

**MINUTES  
BOX ELDER COUNTY COMMISSION  
MARCH 18, 2008**

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 **MARCH 18, 2008**. 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. Agenda Review/Supporting Documents
2. Commissioners' Correspondence
3. Staff Reports
4. Correspondence
5. Assignment Review
6. Transfer of Road with UDOT – Chairman Hardy
7. Draft Letter/UDOT – Chairman Hardy
8. Architectural Estimate – Chairman Hardy

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 OF MARCH 11, 2008 WERE APPROVED ON A MOTION BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED WITH THE FOLLOWING ADDITION: UNDER BOX ELDER COUNTY & PERRY CITY FLOOD CONTROL, A PARAGRAPH WAS ADDED TO READ AS FOLLOWS: THE BOX ELDER COUNTY COMMISSION**

**SERVES AS THE ADMINISTRATIVE CONTROL BOARD FOR THE PERRY CITY FLOOD CONTROL BOARD AND HAS THE RESPONSIBILITY FOR ANY SPECIAL ELECTIONS AND MAKING APPOINTMENTS TO THE BOARD.**

**AGENDA: ATTACHMENT NO. 1**

**FOLLOW-UP BUSINESS**

**Library Contract – Chairman Hardy**

Commissioner VanDyke said every effort is being made to make the transfer of the employees to the county with as little change as possible. In reality the state will terminate the services to the county on March 31, 2008. The lag is to cover any billings or financial problems that may come about after March 31.

**MOTION:** A motion was made by Commissioner VanDyke to accept the library contract, effective January 1, 2008 which will expire on June 30, 2008 as outlined in the contract. The state will terminate bookmobile services with Box Elder County, effective March 31, 2008 and the state will pay Box Elder County a total of \$121,517 for bookmobile service costs authorized by this contract. The motion was seconded by Commissioner Davis and unanimously carried.

**REPORT ON NACO LEGISLATIVE CONFERENCE – CHAIRMAN HARDY**

Chairman Hardy reported on the NACO Legislative Conference that he recently attended. There was a report on a meth project which was started in Montana. They did a really high saturation on campaigning. Montana was the fifth highest state in meth use and it is now 23. They are using the tobacco settlement money that is appropriated through the federal government. They are taking the funds on the state level and doing a high concentration of advertising. Chairman Hardy reported that PILT payments will be about the same, but after that if they don't do anything with the law, Box Elder County could end up losing up to 40%. There was a meeting on immigration. The consensus is we need one policy from the federal government, and there was consensus that we also need a worker program. The Farm Bill may not pass; if it does not pass it will be extended for one more year. Chairman Hardy appreciated the opportunity to attend this conference.

**APPOINTMENT OF BOARD MEMBER TO BRWCD – VONEENE JORGENSEN**

Voneene Jorgensen, Director of the Bear River Water Conservancy District, stated there was a vacancy for the Brigham City representative on the Bear River Water Conservancy District Board. It has been advertised in a public notice and published for two weeks and the public notice stated that any interested person could submit a name for consideration by the County Commission to the Bear River Water Conservancy District. The deadline to submit their name has passed and the Conservancy District received one letter from Brigham City requesting that Reese Jensen be considered for the appointment. There were not any other requests received.

Commissioner Davis said he would like County Attorney Hadfield to draft a county policy dealing with elected public officials that allows them to only serve for the time they are in office. Commissioner Davis asked County Attorney Hadfield to draft this policy with Voneene Jorgensen's help.

**MOTION:** A motion was made by Commissioner Davis to appoint Reese Jensen as a representative on the Bear River Water Conservancy Board to fill the unexpired term of Holly Bell through 12/31/09 or if his term in office is shorter he would be requested to resign and create a vacancy where a reappointment could be made. The motion was seconded by Commissioner Vandyke and unanimously carried.

### **USE OF COUNTY FACILITIES FOR PEACH DAYS – MONICA HOLDAWAY**

Monica Holdaway, Brigham City Area Chamber Executive Director, told the Commissioners that volunteer hours for Peach Days tallies up to 4,500 and there are over 275 volunteers. She said it benefits all of Box Elder County. Last year they had publicity on Studio 5, Good Things Utah, an article in the Standard Examiner, and an article and advertisement in the Cache Valley Magazine, advertisements in the Leader and Box Elder County Fair Book and the Box Elder County News Journal. Rod Zundel came up and highlighted spots in Box Elder County. There was also advertising in the movie theatres in Tooele and Heber City. This is one time that Brigham City is seen on the news in a positive way and Peach Days brings people to Brigham City for the weekend. Peach Days has a name in the state of Utah. Ms. Holdaway then asked the Commissioners for permission to use the county's parking lot and front lawn for the fruit display and bleachers. There was discussion on blocking the flower gardens and stairs.

