

**MINUTES FOR REGULAR COMMISSION MEETING HELD JUNE 06, 2011
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,
UTAH**

Present

Commissioner Ronald Winterton acting as Chairman Pro Tem, Commissioner Kent R. Peatross, Deputy County Attorney Jonathan Stearmer, Deputy Clerk Auditor Leann Stewart, Deputy Clerk Auditor Connie Sweat, and Commission Assistant BobbiJo Casper taking minutes of the meeting.

Absent

Commission Chairman Kirk J. Wood.

Opening Comments

Commissioner Peatross said the prayer. There were no other comments.

Pledge Of Allegiance

Any wishing to participate.

Tax Deferrals – Treasurer’s Office

The commission reviewed the attached tax deferrals presented by Assistant Casper. *Commissioner Peatross motioned to approve the tax deferrals as recommended by the Treasurer’s Office. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of Payment Vouchers

The commission reviewed vouchers # 117947 through #117987 dated May31, 2011, in the amount of thirty nine thousand six hundred sixty one dollars and thirteen cents (\$39,661.13) as presented by Deputy Clerk Stewart. The commission also reviewed vouchers # 117988 through #118051 dated June 6, 2011, in the amount of two hundred sixty six thousand seven hundred eighty dollars and eighty one cents (\$266,780.81) as presented by Deputy Clerk Stewart. *Commissioner Peatross motioned to approve the vouchers as presented by Deputy Clerk Stewart. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Alison’s Pantry

Deputy Clerk Sweat stated that this is a catalog business where you can order groceries that will be delivered to your home. It’s a food storage company and sells groceries in bulk quantities. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Fat Skis

Deputy Clerk Sweat stated that this is an online sales business of skiing equipment. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Haulin Harvey, Inc.

Deputy Clerk Sweat stated that this is a trucking business and has a conditional use permit. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For MC Young Trucking LLC

Deputy Clerk Sweat stated that this is a trucking business that was owned by the late Paul Young. His son Mike Young now the business and wants to expand the trucking side of things. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Sigma Custom Knives

Deputy Clerk Sweat stated that this is a business that builds custom knives. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of A Business License Application For Tack Drivers

Deputy Clerk Sweat stated that this is a gun smith who will repair guns and will not be selling them. They have a conditional use permit. *Commissioner Peatross motioned to approve the business license application as presented. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of AGRC Contract

Attorney Stearmer stated that we discuss this last week with Surveyor Jerry Allred and GIS Director Stoney Monks. This is a grant to set monument markers around the county. *Commissioner Peatross motioned to approve the contract with AGRC. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of Hazmat Fees

Commissioner Winterton stated that this is to finalize a fee schedule in which the county will recoup costs dealing with hazmat. *Commissioner Peatross motioned to approve hazmat fees as recommended by Emergency Management Director Mike Lefler. Commissioner Peatross seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of Email

IS Department Head Jessica Purcell & IS Technician Kenyon Abbott joined the meeting at 1:24 P.M...

IS Head Purcell stated that the IS Department is currently maintaining four (4) servers for our current email through GroupWise. We are looking at going to an option where our email would be hosted where we would not have any in-house servers and would give us a lot more benefits. All of the updates would be automatic and would cost the county a lot less and have more features with no maintenance. There will be apps that will allow everyone to get their email through cell phones. This is through Google under Gmail. We will use a reseller who has the ability to migrate all of our current email into the new system called Cloud Sherpa's. Commissioner Peatross stated that after an in-depth discussion with the IS Department earlier in the commission working meeting, he feels that they have done their homework and he supports their recommendation to change. *Commissioner Peatross motioned to approve the signing of the agreement with Google to provide our new email services. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of Disclaimer Of Civil/Regulatory Authority, Cooperative Agreement For Mutual Assistance In Law Enforcement, And Cooperative Agreement To Refer Tribal Members Charged With Misdemeanor Offenses To Tribal Court For Prosecution

Attorney Stearmer stated that based off of this morning's discussion with County Attorney Stephen Foote and Sheriff Travis Mitchell, we are going to draft up a letter with some of the improved language that was discussed and send it to the Ute Indian Tribe. He sent an email to Mike Drexel to discuss recommendations from the discussion earlier. Commissioner Peatross stated that the commission is in favor of moving forward with these agreements, but doesn't feel they are ready for final approval; a letter of support will be written and approval of the agreements can be brought back to the table for approval at a later date.

