

**MINUTES  
BOX ELDER COUNTY COMMISSION  
MARCH 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 **MARCH 16, 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. Premier Recovery Services – Sandy Huthman

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 Shaffer.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF MARCH 02, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SHAFFER, SECONDED BY COMMISSIONER HARDY AND UNANIMOUSLY CARRIED.**

**AGENDA: ATTACHMENT NO. 1**

**FOLLOW-UP BUSINESS - COMMISSIONERS****NACO Legislative Meeting –**

Commissioner Hardy and Chairman VanDyke attended the NACO Legislative Meeting in Washington, D.C. Commissioner Hardy talked about bringing broadband to rural America. He said there will be a package of \$20 billion to bring broadband to rural America. He said today there are 303 million people in the United States without broadband and 60 million of those are in rural America. In the Agriculture Committee he learned that 88% of all the farmable land is owned by non-farmers, and the average age of a farmer is 60 years. One of the things that has caused Washington to be where it is today is the special interest groups controlling congress. There are two strong political parties with no moderates in the middle. The other reason is that we have not had a major war for 65 years. The public does not have the interest to bring people together. Another topic was that the news is being brought as entertainment. There has been \$225 billion cut in local government budgets in 2010 which reflects 3%. When the stock market crashed there was \$17.5 trillion lost in investments in a nine-month period. Today, we have recovered all but \$12 trillion back. He and Chairman VanDyke felt the meetings were good.

**CIP Committee Recommendations**

Fleet Manager Jenica Child said there was discussion of a pickup truck for the road shed in the February 16 Commission Meeting. She said at that time the CIP Committee came back asking for more money for the pickup truck. They originally budgeted a little less, and then came and asked for \$1,000 more. They met with Chevrolet and have a bid from them for \$24,883.10. The CIP Committee has received word that Chevrolet prices could go up this week, and when the CIP Committee met, they suggested approval up to \$26,200 and to use less if necessary.

**MOTION:** A motion was made by Commissioner Hardy to accept the recommendation of the CIP Committee and move forward with the purchase the pickup truck for up to \$26,200 or less. The motion was seconded by Commissioner Shaffer and unanimously carried.

**Bear River Human Service Board**

Commissioner Shaffer said he sits on the Bear River Human Service Board, and they met last week. They discussed the unemployment rates in the state and tri-county area. The state currently is at 10% unemployment. Box Elder County is 7.2%, Cache County is 4.7% and Rich County is 4.2%. The median income in 2008 was \$48,000 per household for the BRAG area. Commissioner Shaffer discussed foreclosures and informed the public that if you enter into a foreclosure, you need to get with BRAG as soon as you know. He said help is available. There is a lot of fraud and other scams as people are going into foreclosures. Firms can charge you up to \$4,000, and that is money that could go towards saving your home. He said there are other avenues available through BRAG.

**PREMIER RECOVERY SERVICES – SANDY HUTHMAN**

Jail Commander Sandy Huthman said it has been a year since the pay-for-stay program was started at the jail and \$14,000 has been recovered. She said we still have \$71,000 outstanding. The Sheriff's Department gives the inmates every opportunity to make the payments and after that they will be turned over to recovery services. The charge is \$10.00 per day for an inmate and the funds are then used to offset expenses at the jail. She asked the county to enter into a contract with Premier for recovery of the expenses. Premier will charge a fee but will leave the county neutral, and they will collect the same amount.

**MOTION:** A motion was made by **Commissioner Shaffer** to accept the contract with Premier Recovery Services to use their services as the Sheriff's Department needs. The motion was seconded by **Commissioner Hardy** and unanimously carried.

**REAPPOINTMENT OF CHAD MUNNS TO PLANNING COMMISSION – ELIZABETH RYAN**

Director of Community Development Kevin Hamilton said Chad Munns' term on the Planning Commission has expired and asked the Commissioners to consider his reappointment. Mr. Hamilton pointed out Mr. Munns has done a great job.

**MOTION:** A motion was made by **Commissioner Hardy** to reappoint Chad Munns to the Planning Commission. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

**EWP FUNDING FOR HOWELL, HANSEL VALLEY WATERSHED DISTRICT – JEFF SCHICK**

This item was canceled.

