

**MINUTES
BOX ELDER COUNTY COMMISSION
May 18, 2022**

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 11:15 a.m. on **May 18, 2022**. The following members were present:

Jeff Scott	Chairman
Stan Summers	Commissioner
Jeff Hadfield	Commissioner
Marla R. Young	Clerk

The following items were discussed:

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

The Administrative/Operational Session adjourned at 11:25 a.m.

The regular session was called to order by Chairman Scott at 11:30 a.m. with the following members present, constituting a quorum:

Jeff Scott	Chairman
Stan Summers	Commissioner
Jeff Hadfield	Commissioner
Marla Young	County Clerk

The prayer was offered by Chairman Scott.

The Pledge of Allegiance was led by Clerk Marla Young.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF MAY 04, 2022 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER HADFIELD, SECONDED BY COMMISSIONER SUMMERS AND UNANIMOUSLY CARRIED.

ATTACHMENT NO. 1 - AGENDA

ADMINISTRATIVE REVIEW/REPORTS/FUTURE AGENDA ITEMS – COMMISSION

Law Enforcement Appreciation Week - Chairman Scott

Chairman Scott acknowledged it was Law Enforcement Appreciation Week. He thanked all law enforcement officers and commended them for their service. He encouraged everyone to say hello to our law enforcement officers and thank them for their service.

Commissioner Summers talked about the crisis of not having enough officers.

Pipeline to the Great Salt Lake - Commissioner Summers

Commissioner Summers said the Commissioners and Lee Perry were talking about four to five months ago about a certain pipeline that was going bankrupt and thought maybe it could be used to pipe salt water to the Great Salt Lake from the ocean. They started working with the Governor and the Division of Water Rights. They may do a study to see if it is a viable option that would make a difference in the declining water of the Great Salt Lake..

Chairman Scott said the decrease in water in the Great Salt Lake has caused great concern over the dust and carcinogens in the air because of the lake bed effect. He feels it is a win-win situation.

FORMER AGENDA ITEMS FOLLOW-UP – COMMISSIONERS

CAFO - Commissioner Summers

Commissioner Summers stated he has been receiving questions regarding CAFO (Concentrated Animal Feeding Operations). He said the Commissioners were under the impression that Representative Ferry and Senator Scott Sandall were going to change the deadline date but that did not happen in the legislative session. He said four counties in the state have adopted an ordinance and the rest are now not in compliance. Since the county does not have an ordinance in place, regulations will come from the state.

EMERGENCY MANAGEMENT ISSUES

There were no Emergency Management Issues discussed.

ARPA

Review Applications-Commissioners

Chairman Scott asked to have this item put on the next agenda. They are waiting for the second tranche.

PUBLIC INTERESTS / PRESENTATIONS / CONCERNS

Request for Funds for Brigham City Library Cards for Low Income Families in Outlying Areas -Heather Crockett

Heather Crockett of United Way stated the Box Elder Early Childhood Coalition helps to get kids ready for kindergarten. She talked about the entrance exam and their literacy campaign. She said a current problem is that only Brigham City residents have access to the Brigham City Library and outlying areas only have the bookmobile which comes once every two weeks. She asked the Commission for assistance to help low income families to pay the non resident fees for the library. She estimated it would cost \$10,000 to help those who may qualify. She said the United Way has built little free libraries in different locations but not all have been installed.

Chairman Scott acknowledged the importance of reading. He encouraged discussions with the bookmobile department to help with a solution.

Pilt Payment to be Presented to the Commission-Ben Nadolski

Utah Division of Wildlife Resources Regional Supervisor Ben Nadolski presented the Commissioners a check in the amount of \$11,045.89. He said it is a disbursement to the county from proceeds from hunters and anglers licenses and permits. He said he will bring back an updated agreement. He thanked them for their partnership and support.

AUDITOR'S OFFICE

Tax Extension Parcel #05-223-0038 for Upcoming Tax Sale-Nate Adams

This item was canceled.

CLERK'S OFFICE

Election Integrity Presentation-Marla Young

Clerk Marla Young gave a presentation regarding election security. She stated there is a lack of confidence across the nation regarding the integrity of elections. She assured the citizens of Box Elder County that their elections are taken seriously and processes and procedures are in place to protect their vote.

