

**MINUTES
BOX ELDER COUNTY COMMISSION
JANUARY 30, 2007**

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 30, 2007**. The following members were present:

Jay E. Hardy	Chairman
Clark N. Davis	Commissioner
Rich VanDyke	Commissioner
LuAnn Adams	Recorder/Clerk

The following items were discussed:

1. Utilizing Office Space in County Courthouse
2. Out-of-State Travel Policy
3. Special Service District Meeting
4. Box Elder Zoning
5. Find Corner Section T12N R06W
6. Assignment Review
7. Staff Reports
8. Correspondence
9. Agenda Review/Supporting Documents

The work session adjourned at 8:59 a.m.

The regular session was called to order by Chairman Hardy at 9:00 a.m. with the following members present, constituting a quorum:

Jay E. Hardy	Chairman
Clark N. Davis	Commissioner
Rich VanDyke	Commissioner
LuAnn Adams	Recorder/Clerk

The prayer was offered by Commissioner VanDyke.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING JANUARY 23, 2007 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER VANDYKE, SECONDED BY COMMISSIONER DAVIS AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1

FOLLOW-UP BUSINESS

Meeting with Tremonton Nursing Home

Chairman Hardy reported he is trying to get a meeting together regarding the Tremonton Nursing Home with Gary at Mission Health Services, Eric Packer and John Hoopes.

TRAVEL POLICY – PEGGY MADSEN

Personnel Director Peggy Madsen reviewed the new travel policy.

MOTION: A motion was made by Commissioner Davis to adopt the change in the travel policy, and incorporate it into 71-1 under the general provisions for travel in the Personnel Policy and Procedures Manual. The motion was seconded by Commissioner VanDyke and unanimously carried.

(See Attachment No. 2 – Travel Policy.)

CONFLICT OF INTEREST POLICY – PEGGY MADSEN

Personnel Director Peggy Madsen distributed a copy of the conflict of interest policy and explained the changes.

MOTION: A motion was made by Commissioner Davis to table the discussion on the conflict of interest policy and bring it back next week for consideration. The motion was seconded by Commissioner VanDyke and unanimously carried.

SIGN ALTIUS CONTRACT

MOTION: A motion was made by Commissioner VanDyke to approve the Altius Service Group agreement, Peak HMO Plan and Altius Group Service Agreement, Peak Plus Plan for the current year of 2007. The motion was seconded by Commissioner Davis and unanimously carried.

AGREEMENT FOR MEDICAL SERVICE AT THE JAIL – PEGGY MADSEN

MOTION: A motion was made by Commissioner Davis to approve the agreement for service by and between Box Elder County and Dr. John Markeson for medical service at the jail and authorize Chairman Hardy to sign, and that the agreement does not provide an escalation clause and provides for continuation of service. The motion was seconded by Commissioner Davis and unanimously carried.

FAMILY INSTITUTE OF NORTHERN UTAH SERVICE CONTRACT – SHERIFF YEATES

Sheriff Yeates said he is here for approval of the yearly contract with the Family Institute of Northern Utah. The Sheriff said they provide the following:

- Substance Abuse Treatment
- Domestic Violence Perpetrator Treatment
- Domestic Violence Victim Treatment

The contract amount is \$28,000 for a one-year period payable in twelve (12) monthly payments of \$2,333.33, beginning February 1, 2007.

Jail Commander Maggie Bull said as part of the contract for housing state inmates the State mandates there are certain programs. Anger management and substance abuse are essential. The Institute also provides job skills and money management classes. Ms. Bull said the inmates have used the job skills to obtain employment.

MOTION: A motion was made by Commissioner Davis to approve the Family Institute of Northern Utah contract for calendar year 2007 at a cost of \$28,000 to provide Anger Management Classes, Substance Abuse Classes, Job Skills Classes and Money Management Classes, effective February 1, 2007-January 31, 2008. The motion was seconded by Commissioner VanDyke and unanimously carried.

Chairman Hardy complimented the Sheriff's Department on their inmate program. He said in 2006 Tony's inmate crew worked 2,630 man hours. The inmate crew was paid \$1,315 for their services. The fairgrounds inmate crew worked 4,478 man hours and was paid \$2,239. Chairman Hardy said this is a wonderful program Box Elder County receives from the inmate work crews.

ROAD EASEMENT CLAIMS/TRUST LANDS – GARY BAGLEY, KIM CHRISTY

Kim Christy, Assistant Director of the State Trust Lands, and Gary Bagley, Resource Specialist for the Trust Lands, came before the County Commission. Mr. Christy talked about the history of the trust lands. He said Utah was one of the later states to join the Union. In 1896 Utah obtained statehood. As they were obtaining statehood, there wasn't a sufficient tax base to support certain institutions like schools. In its original scope in every Township Section 16 was deeded to the state for purposes of locating a school in every township. It became apparent that was not a very practical way to deal with needs of school children because geography does not lend itself uniformly to place a school in Section 16 of every township across the grid of ownership. The idea of putting physical school buildings on these sections went away, and they evolved into the mandate of where they would be created for the financial benefit of the respective beneficiary. Over time as settlement became more and more westward it became recognized that those lands were less valuable and so two sections in every township were granted and then ultimately in the end the states were granted four sections in every township. At statehood our state was granted four Sections 2, 16, 32, 36 in

