

**MINUTES
BOX ELDER COUNTY COMMISSION
MAY 11, 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 **MAY 11, 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. **Modifications to New Justice Court Building – Donnie Tarver**
7. **Letter of Support/Bird Refuge Acquisition of Property – Bob Barrett**

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 Commissioner Hardy.

Chairman VanDyke excused Commissioner Shaffer who is out of town.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF MAY 04, 2010 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER HARDY, SECONDED BY COMMISSIONER VANDYKE AND UNANIMOUSLY CARRIED.

AGENDA: ATTACHMENT NO. 1**FOLLOW-UP BUSINESS - COMMISSIONERS****Termination of Constellation Program – Chairman VanDyke**

Chairman VanDyke said Box Elder County took a position of not being in support of the termination of the Constellation Program. Letters were sent to the offices of Jason Chaffetz, Orrin Hatch and Bob Bennett. The county received acknowledgments from Chaffetz and Hatch and they strongly agreed with the county's position and both Representative Chaffetz and Senator Hatch have promised they will make every effort possible to change the direction the administration seems to be going with the NASA Program. Chairman VanDyke said it is worthy of mentioning that the Congressional Delegation is doing all they can do. We do not know how successful they will be, but they want the Commissioners to be assured they are making every possible effort. He said we as residents of our county understand the impact this could have on our communities. He is hopeful that the winds of change will go in a different direction.

Bid Award for Iowa String Road Project – Chairman VanDyke

Chairman VanDyke said the county has received a letter from Geneva Rock Products. They were the recipients of the bid for the Iowa String Overlay project. Geneva Rock Products are moving forward with this bid award.

Older American Month – Nancy Greene

Nancy Greene, Brigham City Senior Citizen Director, said through a presidential proclamation across the United States, May is declared as Older Americans Month. Ms. Greene presented the Commissioners with a proclamation declaring May as Older Americans Month in Box Elder County. Ms. Greene said the Senior Center does a lot of different activities throughout the month of May to celebrate Older Americans Month ending with Senior Health and Fitness Day. She said they go to Pioneer Park and provide a huge amount of activities like health screenings and recreational and educational activities. Seniors from the surrounding areas are invited to participate. It is a way of honoring the seniors and letting the community know what the senior center has available. She said they are a full-service senior center. They provide meals-on-wheels to the citizens throughout southeastern Box Elder County. Tremonton Senior Center handles the other part of the county. As part of the month, they are having the Big Wheels help deliver the meals.

Ms. Greene said the theme this year is "Age Strong, Live Long". She then read the following proclamation: *(See Attachment No. 2 – Proclamation.)*

MOTION: A motion was made by **Commissioner Hardy** to accept the proclamation for Older Americans Month honoring older citizens of our community. The motion was seconded by **Chairman VanDyke** and unanimously carried.

LETTER OF SUPPORT/BIRD REFUGE ACQUISITION OF PROPERTY – BOB BARRETT

Bob Barrett, Bird Refuge Manager, said the refuge has been in existence since 1928 and has been part of the county's infrastructure for a long, long time. In 1992 the refuge system went through a process with the State of Utah to align a boundary for acquisition for the refuge; it was accepted and signed by the Governor. Since that time the refuge has been looking at purchasing key habitat parcels within that boundary to become part of the National Wildlife Refuge System. He said a little over a year ago they were approached by the Chesapeake Gun Club about purchasing 610 acres that they held. The refuge has been working with the club and non-government organizations to secure grants for the purchase as well as working through the administration for a request in the President's budget. Mr. Barrett asked the Commissioners for a letter of support from the county to help with the acquisition project and to help with the funding process. The letter of support would be used to work with government entities as well as non-government entities to secure funding for the acquisition.

MOTION: A motion was made by **Commissioner Hardy** to forward the letter of support to the people that need it and that the Bird Refuge can use the letter as they see fit. The motion was seconded by **Chairman VanDyke** and unanimously carried.

Bob Barrett said for every dollar spent on the refuge it generates almost three dollars in the economy. He said the refuge has a positive impact on the local community as well as tourism. He said 21 different countries come to visit the refuge. Mr. Barrett said the dollar numbers were reported before the Bird Refuge Center was built. He thanked the Commissioners for their support.