**REINTRODUCTION OF BONNEVILLE CUTTHROAT TROUT IN WILLARD CREEK – MATT MCKELL**

Matt McKell said the DWR is the trustee and guardian of the state's fish and wildlife resources and responsible for managing and maintaining populations of fish for both recreational and conservation purposes. Opportunities to establish populations of Bonneville Cut-Throat Trout have become apparent recently through collaboration through the division and Weber State University. One of the opportunities available is at Willard Creek in Box Elder County. The stream currently does not contain any fish, although the habitat is suitable for fish. The division would like to take a closer look at opportunities to reintroduce Bonneville Cut-Throat Trout into streams like Willard Creek. They are proposing to stock the creek with Bonneville Cut-Throat Trout in an effort to use unoccupied but suitable habitat as well as establish additional fishing opportunities in the area mainly for residents of Box Elder County. Because the Bonneville Cut-Throat Trout is a state

sensitive species, it is necessary for the division to inform the Commission of these proposed plans and receive comment and feedback prior to moving forward.

Commissioner Shaffer said he is excited to see the Fish and Wildlife bring opportunities to our county. He feels it is a great partnership.

Chairman VanDyke appreciates the DRW for bringing this to the Commission's attention.

#### **NACO SCRIPT CARD USAGE – PEGGY MADSEN**

Personnel Director Peggy Madsen said Box Elder County has been using this prescription program for about seven years. Last fall a letter to the editor was put in the newspaper educating the public about the program. Ms. Madsen said the card can help reduce the cost of a prescription if a person does not have insurance. She said you can enroll any time.

#### **IOWA STRING SPEEDING AND TRAFFIC ISSUES – CHANEL KIRCHHOEFER**

Chanel Kirchhoefer said when Procter and Gamble was first considering locating in Box Elder County; she brought up the issue of speeding on the Iowa String Road. She said cars are flying by on the road, and she has almost been hit twice. She said an officer was sent to slow everyone down, and the cars did slow down for 30 minutes. There is a lot of racing on the road, and there is a bus stop at 6800 W 400 N. Even when the bus is stopped with their lights on people are going right past the bus. She pointed out that there are no speed limit signs until you hit Tremonton. She asked the Commissioners to post speed limit signs. There was also discussion about jake brakes in the night, and they wondered if a bus stop sign could be put in place.

Sheriff Yeates pointed out that a vehicle counter has been out there, and there are approximately 750 cars per day going 55-60 mph.

**MOTION:** A motion was made by **Commissioner Shaffer** to have Road Supervisor Bill Gilson post some 55 mph speed limit signs on the Iowa String Road. The motion was seconded by **Commissioner Hardy** and unanimously carried.

#### **PUBLIC HEARING/1-3 TEXT AMENDMENT LUM & DC – COMMISSIONERS**

*(See Attachment No. 2 – Attendance List.)*

Chairman VanDyke declared the public hearing open at 10:00 a.m.

County Planner Tamara Wright said the purpose of the public hearing is to get input on amending 1-3-040 of the Box Elder County Land Use Management and Development Code entitled "definitions" to bring county land use definitions into compliance with the state code definitions.

Chairman VanDyke asked for comments from those in attendance. There were no comments.

MOTION: A motion was made by **Commissioner Hardy** to direct staff to prepare an ordinance. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

**ORDINANCE #328/DEFINITIONS FOR LUM & DC – TAMARA WRIGHT**

This item was canceled.

**PUBLIC HEARING/TEXT AMENDMENT MSW ZONE – COMMISSIONERS**

*(See Attachment No. 3 – Attendance List.)*

Chairman VanDyke declared the public hearing open at 10:10 a.m.

County Planner Tamara Wright said this public hearing is to receive input on amending 3-8-040.2 of the Box Elder County Land use Management and Development Code entitled “uses” of the construction and municipal waste zones ordinance. This item came before the Planning Commission on January 21, and they recommended allowing the landfill rock quarry.

MOTION: A motion was made by **Commissioner Shaffer** to close the public hearing. The motion was seconded by **Commissioner Hardy**, and the public hearing was closed at 10:13 a.m.

MOTION: A motion was made by **Commissioner Shaffer** to authorize the preparation of Ordinance #329 to be considered next week. The motion was seconded by **Commissioner Hardy** and unanimously carried.

**ORDINANCE #329/AMENDING THE MSW ZONE – TAMARA WRIGHT**

This item was canceled.

