feels we should save it in case there is an emergency. She is also working on a flow control ordinance. She would like to meet with Perry's Mayor. Ms. Allen said if we can get Perry and South Willard back, it would bring in approximately 1,000 more tons which would equate to \$30,000. The CIP Board recommended the tipping fee increase.

MOTION: A motion was made by **Commissioner Hardy** that with the recommendation from the CIP Committee we increase the landfill tipping fee from \$26.25 to \$29.00, effective January 1, 2011. The motion was seconded by **Chairman VanDyke** and unanimously carried.

MOTION: A motion was made by **Commissioner Hardy** to approve the CIP Committee's request to approve the public convenience center not to exceed \$250,000. The motion was seconded by **Chairman VanDyke** and unanimously carried.

MOTION: A motion was made by **Commissioner Hardy** to approve the CIP Committee's recommendation for approval of a Bin Truck for \$175,000 and a mini-truck in the amount of \$10,000. The motion was seconded by **Chairman VanDyke** and unanimously carried.

Gina Allen said with the public convenience center, we will be providing a large convenience to our citizens. The safety issue is huge and flow control also ties in.

CHANGE TO EDUCATION POLICY 11-13 – PEGGY MADSEN

Personnel Director Peggy Madsen said last week she discussed a change to the education policy in work session. The change would be on the education reimbursement. She said someone who works 30 hours a week would like to take advantage of our education reimbursement. Right now it is only for full-time employees and 30 hours is considered part-time. The new change would pay on a prorated basis. It will be hours based.

Chairman VanDyke said he is a supporter of continuing education.

MOTION: A motion was made by **Commissioner Hardy** to accept the change to Education Policy 11-13 to allow part-time employees to participate in the tuition reimbursement. The motion was seconded by **Chairman VanDyke** and unanimously carried.

CELL PHONE ALLOWANCE/COMMUNITY DEVELOPMENT – PEGGY MADSEN

Personnel Director Peggy Madsen said Scott Lyons was recently hired as our new planner and Director of Community Development Kevin Hamilton would like him to receive a \$65.00 monthly allowance for cell phones.

MOTION: A motion was made by **Commissioner Hardy** to allow Scott Lyons to have the monthly cell phone allowance in the amount of \$65.00. 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 73140 through 73249 in the amount of \$800,651.39.

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF'S DEPT:	Zackery T. Coy, new hire, effective 11/15/2010
SHERIFF'S DEPT:	Darren Phelps, re-hire, effective 11/07/2010
COMMUNITY DEV:	Scott Lyons, new hire, effective 11/08/2010

EXECUTIVE SESSION

Discussion regarding deployment of security personnel, devices, or systems.

MOTION: At 9:56 a.m. a motion was made by **Commissioner Hardy** to move into an executive session to have a discussion regarding deployment of security personnel, devices or systems. The motion was seconded by **Chairman VanDyke** and unanimously carried.

MOTION: At 10:45 a.m. a motion was made by **Commissioner Hardy** to reconvene into regular commission meeting. **Chairman VanDyke** seconded the motion, and regular Commission Meeting was reconvened.

Chairman VanDyke said there was a discussion regarding deployment of security personnel, devices or systems in the executive session.

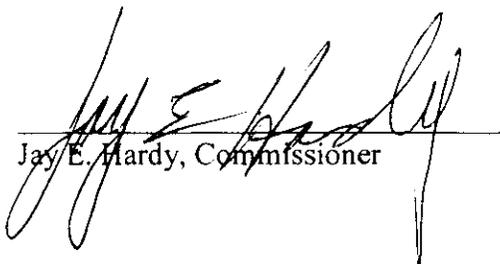
ADJOURNMENT

A motion was made by **Commissioner Hardy** to adjourn. **Commissioner VanDyke** seconded the motion, and the meeting adjourned at 10:46 a.m.

ADOPTED AND APPROVED in regular session this 23rd day of November 2010.



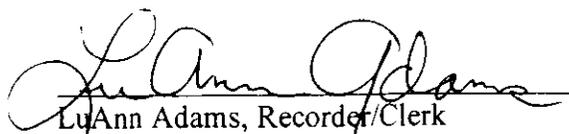
Rich VanDyke, Chairman



Jay E. Hardy, 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, NOVEMBER 16, 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. Resolution to Re-Certify Justice Court – Judge Christensen
7. Discuss Anniversary Date for Vacation Accrual – Peggy Madsen

- *9:00 – 9:05 Call to Order: Chairman VanDyke
Invocation: Chairman VanDyke
Approval of Minutes of November 9, 2010
- *9:05 – 9:10 Follow-Up Business
- *9:10 – 9:15 Resolution to Re-Certify Justice Court – Judge Christensen
- *9:15 – 9:25 Coordination Policy – Commission Hardy
- *9:25 – 9:30 Rocky Mountain Power Letter and Settlement – Commissioner Hardy
- *9:30 – 9:40 CIP Recommendations for Landfill and Fuel Tanks – Bill Gilson/Gina Allen
- *9:40 – 9:50 Landfill 2011 CIP Request & Tipping Fee Increase – Gina Allen

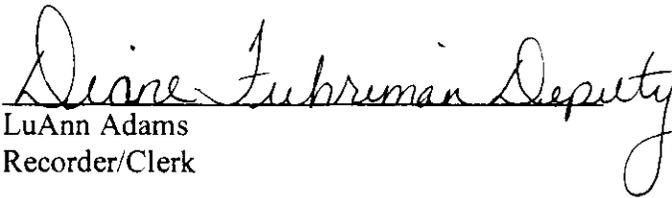
- *9:50 – 9:55 Change to Education Policy 11-13 – Peggy Madsen
- *9:55 – 10:00 Cell Phone Allowance/Community Development – Peggy Madsen
- *10:00 – 10:05 Warrant Register & Personnel Actions – Commissioners
- *10:05 – 10:10 Assignment Review – Commissioners

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 12th day of November 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 12th day of November 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.