SET PUBLIC HEARING/SURPLUS PROPERTY IN GARLAND – KEVIN HAMILTON

Director of Community Development Kevin Hamilton said a public hearing date needs to be set to vacate an old left over coal alley in Garland. He said half of the coal alley ended up in the county's hands. The small strip of land is 5.6' by 120' long, and an adjacent property owner is interested in the property.

MOTION: A motion was made by **Commissioner Hardy** to set a public hearing on June 8 at 10:00 a.m. regarding the vacation of surplus property in Garland. The motion was seconded by **Chairman VanDyke** and unanimously carried.

ADOPT ORDINANCE #333/SANDALL ROAD VACATE – TAMARA WRIGHT

County Planner Tamara Wright said last week a public hearing was held regarding vacating a portion of the Sand Hollow Road extending northerly from the intersection of 22000 West Street and Sunset Pass Road, portions of which are located in Sections 28 and 29, Township 11 North Range 06 West. Ms. Wright said the property will be deeded to Sandall Farm & Ranch Family Partnership and Bar M Cattle Company LLC. She said the ordinance is to vacate the road.

MOTION: A motion was made by **Commissioner Hardy** to adopt Ordinance No. 333 vacating and extinguishing a portion of the Sand Hollow Road extending northerly from the intersection of 22000 West Street and Sunset Pass Road, portions of which may be located in Section 28 and 29, Township 11 North range 06 West. The motion was seconded by **Chairman VanDyke** and unanimously carried.

(No Attachment – Ordinance No. 333 – Public Hearing Rescheduled for June 29.)

ADOPT ORDINANCE #334/OLD COUNTY ROAD VACATE – TAMARA WRIGHT

County Planner Tamara Wright said a public hearing was held last week to vacate a portion of the Old County Road located within the SW/4 of Section 10 Township 09 North Range 01 West in the Mantua area. The property would be deeded back to Michael G. Nelson, Young Resources LTD, and June Baxter.

MOTION: A motion was made by **Commissioner Hardy** to adopt Ordinance No. 334, vacating and extinguishing the entire old county road located within the SW/4 of the SW/4 of Section 10 Township 09 North Range 01 West. The motion was seconded by **Chairman VanDyke** and unanimously carried.

(No Attachment – Ordinance No. 334 – Public Hearing Rescheduled for June 29.)

ORDINANCE #335/CONDITION OF PROBATION INMATES – SHERIFF YEATES

Sheriff Yeates said over the last few years when a felon is convicted and going to be sent to the state prison, sometimes the judge has opted instead of sentencing him to the state prison as a condition of probation, they sentence him to the county jail. The reimbursement for that is less than 50% of what is received for housing contracted state inmates. All of the sheriffs across the state of Utah have gotten together and drafted an ordinance or resolution. Sheriff Yeates said the ordinance was brought to the Commission a couple of weeks ago, but a couple of sentences needed to be added. The ordinance needs to reflect the fact that because of the classification system of the jail, they would be able to set a cap on the number of conditional probation inmates with the exception that if it became adequately funded, the county could raise that cap. The cap for Box Elder County jail is 35. As of yesterday the jail had 32 probation inmates.

MOTION: A motion was made by **Commissioner Hardy** to adopt Ordinance No. 335, adopting a maximum capacity and inmate retention guidelines for Box Elder Correctional Facility. The motion was seconded by **Chairman VanDyke** and unanimously carried.

(See Attachment No. 3 – Ordinance No. 335.)