every Township. Utah was a territory and much of the land had already been homesteaded or privatized over the interim of period where the pioneers had come in. We were also granted, in instances where the sections had already been privatized, "in lieu" selections. Along with that there were 11 other quantity grant institutions such as Utah State University, School of Mines, etc. The institutions received specific quantity grants selected in a clump. About 7M acres were selected for the schools and institutions. Today State Trust Lands has about 3.4M acres. There are 4.4M acres of minerals owned. Along with the purpose for which they were established for financial benefit, the Constitution Enabling Act set the stage as the proceeds were received. They were all triggered to go into their respective permit funds. Today we have that very system in place. Up until 1994 the school system permit fund had generated \$70M over a century of time. It is the interest and dividends invested by the state treasurer that ultimately trickles out to the respective beneficiaries. In 1994 the legislature recognized there had been a lot of mismanagement of the trusts. They had lost their focus, they had been abused and were not staying focused on the financial benefit for which they were ultimately established. The legislature decided to carve the trusts lands agency off from under the umbrella of the Department of Natural Resources and create a stand-alone entity. Since that time they have been asked to function more like a business. Today there is over \$800M in the permit fund. Last year about \$18M trickled to the public schools from the interest alone.

Mr. Kristy said today they sell approximately 5,000 acres to the private sector through the public auction process. A good part of the portfolio comes from the minerals royalty proceeds, (approximately 70% of the earnings they get each year come from mineral proceeds). Last year the agency gleaned about \$150M in revenues.

Mr. Kristy said about five years ago every school formed a community council made up of parents, principals and teachers in combination. It is the only discretionary fund the schools have. Each school gets funding on a per pupils basis.

State Trust Lands have about 7,500 parcels of land in their portfolio that make up a total of 3.4M acres. The parcels are largely in a sea of federal domain. In 1866 the mining law was passed where the origin of the RS2477 Roads came to pass. In 1976 FLPMA was enacted that grandfathered all road claims across federal lands up until that point in time. If roads were put in place prior to 1976 there was a recognized valid and existing right that the county still has opportunity to claim. They also recognize if these roads were surveyed on two corners of a section. That was considered legitimate for them to obtain ultimate title of the properties. If a road was in place prior to the time Trust Lands obtained title, they recognized it as a valid existing right-of-way. If the road came about after they obtained title, that is where they get into the situations where they have to evaluate whether or not there is just compensation to perfect that easement. If there was a road in place prior to 1992 it was recognized that there was a temporary easement associated with that road. That temporary easement that remains intact can be perfected subject to their rules. Just three years ago they enacted a law that the temporary easement stays in place. Any time a decision is made to dispose of property there is a process in place to notify the counties so they can evaluate whether or not if they want to claim a road. Everyone knows going into a sell whether or not there is an easement there.

The sale of the properties was previously discussed with Commissioners Hansen and Rees, and they met with the Surveyor's Office to determine the dates of the road construction. Notices were sent out and the County said they wanted to claim a road on two of the three roads. (The two roads in Hansel Valley, the one in Promontory the County did not want to claim a road.)

Mr. Kristy and Mr. Bagley then discussed the easement and said they cannot give their assets away but there is an OHV account that could pay for the easement. The state is required by law to retain the mineral rights. The OHV Fund will pay for the easements and the application fees.

MOTION: A motion was made by **Commissioner Davis** to authorize Chairman Hardy to sign the easement application No. 1095 with the State of Utah and the Institutional Trust Land Administration and approve the easement referred to as Easement No. 1095 regarding parcels of land located at South Hansel Mountain parcel and are referenced as parcel numbers 07-007-0048 and 07-006-0048 respectively and with the understanding the OHV funds will be used and there will be no direct cost to Box Elder County. The motion was seconded by **Commissioner VanDyke** and unanimously carried.

FIND CORNER SECTION T12N R06 W – CHAIRMAN HARDY

Chairman Hardy said a request was made by Jered Anderson to have the County locate a section corner in T12N R6W. The Commissioners directed Grant Skeen and the County's GPS Crew to try and locate as weather and time permits.

WARRANT REGISTER – COMMISSIONERS

The Warrant register was signed and the following claims were approved for payment: Claims 48316 thru 48332 in the amount of \$17,106.68. Claims 48333 thru 48372 in the amount of \$54,678.47. Claims 48373 thru 48417 in the amount of \$267,242.53

PERSONNEL ACTIONS – COMMISSIONERS

SHERIFF: Patricia Boham, compensation change, effective 1/17/2007
SHERIFF: Larry Blanchard, compensation change, effective 1/19/2007

ASSIGNMENT REVIEW – COMMISSIONERS

The Commissioners reviewed their assignments.

OTHER BUSINESS

Bookmobile Rental Fee

Commissioner Davis said the County has an agreement with Willard City Corporation to provide housing facilities for the bookmobiles.

MOTION: A motion was made by Commissioner Davis to approve the annual rental fee for the housing of the bookmobile in the amount of \$2,400 for this year and any succeeding year as long as it is not modified. The motion was seconded by Commissioner VanDyke and unanimously carried.

ADJOURNMENT

A motion was made by Commissioner VanDyke to adjourn. Commissioner Davis seconded the motion, and the meeting adjourned at 10:50 a.m.

ADOPTED AND APPROVED in regular session this 6TH day of February 2007.

Jay E. Hardy, Chairman

Clark N. Davis, Commissioner

Rich VanDyke, Commissioner

ATTEST:

LuAnn Adams, Recorder/Clerk

The following items were discussed in Administrative/Operational Session after Commission Meeting had adjourned:

1. Personnel Items

The Administrative/Operational Session adjourned at 4:35 p.m.