

**MINUTES  
BOX ELDER COUNTY COMMISSION  
FEBRUARY 16, 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 **February 16, 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 11:20 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 Commissioner Summers.

The Pledge of Allegiance was led by Sheriff Deputy Cade Palmer.

**APPROVAL OF MINUTES**

**THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 2, 2022 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER SUMMERS, SECONDED BY COMMISSIONER HADFIELD AND UNANIMOUSLY CARRIED.**

**ATTACHMENT NO. 1 - AGENDA**

**ADMINISTRATIVE REVIEW/REPORTS/FUTURE AGENDA ITEMS – COMMISSION**

**ARPA Broadband Grant- Commissioner Summers**

Commissioner Summers explained the state granted \$5.8 million dollars for broadband development, with matching funds from ARPA. This will benefit 2,230 residents, 70 businesses and farms. Governor Cox will be visiting Box Elder County for a ribbon cutting ceremony March 10th.

Chairman Scott expressed special thanks to Commissioner Summers, Brian Carver, and Lara Gale with BRAG for all their hard work and time to get this grant for the county.

**FORMER AGENDA ITEMS FOLLOW-UP – COMMISSIONERS**

There were no former agenda items discussed.

**EMERGENCY MANAGEMENT ISSUES**

**COVID-19 Update - Chairman Scott**

Chairman Scott reported the Health Department has discontinued monthly updates. Covid numbers are trending down and the omicron variant is burning itself out. He encouraged everyone to continue to be safe.

**ARPA**

**ARPA Applications - Chairman Scott**

Chairman Scott stated a number of applications for ARPA funding have been submitted. Some of the applications have been funded, and some need more information. A new application was submitted this week for the Book Mobile to provide reading material for assisted livings and nursing homes in the county.

**PUBLIC INTERESTS / PRESENTATIONS / CONCERNS**

***Request to use the County Grounds for 2022 Peach Days Festival - Monica Holdaway***

Executive Director of Box Elder Chamber of Commerce, Monica Holdaway, requested to use the county grounds for Peach Days. She said the plans remain the same as last year.

Commissioner Summers offered congratulations to Monica on working 20 years with the Chamber.

**MOTION:** Commissioner Hadfield made a motion to approve the use of the county grounds for Peach Days. The motion was seconded by Commissioner Summers and unanimously carried.

**Box Elder Run Strong Event - United Way of Northern Utah Heather Crockett**

Heather Crockett with United Way of Northern Utah requested to use the county grounds for the Box Elder Run Strong event which is scheduled for June 11, 2022. She said the event supports local non-profits.

**MOTION:** Commissioner Summers made a motion to approve the use of the county grounds on June 11, 2022 for the Box Elder Run Strong event. The motion was seconded by Commissioner Hadfield and unanimously carried.

**COMMUNITY DEVELOPMENT**

**Request for Payment from Corridor Preservation Fund for the Brigham City 400 South Project - Scott Lyons**

Community Development Director Scott Lyons stated project CPF 19-01 is for the Brigham City 400 South Acquisition Project. Brigham City has requested reimbursement in the amount of \$127,291.70 to close out the project. The project was approved in 2019, and has now been completed.

**MOTION:** Commissioner Hadfield made the motion to approve project CPF 19-01. The motion was seconded by Commissioner Summers and unanimously carried.

**8400 W Subdivision - 3-lot - Scott Lyons**

Community Development Director Scott Lyons presented the 8400 W Subdivision located at 8400 West 10087 North. Each lot is approximately one acre. The subdivision has been reviewed and approved by all necessary departments.

**MOTION:** Commissioner Summers made a motion to approve the 8400 W Subdivision. The motion was seconded by Commissioner Hadfield and unanimously carried.

**Braden Hancock Subdivision - Scott Lyons**

Community Development Director Scott Lyons explained the Braden Hancock Subdivision is a one-lot subdivision in West Corinne located at 1967 North 5600 West containing 6.53 acres. It has been reviewed and approved by all applicable departments.

**MOTION:** Commissioner Hadfield made a motion to approve the Braden Hancock Subdivision. The motion was seconded by Commissioner Summers and unanimously carried.

**Master Planned Community (MPC) Zone Text Amendment - Scott Lyons**

Community Development Director Scott Lyons reminded the Commissioners that last meeting there was a request to amend the MPC zone text. The applicant proposed to change to 50 acres instead of 100 acres and to have a serviced sewer system. The Planning Commission recommended denial.

Mike Bastian of Castle Creek Homes gave more information regarding his plans for development including that open space is already planned for 8.5 acres. The open space will include pickleball courts, five acres for playgrounds, and a large trail system. He said their foreplanning for sewer development and other issues will provide affordable homes for the county.