**MOTION:** A motion was made by Commissioner VanDyke to approve the request subject to approval from Buildings and Grounds Manager Donnie Tarver. The motion was seconded by Commissioner Davis and unanimously carried.

### **RENEWAL OF FOREST SERVICE CONTRACT – SHERIFF YEATES**

Sheriff Yeates presented the 2008 Financial and Operating Plan between the Box Elder County Sheriff's Office and United States Department of Agriculture, Wasatch-Cache National Forest for the Cooperative Law Enforcement Agreement. The agreement gives the Box Elder County Sheriff's Office the authority to patrol areas on the Wasatch-Cache National Forest within Box Elder County with emphasis on Box Elder Canyon, Willard Basin/Dock Flat area and the Wasatch Front area between Deweyville and Willard. Authority is given to patrol areas on the Sawtooth National Forest with Box Elder County with emphasis on Clear Creek and One Mile camping and recreation areas in the Raft River Division of the Forest. The reimbursement to the county is \$4,500. Sheriff Yeates said he has informed the Forest Service that next year the rate will be \$15,000 because the \$4,500 does not match up with hours and manpower.

MOTION: A motion was made by Commissioner Davis to approve the renewal of the Forest Service contract at a rate of \$4,500 for the period of October 1, 2007-September 30, 2008 and authorize Chairman Hardy to sign. The motion was seconded by Commissioner VanDyke and unanimously carried.

### **JAIL REIMBURSEMENT PROGRAM EXPERIENCE – SHERIFF YEATES**

Sheriff Lynn Yeates said every year the sheriffs review and discuss with the legislature, reimbursement from state inmates. Sheriff Yeates then handed the Commissioners the statistics of the reimbursements over the last three years.

Sheriff Yeates said we are not getting much reimbursement on convicted felons sentenced to prison but as a condition of probation, they are sentenced to the jail. The county is shorted every year. He said the issue and concern he has is we have no control over the inmates that come with that condition of probation. They are sentenced by the judge; instead of going to the prison, we get reimbursed half of what we would get for a sentenced inmate, and when the money runs out that is it. He said we are paying for state inmates that we basically have no control of, including the point of having them sentenced to our jail rather than being sentenced to the prison, and then we contract to bring them back. Sheriff Yeates wanted the Commissioners to be aware of how much money the county is losing.

### **A RESOLUTION PROPOSING THE ESTABLISHMENT OF THE MAJESTIC MOUNTAIN COMMUNITY SPECIAL SERVICE DISTRICT, UTAH; CALLING A PUBLIC HEARING AND PROVIDING FOR PUBLICATION OF NOTICE; AND RELATED MATTERS**

Attorney Eric Johnson gave a quick update and pointed out that other petitions had been received. After much discussion it was decided that the additional petitions were within the 811 acres. Attorney Johnson said the resolution for the creation of the district proposes 10 services. It calls for a public hearing and a notice to be published three times in the paper. The notice will be reviewed by the Bear River Water Conservancy District and the public hearing will seek input from any interested persons. People may protest up to 15 days after the public hearing and they can withdraw 30 days after the public hearing.

MOTION: A motion was made by Commissioner Davis to adopt Resolution 08-05 and to set a public hearing for April 22 at 7:00 p.m. at the Thatcher-Penrose Fire Station, and that the resolution be amended to reflect the date, time and place of the public hearing. The motion was seconded by Commissioner VanDyke and unanimously carried.

*(See Attachment No. 3 – Resolution 08-05.)*

### **WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed and the following claims were approved for payment: Claims 55886 thru 55016 in the amount of \$254,935.80.

**PERSONNEL ACTIONS – COMMISSIONERS**

SHERIFF: Stephanie Gill, compensation change, effective 03/03/2008

**EXECUTIVE SESSION**

**1. STRATEGY SESSION FOR “IMMINENT” LITIGATION**

MOTION: At 11:15 a.m. a motion was made by Commissioner VanDyke to move into an executive session to discuss imminent litigation. The motion was seconded by Commissioner Davis, and the motion was unanimously carried.

MOTION: At 11:50 a.m. a motion was made by Commissioner Davis to reconvene into regular Commission Meeting. Commissioner VanDyke seconded the motion, and regular Commission Meeting was reconvened.

Chairman Hardy explained that Imminent Litigation was discussed during the executive session.

**ADJOURNMENT**

A motion was made by Commissioner Davis to adjourn. Commissioner VanDyke seconded the motion, and the meeting adjourned at 11:55 a.m.

**ADOPTED AND APPROVED** in regular session this 25th day of March 2008.

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Jay E. Hardy, Chairman

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Clark N. Davis, Commissioner

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Rich VanDyke, Commissioner

ATTEST:

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LuAnn Adams, Recorder/Clerk