COUNTY COMMISSIONERS

JAY HARDY
RICH VANDYKE
BRIAN K. SHAFFER



OFFICERS

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

November 16, 2010

Commissioner DeMar Dahl
Elko County
571 Idaho Street
Elko, NV 89801

Dear DeMar,

We wish to express our appreciation to you for coming to the Utah Association of Counties conference in St. George this last week. It was of great help to have you in attendance at the meeting concerning the Ruby Pipeline agreements, and the steps UAC should take.

We feel that our efforts in tackling this issue will be resolved in large part to all of the work and insight you have provided. Thank you for taking the time out of your busy schedule to be with us at this time.

Sincerely,

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

Rich VanDyke, Chair
Box Elder County Commission

RESOLUTION NO. 10-11

**A RESOLUTION OF THE BOX ELDER COUNTY COMMISSION
REQUESTING THE RECERTIFICATION OF THE BOX ELDER COUNTY
JUSTICE COURT.**

WHEREAS, the provisions of §78A-7-103 of the Utah Code require that justice courts be recertified at the end of each four-year term; and

WHEREAS, the term of the Box Elder County Justice Court shall expire on the 1st day of February, 2011; and

WHEREAS, the members of the Box Elder County Commission have received an opinion letter from Stephen R. Hadfield, the Box Elder County Attorney, which sets forth the requirements for the operation of a justice court and the feasibility of continuing to maintain the Box Elder County Justice Court; and

WHEREAS, the members of the Box Elder County Commission have determined that it is in the best interests of the residents of Box Elder County to continue to provide the Box Elder County Justice Court;

NOW THEREFORE, BE IT RESOLVED, by the County Commission of Box Elder County, State of Utah, acting as the legislative body of Box Elder County, with 2 members present and 2 members voting in favor thereof, as follows:

Section 1. Request for Recertification of Box Elder County Justice Court.

The Box Elder County Commission hereby requests recertification of the Box Elder County Justice Court by the Justice Courts' Standards Committee and the Utah Judicial Council.

Section 2. Expression of Willingness to Continue Meeting Requirements.

The Box Elder County Commission hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Box Elder County Justice Court for the next four-year term of court, except as to any requirements waived by the Judicial Council.

ADOPTED AND APPROVED in regular session this 16 day of November, 2010.



Rich VanDyke, Chairman
Box Elder County Commission

ATTEST:

Lhann Adams, Recorder/Clerk



RECEIVED

1438 West 2550 South
Ogden, Utah 84401

COUNTY COMMRS

Commissioner Jay Hardy
Box Elder County
01 S. Main
Brigham City, Utah 8430

November 8, 2010

Re: Rocky Mountain Power Conditioned permits and Contractor required permits

Dear Commissioner,

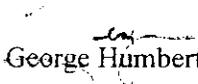
I would like to thank you, Kevin, Bill and Rick for meeting with us October 6, 2010 regarding our Populus to Terminal project. We appreciate your feedback over the revegetation and weed control efforts and again add that the revegetation is a warranty item and that Rocky Mountain Power has a weed mitigation program in place. Since our conversation, we have requested our environmental consultant to provide a list of locations, by parcel number and a description/photo/mark up map where specific weed control is required. The contractor will also provide a list of suggested weed control vendors who we will then contact for quotation and contracting purposes. We will take care of the weed control as we transition from a construction project to an operation and maintenance program, and we will work closely with Bill Gilson to ensure that it is completed consistent with the county's expectations.

We are pleased there are no issues of concern with the project permits other than the ditch crossing bridge, which was discussed at our meeting. We understand that Box Elder County has determined that PTTP caused damage to the bridge. As discussed during the meeting, both Rocky Mountain Power and PTTP believe that the bridge had sustained damage prior to the Populus Terminal construction project. However, as a gesture of good faith to Box Elder County, Rocky Mountain Power will pay Box Elder County \$7,000 which we understand is the estimated amount to repair the bridge - repairs to be performed by Box Elder County. By paying this amount it is our understanding that Rocky Mountain Power is otherwise released for all other claims of damages to the bridge and that it assumes no warranty as to the sufficiency of the repair or any liability in relation to its future use or operation.

This letter will constitute acknowledgement that all other permit obligations have been completely satisfied with regard to the Populus to Terminal Project. We appreciate our relationship with you and the county staff and hope that we can continue to work together on future projects. As always please contact me if there are any issues or concerns as we operate this line or any of our other facilities in the county.

Again thanks for your help and cooperation.

Regards,


George Humbert CCM

cc: Kevin Hamilton (Box Elder County)
Bill Gilson

Att #4