The presentation may be found at <https://www.youtube.com/watch?v=N6-QhGUZTck>

COMMISSIONERS

Approve Republican Nominee for County Auditor –Commissioners

Chairman Scott announced that the Republican Central Committee met last evening to vote in a replacement for Auditor Tom Kotter. He said they had a quorum and Shirlene Larsen was unanimously voted in to serve out the remaining term. He gave a quick summary of Ms. Larsen's qualifications. He thanked Chief Deputy Nate Adams for filling in as Interim Auditor.

MOTION: Commissioner Summers made a motion to ratify Shirlene Larsen as the appointed County Auditor. The motion was seconded by Commissioner Hadfield. The motion was carried unanimously with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

COMMUNITY DEVELOPMENT

11600 West Subdivision (2-Lot)-Scott Lyons

Community Development Director Scott Lyons explained the 11600 West Subdivision (2-Lot) is located at approximately 9530 N 11600 W. It is a 2-lot subdivision with 1.01 acres in each lot. The plat has been reviewed by all applicable departments.

MOTION: Commissioner Hadfield made a motion to approve the 11600 West Subdivision (2-Lot). The motion was seconded by Commissioner Summers. The motion was carried unanimously with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

Petersen Estates-Road Dedication and Improvement Agreement-Scott Lyons

This item was canceled.

Garland City Corridor Preservation Fund Request-Scott Lyons

Community Development Director Scott Lyons explained the request is from Garland City. He stated that when the COG approved the fund request it was for \$292,690 with a stipulation the engineer would provide an explanation of how the project enhances safety, connectivity, and growth. The project is now ready to proceed and has an updated cost assessment of \$390,100. The cost is over what the COG approved. In speaking with the engineer, Garland would be responsible for the additional costs.

MOTION: Commissioner Hadfield made a motion to approve the fund request pending Garland City's ability to pay the difference. The motion was seconded by Commissioner Summers. The

motion was carried unanimously with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

ROAD DEPARTMENT

Water Purchase Agreement #22-13-Darin McFarland

Road Supervisor Darin McFarland explained Agreement #22-13 is a renewal of a water contract with an individual for the use of water while doing projects out west. There is a slight change to the rate.

MOTION: Commissioner Summers made a motion to approve the Water Purchase Agreement #22-13. The motion was seconded by Commissioner Hadfield. The motion was carried unanimously with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

ATTACHMENT No. 2 - Agreement #22-13

HUMAN RESOURCES

Benefits Protection Contract #22-14 Request for Tier 2 Public Safety-Jenica Stander

HR Manager Jenica Stander stated the county currently pays for Disability Workers Compensation for tier 1 of the Utah Retirement Systems. The Commission needs to decide whether to offer it to the tier 2 employees.

MOTION: Commissioner Hadfield made a motion to approve the Benefits Protection Contract #22-14. The motion was seconded by Commissioner Summers. The motion was carried unanimously with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

ATTACHMENT NO. 3 - Contract #22-14

The Commissioners recessed to hold an RDA meeting.

Retirement Agreement for an Employee-Anne Hansen

Chairman Scott explained the agreement is with an employee regarding retirement.

MOTION: Commissioner Hadfield made a motion to approve the agreement with an employee pending review of the County Attorney. The motion was seconded by Commissioner Summers. The motion was carried unanimously with a roll call vote of Chairman Scott voting Aye, Commissioner Hadfield voting Aye, and Commissioner Summers voting Aye.

WARRANT REGISTER – COMMISSIONERS

The Warrant Register was signed and the following claims were approved: Claim numbers 117849 through 117909 in the amount of \$350,507.79 and claim numbers 117910 through 117996 in the amount of \$562,181.69. With voided checks 114833, 117650, and 117918.

PERSONNEL ACTIONS/VOLUNTEER ACTION FORMS – COMMISSIONERS

Employee Name:	Department:	PA Type:	Effective Date:
BROWN, CHRISTINA	LANDFILL	SEPARATION	05/14/2022
BROWN, CHRISTINA	ASSESSOR	REHIRE	05/16/2022
ERICKSON, TY	ASSESSOR	NEW HIRE	05/16/2022
SINGLETON, SCOTT	TREASURER-MV	COMPENSATION CHANGE	05/27/2022
IVERSON, JOSHUA	SHERIFF'S OFFICE	COMPENSATION CHANGE	05/09/2022
HALES, ADAM	WEED DEPARTMENT	REHIRE	05/16/2022
SMITH, JESSICA	RECORDER	NEW HIRE	05/02/2022
STOKES, COOPER	WEEDS	NEW HIRE	05/09/2022
SULLY, OAKLEE	RECORDER	COMPENSATION CHANGE	05/01/2022
RICHARDS, COURTLAND	WEEDS	REHIRE	05/09/2022
RICHARDS, COURTLAND	WEEDS	CELL PHONE ALLOWANCE	05/01/2022
HALES, ADAM	WEEDS	CELL PHONE ALLOWANCE	05/09/2022
STOKES, COOPER	WEEDS	CELL PHONE ALLOWANCE	05/09/2022
FOWERS, DANIEL	FAIRGROUNDS	CELL PHONE ALLOWANCE	05/09/2022
ADAMS, AMY	FAIRGROUNDS	COMPENSATION CHANGE	05/01/2022
WALLACE, KINLEY	ATTORNEY	SEPARATION	05/06/2022
MACFARLANE, TERRY	ROAD DEPARTMENT	REHIRE	05/17/2022