BICYCLE TASK FORCE FOR BRIGHAM CITY – DAVID HIESTER

David Hiester, representing the bicycle task force members, said the purpose for the Bicycle Task Force coming before the Commissioners is to identify issues and opportunities relating to bicycling in Brigham City and consider how they might be improved to make bicycling safer and more enjoyable. He said when they first got together, they thought it would be pretty simple, but what they discovered was it is rather complex. He said you have both motorists and bicyclists alike with unique needs and opportunities and this has been more challenging than they anticipated. They have become familiar with concerns surrounding bicycle and pedestrian traffic. He said it is not just simply bicycling; it is pedestrian opportunities as well. He said we as a community might encourage alternative transportation especially in these difficult economic times. He said with regards to cycling whether it is recreation, commuting or a form of exercising, bicycling is on an increase. Counties like Utah, Salt Lake, Weber, and Davis have discovered the importance of improving the quality of life for their constituents by creating and planning into their infrastructures bicycle pathways and trail systems. He said there are trail systems they want to extend as far north as Brigham City. He said connected working and riding networks is a component for livable communities. The Task Force stated that bicycling is here to stay; it is not a fad or a passing fancy. It is a viable and important alternative form of transportation that counties and cities need to account for and encourage. He said we are in an age where we need to rethink the purpose of our roads; not just as a way of getting cars from place to place or people in cars but that we might also figure out ways to encourage cyclists and pedestrian traffic as well. He said education is an important issue for both motorists and cyclists. He feels law enforcement officials also need training. They are committed to being engaged with both cyclists and motorists in trying to figure out how we can co-exist together.

Mr. Hiester said the Tour De Cure will be coming to town again for the 10th year. They will have an event the evening before as a way to teach and encourage safe cycling for young people as well as all ages. They are also working with the PTA. The Task Force has a proposal to the City Council recommending that 10 miles of bicycle lanes, that would intentionally connect schools and parks, be put in to encourage cycling in Brigham City. Mr. Hiester said the Task Force wants to listen and learn about the concerns that exist so they might figure out ways to improve the perception and reality for cyclists and motorists. He asked the Commissioners to be proactive in their efforts to promote and encourage bicycling in Box Elder County; be thoughtful and think about the roads for cyclists as they are improved; they would be happy to do some education. Mr. Hiester said bicyclists have the same rights as motorists. They want to bring awareness to the growing number of cyclists that are taking to the roads and ask that they adopt a complete streets policy and direct transportation planners and engineers to consistently design roads with cycle users in mind and to keep in mind safety improvements. Mr. Hiester encouraged the Commissioners to ride the roads in Box Elder County.

Commissioner Hardy said the amount of cyclists is increasing as well as the traffic on our roads. He said we need to make more cycle areas so we don't have the conflict as much as we do now. Commissioner Hardy said both the motorists and cyclists need more education.

SEASONAL WEED EMPLOYEES PHONE ALLOWANCE – PEGGY MADSEN

Personnel Director Peggy Madsen said three seasonal weed employees need a phone. She requested \$25.00 a month.

MOTION: A motion was made by **Commissioner Hardy** to approve a cell phone allowance of \$25.00 per month for three seasonal employees in the Weed Department and allow the chair to sign. 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 69788 through 69898 in the amount of \$100,636.10.

PERSONNEL ACTIONS – COMMISSIONERS

JUSTICE COURT:

FAIR:

WEED DEPT:

WEED DEPT:

Wendy Potter, separation, effective 05/06/2010

Christopher T. Linford, re-hire, effective 05/10/2010

Nicholas Esplin, re-hire, effective 05/03/2010

Kevin Fukui, re-hire, effective 04/26/2010

EXECUTIVE SESSION

MOTION: At 10:15 a.m. a motion was made by **Commissioner Hardy** to move into an executive session to discuss personnel issues. The motion was seconded by **Chairman VanDyke** and the motion was unanimously carried.

MOTION: At 10:57 a.m. a motion was made by **Commissioner Hardy** to reconvene into regular commission meeting. **Commission VanDyke** seconded the motion, and regular commission meeting was reconvened.

Chairman VanDyke explained that personnel matters were discussed during the executive session.

ADJOURNMENT

A motion was made by **Commissioner Hardy** to adjourn. **Chairman VanDyke** seconded the motion, and the meeting adjourned at 11:00 a.m.

ADOPTED AND APPROVED in regular session this 18th day of May 2010.