**MOTION:** Commissioner Summers made the motion to approve project Z21-023. Commissioner Hadfield seconded the motion and the motion carried unanimously.

An ordinance will be prepared for the zone change for the next commission meeting.

**SHERIFF'S OFFICE**

**Renew Forest Service Contract #22-06 with BESO - Sheriff Potter**

Chief Deputy Sheriff Dale Ward explained Contract #22-06 is a renewal to continue to patrol the Cache and Sawtooth National Forest.

**MOTION:** Commissioner Hadfield made a motion to approve Contract #22-06. The motion was seconded by Commissioner Summers and unanimously carried.

**ATTACHMENT NO. 2 - Contract #22-06**

**HUMAN RESOURCES**

**Updated Personnel Policy #8 - FLSA Exempt Employees Time Off - Jenica Stander**

Civil Deputy Attorney Anne Hansen presented the updates to Policy #8. She said it makes updates on how sick and vacation time is to be used for exempt employees. She explained they added a section for work after hours to ensure that employees are compensated in compliance with FLSA.

**MOTION:** Commissioner Summers made a motion to approve Policy #8. The motion was seconded by Commissioner Hadfield and unanimously carried.

**WARRANT REGISTER – COMMISSIONERS**

The Warrant Register was signed on a motion and the following claims were approved. Claim numbers 117258 through 117308 in the amount of \$363,783.60 and claim numbers 117206 through 117257 in the amount of \$662,843.18 with voided claim numbers 117210, 117252.

**PERSONNEL ACTIONS/VOLUNTEER ACTION FORMS – COMMISSIONERS**

<b><u>Employee Name</u></b>	<b><u>Department</u></b>	<b><u>PA Type</u></b>	<b><u>Effective Date:</u></b>
JOHNSON, NIKOLAS	4235 CORRECTIONS	STEP INCREASE	02/05/2022
FIELDING, RYAN	4236 COURT SECURITY	STEP INCREASE	01-01-2022
BRAEGGER, SHANE	4211 PATROL	DETECTIVE TO PATROL	01-31-2022
COLE, JUSTIN	4414 ROAD DEPT	PHONE ALLOWANCE	02-02-2022
GIBBS, RENO	FAIRGROUNDS	STEP INCREASE	01-31-2022
DEWEY, CHRIS	4414 ROAD DEPT	SEPERATION	02-22-2022

**CLOSED SESSION**

**Strategy session to discuss pending or reasonably imminent litigation and the discussion of 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 12:20 a motion was made by Commissioner Hadfield to move into a closed session. The motion was seconded by Commissioner Summers and unanimously carried.

**MOTION:** At 12:55 a motion was made by Summers to reconvene into a regular commission meeting. Commissioner Hadfield seconded the motion. The motion was 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 12:55 p.m.

**ADOPTED AND APPROVED** in regular session this 2nd day of March 2022.

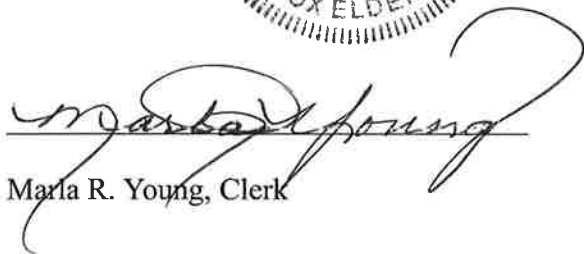
  
Jeff Scott, Chairman

  
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, February 16, 2022 at 11:30 AM**

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**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 February 16, 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: Commissioner Summers
- B. Pledge of Allegiance Given by: Fire Marshall Corey Barton
- C. Approve Minutes February 2, 2022

**3. ADMINISTRATIVE REVIEW / REPORTS / FUTURE AGENDA ITEMS**

**4. FORMER AGENDA ITEMS**

**5. EMERGENCY MANAGEMENT ISSUES**

**6. ARPA**

**7. PUBLIC INTERESTS / PRESENTATIONS / CONCERNS**

- A. 11:38 Request to use the County Grounds for 2022 Peach Days Festival-Monica Holdaway
- B. 11:43 Box Elder Run Strong Event-Heather Crocket

**8. COMMUNITY DEVELOPMENT**

- A. 11:48 Request for Payment from Corridor Preservation Fund for the Brigham City 400 South Project-Scott Lyons
- B. 11:50 8400 W Subdivision-3-lot-Scott Lyons
- C. 11:52 Braden Hancock Subdivision-Scott Lyons
- D. 11:54 Master Planned Community (MPC) Zone Text Amendment-Scott Lyons

**9. SHERIFF'S OFFICE**

- A. 11:56 Renew Forest Service Contract #22-06 with BESO-Sheriff Potter

**10. HUMAN RESOURCES**

- A. 12:01 Updated Personnel Policy # 8- FLSA Exempt Employees Time Off-Jenica Stander

**11. WARRANT REGISTER**

**12. PERSONNEL ACTIONS / VOLUNTEER ACTION FORMS / CELL PHONE ALLOWANCE**

**13. CLOSED SESSION**

**14. ADJOURNMENT**

Prepared and posted this 11th day of February, 2022. Mailed to the Box Elder News Journal and The Leader on the 11th of February, 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, appearing to read "Marla R. Young". The signature is fluid and cursive, with the first name "Marla" being more prominent than the last name "Young".