CLOSED SESSION

Strategy session for the discussion of the character, professional competence, or physical or mental health of an individual and the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms.

MOTION: At 12:45 pm a motion was made by Commissioner Summers to move into a closed session. The motion was seconded by Commissioner Hadfield and unanimously carried.

MOTION: At 1:05 a motion was made by Commissioner Summers to reconvene into regular commission meeting. Commissioner Hadfield seconded the motion. The motion carried unanimously and regular commission meeting was reconvened.

ADJOURNMENT

A motion was made by Commissioner Hadfield to adjourn. Commissioner Summers seconded the motion, and the meeting adjourned at 1:08 pm.

ADOPTED AND APPROVED in regular session this 1st day of June 2022.



Jeff Scott, Chairman



Stan Summers, Commissioner

Jeff Hadfield, Commissioner



ATTEST:



Marla R. Young, Clerk



COUNTY COMMISSION MEETING

Commission Chambers, 01 South Main Street, Brigham City, Utah 84302

Wednesday, May 18, 2022 at 11:30 AM

AGENDA

NOTICE: Public notice is hereby given that the Box Elder County Board of County Commissioners will hold an Administrative/Operational Session commencing at 11:15 A.M. and a regular Commission Meeting commencing at 11:30 A.M. on Wednesday May 18, 2022 in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.

1. ADMINISTRATIVE / OPERATIONAL SESSION

- A. Agenda Review / Supporting Documents
- B. Commissioners' Correspondence
- C. Staff Reports

2. CALL TO ORDER 11:30 A.M.

- A. Invocation Given by: Chairman Scott
- B. Pledge of Allegiance Given by: Marla Young
- C. Approve Minutes 05-04-2022

3. ADMINISTRATIVE REVIEW / REPORTS / FUTURE AGENDA ITEMS

4. FORMER AGENDA ITEMS

5. EMERGENCY MANAGEMENT ISSUES

6. ARPA

- A. Review Applications-Commissioners

7. PUBLIC INTERESTS / PRESENTATIONS / CONCERNS

- A. 11:38 Request for Funds for Brigham City Library Cards for Low Income Families in Outlying Areas.-Heather Crockett
- B. 11:48 Pilt Payment to be Presented to the Commission-Ben Nadolski

8. AUDITOR'S OFFICE

- A. 11:50 Tax Extension Parcel #05-223-0038 for Upcoming Tax Sale-Nate Adams

9. CLERK'S OFFICE

- A. 11:52 Election Integrity Presentation-Marla Young

10. COMMISSIONERS

- A. 12:02 Approve Republican Nominee for County Auditor –Commissioner

11. COMMUNITY DEVELOPMENT

- A. 12:05 11600 West Subdivision (2-Lot)-Scott Lyons
- B. 12:07 Petersen Estates-Road Dedication and Improvement Agreement-Scott Lyons

C. 12:09 Garland City Corridor Preservation Fund Request-Scott Lyons

12. ROAD DEPARTMENT

A. 12:11 Water Purchase Agreement #22-13-Darin McFarland

13. HUMAN RESOURCES

A. 12:13 URS – Benefits Protection Contract #22-14 Request for Tier 2 Public Safety-Jenica Stander

B. 12:15 Retirement Agreement for an Employee-Anne Hansen

14. WARRANT REGISTER

15. PERSONNEL ACTIONS / VOLUNTEER ACTION FORMS / CELL PHONE ALLOWANCE

16. CLOSED SESSION

17. ADJOURNMENT

Prepared and posted this 13th day of May, 2022. Mailed to the Box Elder News Journal and the Leader on the 13th of May, 2022. These assigned times may vary depending on the length of discussion, cancellation of scheduled agenda times and agenda alteration. Therefore, the times are estimates of agenda items to be discussed. If you have any interest in any topic you need to be in attendance at 11:30 a.m.