Rich VanDyke, Chairman


Jay E. Hardy, Commissioner

ATTEST:


LiAnn 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, MAY 11, 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. Modifications to New Justice Court Building – Donnie Tarver
7. Letter of Support/Bird Refuge Acquisition of Property - Bob Barrett

- *9:00 – 9:05** Call to Order: Chairman VanDyke
Invocation: Commissioner Hardy
Approval of Minutes of May 4, 2010
- *9:05 – 9:10** Follow-Up Business
- *9:10 – 9:20** Letter of Support/Bird Refuge Acquisition of Property – Bob Barrett
- *9:20 – 9:25** Set Public Hearing/Surplus Property in Garland – Kevin Hamilton
- *9:25 – 9:30** Adopt Ordinance #333/Sandall Road Vacate – Tamara Wright
- *9:30 – 9:35** Adopt Ordinance #334/Old County Road Vacate – Tamara Wright
- *9:35 – 9:45** Ordinance #335/Condition of Probation Inmates – Sheriff Yeates

- *9:45 – 9:55 Bicycle Task Force for Brigham City – David Hiester
- *9:55 – 10:00 Seasonal Weed Employees Phone Allowance – Peggy Madsen
- *10:00 – 10:05 Warrant Register & Personnel Actions – Commissioners
- *10:05 – 10:10 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 6th day of May 2010.

Mailed to the Box Elder News Journal, the Leader, and the Standard Examiner this 6th day of May 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.

*Older Americans Month Proclamation
Age Strong! Live Long!
Older Americans Month 2010
A Proclamation*

Whereas, Box Elder County is a County that includes multitudes of citizens aged 60 and older; and

Whereas, the older adults in Box Elder County are among our most "treasured resources," united by historical experiences, strengthened by diversity, and interpreting events through varied perspectives and backgrounds to bring wisdom and insight to our community; and

Whereas, increasing numbers of adults are reaching retirement age and remaining strong and active for longer than ever before; and

Whereas, the older adults in Box Elder County deserve recognitions for the contributions they have made and will continue to make to the culture, economy, and character of our county and our nation; and

Whereas, our County can provide that recognition and respect by improving the quality of life for older Americans by:

Increasing their opportunities to remain active and engaged in community life;

Providing individualized services and support systems to maintain the dignity, independence, and self-determination of older Americans as they age;

Combating ageist attitudes by honoring their past, present, and future contributions;

Now Therefore, We, the Commissioners of Box Elder County do hereby proclaim May 2010 to be Older Americans Month. We urge every citizen to take time this month to honor our older adults and the professionals, family members, and volunteers who care for many of them. Our recognition and involvement of older Americans can enrich our entire County's quality of life.

Dated this 17th day of May, 2010

Rich VanDyke

Commissioner Rich VanDyke

Jay E. Hardy

Commissioner Jay Hardy

Brian Shaffer

Commissioner Brian Shaffer

ORDINANCE NO. 335

AN ORDINANCE OF BOX ELDER COUNTY ADOPTING A MAXIMUM CAPACITY AND INMATE RETENTION GUIDELINES FOR BOX ELDER CORRECTIONAL FACILITY.

WHEREAS, Box Elder has constructed a new jail within the last 10 years; and

WHEREAS, the most recent construction changed and increased the maximum capacity from 20 inmates to 168 inmates; and

WHEREAS, the number of inmates has increased significantly faster than the population in Box Elder County area; and

WHEREAS, the available bed space at the Box Elder Correctional Facility must be monitored to ensure adequate space is provided for all categories, including Pre-adjudication inmates, Municipal inmates, County inmates and State inmates, and;

WHEREAS, Box Elder County bonded for the purpose of constructing the jail and has an obligation to pay bond payments annually and;

WHEREAS, the financial analysis that justified the construction of the facility relied on a certain percent of contract inmates that would help defray the cost of constructing and operating the Correctional Facility and;

WHEREAS, the County Commission and the Sheriff feel it appropriate, pursuant to UCA 17-22-5.5(2), to establish a maximum operating capacity for the jail facility and for the number of inmates housed in the County Facility in each designated category so that the County will properly meet the needs of the community and also appropriately budget for the correctional facility operation.