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.





This includes but is not limited to situations which are normally unanticipated, or which typically include very short notice, large group gatherings such as rock concerts, demonstrations, and organizational rendezvous.

## VI. BILLING FREQUENCY:

*See Cooperative Law Enforcement Agreement Provisions II-H and III-B for additional information.*

- A. The following is a breakdown of the total estimated costs associated with this Annual Operating Plan.

Category	Estimated Costs	Not to Exceed by %
Patrol Activities	\$6,000.00	
Training		
Equipment		
Special Enforcement Situations		
<b>Total</b>	<b>\$6,000.00</b>	

- B. Any remaining funding in this Annual Operating Plan may be carried forward to the next fiscal year and will be available to spend through the term of the Cooperative Law Enforcement Agreement, or de-obligated at the request of the U.S. Forest Service. *See Cooperative Law Enforcement Agreement Provision IV-D.*
- C. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this agreement.

In witness whereof, the parties hereto have executed this **FY 2022 Annual Operating Plan** as of the last date written below.

**Kevin Potter**

Digitally signed by Kevin Potter  
Date: 2022.02.08 16:22:51 -07'00'

KEVIN POTTER  
Sheriff  
Box Elder County Sheriff's Office

Date

2/9/2022

JEFF SCOTT  
County Commissioner  
Box Elder County

Date



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DAVID WHITTEKIEND  
Forest Supervisor  
USDA Forest Service  
Intermountain Region  
Uinta-Wasatch-Cache National Forest

Date

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SCOTT HARRIS  
Special Agent in Charge  
USDA Forest Service  
Intermountain Region

Date

The authority and format of this agreement have been reviewed and approved for signature.

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MARCI BODELL  
USDA Forest Service  
Grants Management Specialist

Date

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.



FS Agreement No. 21-LE-11041914-005  
Cooperator Agreement No. \_\_\_\_\_

## **MODIFICATION #001**

### **EXHIBIT A**

#### **COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN & FINANCIAL PLAN**

**Between  
BOX ELDER, COUNTY OF  
And the  
USDA, FOREST SERVICE  
INTERMOUNTAIN REGION  
UINTA-WASATCH-CACHE NATIONAL FOREST**

#### **FY 2022 ANNUAL OPERATING AND FINANCIAL PLAN**

This Annual Financial and Operating Plan (Annual Operating Plan), is hereby made and entered into by and between Box Elder, County of, hereinafter referred to as “the Cooperator,” and the USDA, Forest Service, Intermountain Region, Uinta-Wasatch-Cache National Forest, hereinafter referred to as the “USDA Forest Service,” under the provisions of Cooperative Law Enforcement Agreement #**21-LE-11041914-005** executed on **01 February 2021**. This Annual Operating Plan is made and agreed to as of the last date of signature and is for the estimated period ending September 30, 2025.

Previous Year Carry-over: \$6,000.00 (**Unbilled FY 2021 Amount as of 09/09/2021.**)

Current FY 2022 Year Obligation: \$6,000.00

**FY 2022 Total Annual Operating Plan: \$6,000.00**

#### **I. GENERAL:**

- A. The following individuals shall be the designated and alternate representative(s) of each party, so designated to make or receive requests for special enforcement activities.

#### **Principal Cooperator Contacts:**



<u><b>Cooperator Program Contact</b></u>	<u><b>Cooperator Administrative Contact</b></u>
Kevin Potter Sheriff Box Elder County Sheriff's Office 52 South 1000 West P.O. Box 888 Brigham City, Utah 84302-0888 Telephone: (435) 734-3818 FAX: (435) 695-2518 Email: <a href="mailto:kbpotter@boxeldercounty.org">kbpotter@boxeldercounty.org</a>	Cade Palmer Chief Deputy Box Elder County Sheriff's Office 52 South 1000 West P.O. Box 888 Brigham City, Utah 84302-0888 Telephone: (435) 734-3805 (office) (435) 279-7464 (cell) FAX: (435) 695-2518 Email: <a href="mailto:cpalmer@boxeldercounty.org">cpalmer@boxeldercounty.org</a>