A handwritten signature in black ink, reading "Marla R. Young". The signature is fluid and cursive, with the first name "Marla" being more prominent and the last name "Young" following in a similar style.

Marla R. Young - County Clerk

Box Elder County

NOTE: Please turn off or silence cell phones and pagers during public meetings. This facility is wheelchair 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 (435) 734-3347 or FAX (435) 734-2038 for information or assistance.



WATER PURCHASE AGREEMENT

This Water Purchase Agreement is made and entered into this April 25, 2022 by and between Bill Kimber (hereinafter referred to as "Supplier") and Box Elder County, a political subdivision of the State of Utah (hereinafter referred to as "Purchaser").

RECITALS

WHEREAS, Supplier is the legal owner of the water resources located upon real property situated in Grouse Creek, Utah, Water Right # Tax ID # 04-016-0033 and

WHEREAS, Purchaser is desirous of purchasing water from Supplier's well water resources for the purpose of using such water on road projects located in the area, and

WHEREAS, Both parties have agreed and intend to abide by the terms specified in this document including the purchase price for the water.

NOW, THEREFORE, based upon the above recitals and the consideration set forth below, Supplier and Purchaser do hereby agree as follows:


1. Supplier shall provide water to Purchaser as follows:
 - a. Supplier shall provide Purchaser with access to Supplier's water, and
 - b. Purchaser shall fill its own water tankers and trucks. Purchaser will notify Supplier in advance prior to pumping.
 - c. Purchaser shall keep and maintain records of each load of water taken from Supplier's water.
 - d. Purchaser shall pay to Supplier the sum of Seventeen Dollars and 50 cents (\$17.50) for each 4000 gallon or Thirty Five Dollars (\$35.00) for each 9000 gallon tanker load by Purchaser.
2. Purchaser shall provide Supplier with a spreadsheet showing the total load of water hauled out, provide an invoice, and check payment for these loads.
3. This agreement is effective until December 31, 2022.

- 4 Supplier and Purchaser shall indemnify and hold each other harmless of and from any and all actions, suits, costs, damages, claims and demands whatsoever arising by reason of any act of omission of the other part or the other party's employees or agents while on Supplier's property and in connection with the loading and hauling water from the Supplier's water site

"Supplier"

DATED this 2 day of May 2022

By Kimber



DATED this _____ day of _____ 2022

"Purchaser"

DATED the 1st day of June 2022

By



Jeffrey D. Farnsworth
Box Elder County Commissioner

Attest

Marla Young

Box Elder County Clerk


Utah Retirement Systems

PO Box 1590
Salt Lake City, UT 84110-1590
801-366-7720 | 800-688-4015

www.urs.org Fax: 801-366-7445 | 800-753-7445

BENEFIT PROTECTION CONTRACT REQUEST

INSTRUCTIONS:

1. Use this form to select benefit protection you, as the employer, elect to offer to your employees through URS through either long-term disability, workers' compensation benefits or both pursuant to Utah Code Section 49-11-404. This request must be approved by URS.
*Please note that under Utah Code Sections 49-14-602, 49-15-602 and 49-23-602 (effective July 1, 2022) it is mandatory to have this coverage in place for Tier 1 Public Safety Service Employees and Tier 2 Public Safety and Firefighter Service Employees.
2. If you choose to offer benefit protection through a long-term disability plan, you must submit your long-term disability insurance policy to URS Employer Services for review and acceptance. The long-term disability program benefits must be substantially similar to the PEHP Long-Term Disability Program.
3. There is no additional cost for maintaining a disability benefit protection contract for Tier 1 employees because the funding is paid through the Tier 1 contribution rates you pay to URS every pay period (except for Tier 1 Firefighter Service Employees). The cost for a benefit protection contract is not paid through Tier 1 Firefighter or Tier 2 contribution rates but is paid by each employer for each disabled employee when that employee is approved for disability benefits. An employer continues to pay the requisite contributions (or employer nonelective contributions to the employee's 401(k) if on the Tier 2 DC plan) for that disabled employee as if they were an active employee for as long as they are receiving disability or benefits or until they qualify for an unreduced retirement benefit. The retirement contributions are based on the employee's base wages with annual cost of living increases at the time the disability coverage was approved.
4. The workers' compensation benefit protection contract is funded by the employer for each disabled employee when an employee is granted workers' compensation benefits for both Tier 1 and Tier 2. An employer continues to pay the requisite Tier 1 and Tier 2 contributions (or employer nonelective contributions to the employee's 401(k) if on the Tier 2 DC plan) for that employee as if they were an active employee for as long as they are receiving monthly workers' compensation benefits or until retirement. The retirement contributions are based on the employee's base wages with annual cost of living increases at the time the workers' compensation coverage was approved.
5. Complete all applicable sections and check all boxes that apply.