**PUBLIC HEARING/COUNTY ROAD STANDARDS – COMMISSIONERS**

*(See Attachment No. 4 – Attendance List.)*

Chairman VanDyke declared the public hearing open at 10:20 a.m.

County Planner Tamara Wright said the purpose of this public hearing is to consider county road standards. She reviewed the standards with the Commissioners. Ms. Wright said the Planning Commission recommends adopting these standards.

Chairman VanDyke asked if there were any comments. There were no comments.

MOTION: A motion was made by **Commissioner Hardy** to close the public hearing. The motion was seconded by **Commissioner Shaffer** and unanimously carried. The public hearing was closed at 10:26 a.m.

MOTION: A motion was made by **Commissioner Hardy** to direct staff to prepare an ordinance and take the recommendations from Road Supervisor Bill Gilson in regards to cattle guards. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

#### PHONE ALLOWANCE/GERALD LAWSON – PEGGY MADSEN

Personnel Director said Gerald Lawson is an employee of the Road Department, and he was not listed on the original approval for a cell phone allowance. She asked the Commissioners to approve a cell phone allowance of \$25.00 per month.

MOTION: A motion was made by **Commissioner Hardy** to approve a cell phone allowance of \$25.00 per month for Gerald Lawson. 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 68689 through 68832, 2010005 in the amount of \$223,218.96. Claims 68833 through 68939, 990359 through 990368 in the amount of \$644,267.10. Claims 68752, 68776 were voided.

#### PERSONNEL ACTIONS – COMMISSIONERS

ASSESSOR/TREAS:	Ilene Call, compensation change, effective 03/27/2010
ASSESSOR/TREAS:	Sherry Rushton, compensation change, effective 03/15/2010
EXTENSION:	Elizabeth Anderson, compensation change, effective 08/29/2009
COMMUNITY DEV:	Susan Thackeray, separation, effective 02/19/2010
FAIRGROUNDS:	Gerald Richins, compensation change, effective 03/24/2010
SHERIFF DEPT:	Kent S. Wiggins, compensation change, effective 03/13/2010
SHERIFF DEPT:	Jared B. Loosli, compensation change, effective 03/09/2010
SHERIFF DEPT:	Ken L. Sheridan, compensation change, effective 03/07/2010
SHERIFF DEPT:	James D. Summerill, compensation change, effective 02/28/2010
SHERIFF DEPT:	J. Colter Whiteley, compensation change, effective 02/25/2010
LANDFILL:	Bruce Morris, compensation change, effective 03/14/2010
ROAD DEPT:	Dennis Nelson, compensation change, effective 03/14/2010
ROAD DEPT:	Frank Musil, compensation change, effective 03/28/2010

**EXECUTIVE SESSION**

**Discussion of character, professional competence or physical or mental health of an individual and litigation**

**MOTION:** At 10:45 a.m. a motion was made by **Commissioner Hardy** to move into an executive session to discuss personnel issues and litigation. The motion was seconded by **Commissioner Shaffer** and unanimously carried.

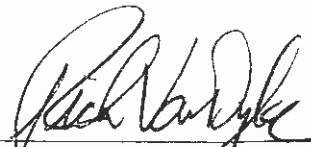
**MOTION:** At 11:45 a.m. a motion was made by **Commissioner Hardy** to reconvene into regular commission meeting. **Commissioner Shaffer** seconded the motion, and regular commission meeting was reconvened.

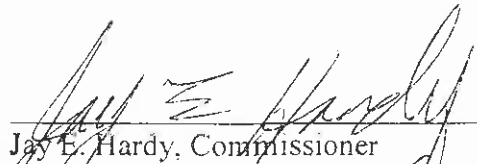
Chairman VanDyke explained there was discussion of character, professional competence or physical or mental health of an individual and litigation.

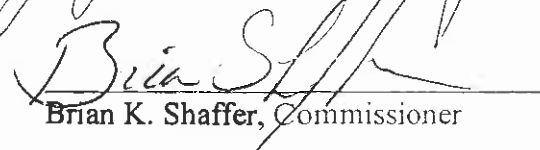
**ADJOURNMENT**

A motion was made by **Commissioner Shaffer** to adjourn. **Commissioner Hardy** seconded the motion, and the meeting adjourned at 11:46 a.m.