**Principal U.S. Forest Service Contacts:**

<u><b>USDA Forest Service Program Manager Contact</b></u>	<u><b>USDA Forest Service Administrative Contact</b></u>
Tawny Myers Law Enforcement Officer USDA Forest Service Ogden Ranger District 507 25 <sup>th</sup> Street, Suite 103 Ogden, Utah 84401-2485 Telephone: (801) 625-5835 FAX: (801) 625-5914 Email: <a href="mailto:tawnylynn.myers@usda.gov">tawnylynn.myers@usda.gov</a>	Marci Bodell Grants Management Specialist USDA Forest Service Uinta-Wasatch-Cache National Forest 857 West South Jordan Parkway South Jordan, Utah 84095-8594 Telephone: (801) 999-2122 FAX: (801) 253-8118 Email: <a href="mailto:marci.bodell@usda.gov">marci.bodell@usda.gov</a>

- B. Reimbursement for all types of enforcement activities shall be at the following rates unless specifically stated otherwise:

\$0.00/mile patrolled

Per diem rate is \$0.00/day

Wages at the prevailing rate of **\$65.00/hour** that includes fringe benefits for the individual officer.

**Please send an invoice that displays actual expenditures to date of the invoice, displayed by separate costs elements, with documentation to support the number of hours worked along with patrol logs or other supporting information.**



## II. PATROL ACTIVITIES:

- A. Time schedules for patrols will be flexible to allow for emergencies, other priorities, and day-to-day needs of both Cooperator and the USDA Forest Service. Ample time will be spent in each area to make residents and visitors aware that law enforcement officers are in the vicinity.

Efforts will be made to schedule patrols according to the following priority: Holidays and Holiday weekends, Friday through Monday beginning Memorial Day Weekend. Weekends – Friday through Sunday from May 15 to September 30. Summer weekdays. Spring/Fall weekdays including deer hunt.

1. Patrol on following USDA Forest Service roads:

Patrol areas on the Uinta-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.

Patrol areas on the Sawtooth National Forest within Box Elder County with emphasis on Clear Creek and One Mile camping and recreation areas in the Raft River Division of the Forest

2. Patrol in the following campgrounds, developed sites, or dispersed areas:

All campground and developed sites, and dispersed areas in the Uinta-Wasatch-Cache and Sawtooth National Forest areas within Box Elder County.

**Total reimbursement for this category shall not exceed the amount of: \$6,000.00.**

## III. TRAINING:

*See Cooperative Law Enforcement Agreement Provision IV-K for additional information.*

**Total reimbursement for this category shall not exceed the amount of: \$0.00.**

## IV. EQUIPMENT:

*See Cooperative Law Enforcement Agreement Provisions IV-K, IV-L, and IV-M for additional information.*

**Total reimbursement for this category shall not exceed the amount of: \$0.00.**



## V. SPECIAL ENFORCEMENT SITUATIONS:

- A. Special Enforcement Situations include but are not limited to: Fire Emergencies, Drug Enforcement, and certain Group Gatherings.
- B. Funds available for special enforcement situations vary greatly from year to year and must be specifically requested and approved prior to any reimbursement being authorized. Requests for funds should be made to the USDA Forest Service designated representative listed in Item I-A of this Annual Operating Plan. The designated representative will then notify whether funds will be authorized for reimbursement. If funds are authorized, the parties will then jointly prepare a revised Annual Operating Plan.
  - 1. Drug Enforcement: This will be handled on a case-by-case basis. The request will normally come from the Patrol Captain; however, it may come from the Special Agent in Charge or their designated representative. Reimbursement shall be made at the rates specified in Section I-B. Deputies assigned to the incident will coordinate all of their activities with the designated officer in charge of the incident.
  - 2. Fire Emergency: During emergency fire suppression situations and upon request by the USDA Forest Service pursuant to an incident resource order, the Cooperator agrees to provide special services beyond those provided under Section II-A, within the Cooperator's resource capabilities, for the enforcement of State and local laws related to the protection of persons and their property. The Cooperator will be compensated at the rate specified in Section I-B; the USDA Forest Service will specify times and schedules. Upon concurrence of the local Patrol Captain or their designated representative, an official from the Incident Management Team managing the incident, Cooperator personnel assigned to an incident where meals are provided will be entitled to such meals.

Addendum A (attached) provides the specific information on the procedures and requirements for requesting Fire Reimbursements from the USDA Forest Service. Any questions or clarifications necessary concerning incident/fire emergencies should be directed to the Grants Management Specialist listed under the USDA Forest Service Administrative Contacts.

- 3. Group Gatherings: This includes but is not limited to situations which are normally unanticipated, or which typically include very short notices, large group gatherings such as rock concerts, demonstrations, and organization rendezvous. Upon authorization by a USDA Forest Service representative listed in Section I-A for requested services of this nature, reimbursement shall be made at the rates specified in Section I-B. Deputies assigned to this type of incident will normally coordinate their activities with the designated officer in charge of the incident.