NOW THEREFORE, the Box Elder County Commission, acting on the recommendation of the Box Elder County Sheriff, and as the legislative body of Box Elder County, does hereby ordain as follows:

SECTION 1: ADOPTION OF ORDINANCE. The following ordinance, establishing the maximum operating capacity for the Box Elder County Correctional Facility and establishing limits for each category of inmate to be housed at the Box Elder County Correctional Facility, is hereby adopted:

Sections:

- 1-1 Purpose
- 1-2 Inmate Categories
- 1-3 Category Limits
- 1-4 Correctional Facility Discretion

SECTION 1-1: PURPOSE. This ordinance recognizes that inmates serving time in the Box Elder County Correctional Facility fall into several categories and must be housed in the facility owned and operated by the County. The purpose of this ordinance is to establish a maximum operating capacity for the county facility and to establish classification guidelines relating to each category of inmate to ensure the needs of the community are met using the available space and the resources available to the County. This ordinance supplements the Sheriff's written policies for admission of prisoners to the county jail and the classification of persons incarcerated in the jail. This ordinance takes into account the fact that the facilities were designed to house pre-adjudication individuals charged with felonies and misdemeanors, City and County misdemeanor violators, offenders serving probation terms as a condition of a felony sentence, and offenders being housed on contract with State Department of Corrections. The ordinance recognizes that the County Correctional Facility was built and funded with the agreement that a significant number of the inmates would be housed on contract with the State of Utah and that compensation would be received from that to assist in funding the cost of construction and operating the facility. This ordinance is also being adopted to establish facility operating limits to assist the County Commission in appropriately establishing an annual budget, taking into account the revenues and costs associated with the operation of the Box Elder County Correctional Facility.

SECTION 1-2: INMATE CATEGORIES. The Box Elder County Correctional Facility houses inmates in the following categories:

1. Prisoners incarcerated prior to adjudication on felony and misdemeanors.

2. Inmates housed after adjudication on misdemeanor charges serving sentences imposed by City, County and State Courts.
3. Inmates sentenced for felony violations for which the prison term has been suspended and the offender is given jail time as a condition of probation, also including offenders serving time after being arrested for violations of felony probation/parole.
4. Offenders who have been convicted of felonies, sentenced to the Utah State Prison, and are being housed at the County Correctional Facility pursuant to a contract with the Utah State Department of Corrections.

SECTION 1-3: CATEGORY LIMITS. The Box Elder Correctional Facility hereby allocates inmate bed space available to the various categories of inmates as follows:

1. Pre-adjudication misdemeanor and felony prisoners: 35.
2. Sentenced misdemeanor offenders: 50.
3. Felony condition of probation prisoners and parole/probation violators: 35.
4. State contract inmates: 40.

Maximum operating capacity is: 168.

Section 1-4: BOX ELDER COUNTY CORRECTIONAL FACILITY DISCRETION.

A. The Box Elder County Correctional Facility administration is hereby given discretion to rotate inmates between categories 1, 2, and 4 for the purpose of allowing flexibility in the operation of the jail and in order to allow the Facility to properly manage and administer inmates.

B. The Correctional Facility is given no discretion to increase the number of inmates housed in category 3, unless the State of Utah provides funding for this category. It has been determined by the Utah State Legislature that the County and the State will share in the cost of housing category 3 inmates and that the state will pay a set budgeted amount for their share of the inmate cost. Therefore, in order to manage the County's budget and assist in managing the inmate population, there will be no more inmates allowed in this category than the number indicated in Section 1-3, Category Limits. The number of inmates listed in Category 3 is equal to the amount of bed space Box Elder County can financially support using county funds and the funds allocated by the Utah State Legislature and appropriated through the legislative process. The Box Elder County Sheriff is given discretion to increase this category of inmates to reflect any increases in funding from the State of Utah for felony condition of probation inmates.

SECTION 2: EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its adoption and publication as required by law.

PASSED, ADOPTED A SYNOPSIS ORDERED PUBLISHED this 11 day of May 2010.

Commissioner VanDyke voting yea
Commissioner Hardy voting yea
~~Commissioner Shaffer voting yea~~



Richard VanDyke
Richard VanDyke, Chairman
Box Elder County Commission

ATTEST:

LuAnn Adams
LuAnn Adams
Box Elder County Recorder/Clerk