SECTION A » EMPLOYER INFORMATION

Name of Employer Box Elder County	Unit Number E202
Employer Representative Name Jenica Stander	Phone Number 435-734-3364

SECTION B » LONG-TERM DISABILITY

Complete this section if you elect to offer benefit protection through your long-term disability program.

Please provide the name of your long-term disability insurance carrier and the renewal date for the policy:

Name PEHP
Policy Date 1/1/1988

The employer authorizes the following:

Tier 1

- ☒ **All Participation** – Check the box if you elect benefit protection for all your Tier 1 employees.
- ☐ **Tier 1 Public Safety Service Employees**–Check the box if you elect benefit protection for your Tier 1 Public Safety Service Employees.
- ☐ **Tier 1 Firefighter Service Employees**–Check the box if you elect benefit protection for your Tier 1 Firefighter Service Employees.

Tier 2

- ☒ **All Participation**–Check the box if you elect benefit protection for all of your Tier 2 employees.
- ☐ **Tier 2 Public Safety Service Employees**–Check the box if you elect benefit protection for your Tier 2 Public Safety Service Employees.
- ☐ **Tier 2 Firefighter Service Employees**–Check the box if you elect benefit protection for your Tier 2 Firefighter Service Employees.

SECTION C » WORKERS' COMPENSATION

Complete this section if you elect to offer benefit protection through your Workers' Compensation Indemnity Benefits.

The employer authorizes the following:

Tier 1

☒ **All Participation** – Check the box if you elect benefit protection for all your Tier 1 employees.

☐ **Tier 1 Public Safety Service Employees**-Check the box if you elect benefit protection for your Tier 1 Public Safety Service Employees.

☐ **Tier 1 Firefighter Service Employees**-Check the box if you elect benefit protection for your Tier 1 Firefighter Service Employees.

Tier 2

☒ **All Participation**-Check the box if you elect benefit protection for all of your Tier 2 employees.

☐ **Tier 2 Public Safety Service Employees**-Check the box if you elect benefit protection for your Tier 2 Public Safety Service Employees.

☐ **Tier 2 Firefighter Service Employees**-Check the box if you elect benefit protection for your Tier 2 Firefighter Service Employees.

SECTION D » EFFECTIVE DATE OF THE BENEFIT PROTECTION CONTRACTDesired Effective Date of Coverage upon URS approval: 07/01/2022 (mm/dd/yyyy).**SECTION E » EMPLOYER AUTHORIZATION**

By signing and submitting this Benefit Protection Contract for processing, I certify that:

- I have the power and authority to sign and make changes on behalf of the named employer;
- I understand and agree on behalf of the named employer to comply with the employer requirements and obligations as found in Utah Code Title 49 and applicable URS rules and policies;
- I understand that this is entered into for the purpose of complying with the requirements of Utah Code Section 49-11-404;
- I understand that employees who are either disabled or receiving a monthly workers' compensation indemnity benefit shall continue to accrue full time service and salary credits, or retirement contributions for members of Tier 2 DC only, based on the employee's full rate of pay in effect at the time the disability or workers' compensation benefits began, and the employer will pay the requisite retirement contributions on behalf of their employees as elected on this request;
- I agree that the named employer will indemnify URS from and against any claims or other liability including attorney fees based upon the named employer's failure to comply with its obligations pursuant to this request;
- I understand that the employer shall provide notification of application, approval, termination of long-term disability benefits, and a signed authorization from the member allowing the insurance company to release information to URS;
- I understand that the employer shall provide notification of application, approval, termination of workers' compensation benefits, and a signed authorization from the member allowing the workers' compensation carrier to release information to URS;
- I understand that this request must be approved by URS and may be terminated by URS whenever it is determined that the coverage fails to comply with the laws of Utah, fails to provide protection to the member's retirement, or is not substantially equivalent to the PEHP LTD Program; and
- I understand that this request shall not affect any other benefit protection contract on file with URS.

Print Name

Jenica Stander

Title

HR manager

Authorized Signature

Jenica Stander

Date

May 18, 2022