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

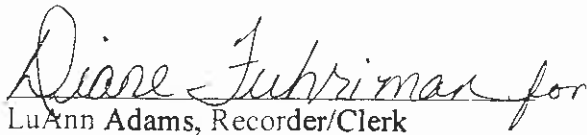
  
\_\_\_\_\_  
Rich VanDyke, Chairman

  
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Jay E. Hardy, Commissioner

  
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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, MARCH 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. Premier Recovery Services – Sandy Huthman

- \*9:00 – 9:05** Call to Order: Chairman VanDyke  
Invocation: Commissioner Shaffer  
Approval of Minutes of March 2, 2010
- \*9:05 – 9:10** Follow-Up Business
- \*9:10 – 9:15** Premier Recovery Services – Sandy Huthman
- \*9:15 – 9:20** Reappointment of Chad Munns to Planning Commission – Elizabeth Ryan
- \*9:20 – 9:30** EWP Funding for Howell, Hansel Valley Watershed District – Jeff Schick
- \*9:30 – 9:40** Reintroduction of Bonneville Cutthroat Trout in Willard Creek – Matt McKell
- \*9:40 – 9:50** NACO Script Card Usage – Peggy Madsen
- \*9:50 – 10:00** Iowa String Speeding and Traffic Issues – Chanel Kirchoefer



\*10:00 – 10:05 Public Hearing/1-3 Text Amendment LUM & DC – Commissioners

\*10:05 – 10:10 Ordinance #328/Definitions for LUM & DC – Tamara Wright

\*10:10 – 10:15 Public Hearing/Text Amendment MSW Zone – Commissioners

\*10:15 – 10:20 Ordinance #329/Amending the MSW Zone – Tamara Wright

\*10:20 – 10:25 Public Hearing/County Road Standards – Commissioners

\*10:25 – 10:30 Phone Allowance/Gerald Lawson – Peggy Madsen

\*10:30 – 10:35 Warrant Register & Personnel Actions – Commissioners

\*10:35 – 10:40 Assignment Review – Commissioners

Executive Session

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

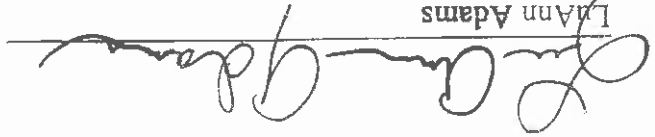
Adjournment

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 11<sup>th</sup> day of March 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 11<sup>th</sup> day of March 2010.

Lynn Adams  
Recorder/Clerk



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 734-3347 or FAX 734-2038 for information or assistance.

PUBLIC HEARING  
BOX ELDER COUNTY

Date: 3-16-2010  
1-3 Text Amendment LUM: DC

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
KEVIN HAMILTON	BE CD	
Rebecca Dily	BE City	3347
Bill Gibson	Box Elder Co. Road	257-5450
Lori Hunsaker	Newspaper	723-3471
Ann Almon	Optima	225049
Steve Hedfield	Box Elder County Attorney	734-3329
Tom Bennett	BE CO. Auditor	734-3317
Kern Potter	BE SO	734-3814
Dave Archer	The Leader	257-5182

PUBLIC HEARING  
BOX ELDER COUNTY

Date: 3-16-2010  
Text Amendment MSW zone

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
Darwin Bingham	Self	Honeyville
Rebecca Dilg	BE City	7-3347
Amymaccarta	Standard	225-0049
Steve Hatfield	Box Elder County Attorney	734-3329
Lori Munsicker	News Journal	723-3471
Kevin Hamilton		
Bill Wilson	Box Elder Co Road	257-5450
Dave Archer	The Leader	257-5182

PUBLIC HEARING  
BOX ELDER COUNTY

Date: 3-16-2010

County Road Standards.

<u>NAME (Please Print)</u>	<u>ORGANIZATION</u>	<u>ADDRESS/TELEPHONE</u>
Dave Archer	The Leader	257-5182
Kevin Birk	BESO	734-3814
Darwin Bingham	self	Honeyville 279-3714
Rebecca Dill	BE. City	-3347
Amy Macavinta	Standard	225-0049
Steve Hatfield	Box Elder County Attorney	734-3329
Lori Hunsaker	News Journal	723-3471
Bill Wilson	Box Elder Co	257.5450
Kevin Hamilton	BESO	