Consideration Of Policy Regarding Recorder Fees

Commissioner Winterton stated that this is finalizing the fees for online services of compilation of plat data. The cost is seven hundred dollars (\$700.00) for the first year and an updating fee of two hundred dollars (\$200.00) per year. Attorney Stearmer stated that customers are getting something more because it can be layered onto other programs that the private end user has. *Commissioner Peatross motioned to approve the recommendation from the Recorder's Office of establishing a fee schedule of seven hundred dollars (\$700.00) upfront with a two hundred dollar annual update fee for services offered by the Recorder's Office for the compilation of plot maps and other information that is available online. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of Memorandum Of Understanding With The Bureau Of Land Management Regarding The New Oil Shale And Tar Sands Study

Commissioner Peatross stated that we had an in-depth review earlier in the commission working meeting with County/Community Planning Administrator Mike Hyde. *Commissioner Peatross motioned to authorize Chairman Wood to sign the MOU with the BLM to allow the county to have cooperation status on the new oil*

shale and tar sands study. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Consideration Of Interlocal Agreement For Animal Control Services With Roosevelt City

Commissioner Winterton stated that it has been brought to our attention that the contract has lapsed and this will bring us up to date and run through 2012. The amount is fifty thousand dollars (\$50,000.00) a year. Commissioner Peatross suggested adding a sentence in the contract stating that Roosevelt City will bill the county when payment is due, so that it doesn't fall through the cracks. *Commissioner Peatross motioned to approve the animal control contract with Roosevelt City with the changes requested. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.*

Consideration Of Ordinance No. 11-289, An Ordinance Adopting A Maximum Operating Capacity And Inmate Retention Guidelines For The Duchesne County Correctional Facility

Commissioner Winterton stated that Sheriff Mitchell attended our commission working meeting earlier and indicated that this would be a way to manage the occupancy of inmates at the jail that are assigned by the courts. Attorney Stearmer stated that he made the changes that were requested on holidays.

ORDINANCE NO. 11-289

**AN ORDINANCE ADOPTING A MAXIMUM OPERATING CAPACITY
AND INMATE RETENTION GUIDELINES
FOR THE DUCHESNE COUNTY CORRECTIONAL FACILITY**

WHEREAS, Duchesne County constructed a correctional facility (hereinafter "Facility") and has operated said Facility since 1997; and

WHEREAS, this Facility has a maximum operating capacity of 163 inmates; and

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

WHEREAS, the available bed space at the Facility must be monitored to ensure that adequate space is provided for all categories of inmates, including Pre-adjudication inmates, municipal inmates, county inmates, state inmates and federal inmates; and

WHEREAS, Duchesne County bonded for the purpose of constructing the Facility and now has an obligation to pay bond payments annually; and

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

WHEREAS, the County Commission and the Sheriff are obligated by U.C.A. 17-22-5.5(2) to "establish a maximum operating capacity for each jail facility under the sheriff's control, based on facility design and staffing."

NOW THEREFORE, The County Legislative Body of Duchesne County, acting on the recommendation of the Duchesne County Sheriff, ordains as follows:

SECTION I. Purpose. This ordinance recognizes that inmates serving time at the Facility fall into several categories and must be housed in the Facility. The purpose of this ordinance is to establish a maximum operating capacity for the Facility and to establish classification guidelines relating to each category of inmate to ensure that the needs of the community are met using the available space at the Facility and the resources available to the County. This ordinance supplements the Sheriff's written policies for admission of prisoners to the Facility and the classification of persons incarcerated therein. This ordinance takes into account the fact that the Facility was 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 both the State and Federal Government. The ordinance recognizes that the 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 Federal Government (BIA) and that compensation would be received from both of those entities to assist in funding the cost of constructing 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 in to account the revenues and costs associated with the operation of the Facility.

SECTION 2. Inmate Categories. The Facility houses inmates in the following categories:

- A. Prisoners incarcerated prior to adjudication on felony and misdemeanor charges.
- B. Inmates housed after adjudication on misdemeanor charges serving sentences imposed by City, County and State Courts.
- C. Inmates housed after adjudication on misdemeanor charges serving sentences imposed by City, County and State Courts, and granted the ability to serve weekend commitments.
- D. 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.
- E. Offenders who have been convicted of felonies, sentenced to the Utah State Prison and are being housed at the County Jail pursuant a contract with the Utah Department of Corrections.
- F. Federal pretrial inmates, probation violators and immigration inmates who are housed under contract with the United State Government.

SECTION 3. Category Limits. The Facility hereby allocates inmate bed space available to the various categories of inmates as follows:

- A. Pre-adjudication misdemeanor and felony prisoners - 30
- B. Sentenced misdemeanor offenders – 15
- C. Weekend Commitments - 3
- D. Felony condition of probation prisoners and parole/probation violators - 5
- E. State and Federal contract inmates – 110

Maximum operating capacity: 163

SECTION 4. Correctional Facility Discretion.

- A. Facility Administration is hereby given discretion to rotate inmates between categories A, B, and E, 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 Facility is given no discretion to increase the number of inmates housed in category C and shall not accept inmates in this category on the following holidays: New Year's Day (including the two days prior and after the holiday), Memorial Day (including two days before holiday), Fourth of July (including the two days prior and after the holiday), 24th of July (including the two days prior and after the holiday), Labor Day (including two days before holiday), Christmas (including the two days prior and after the holiday).
- C. The Facility is given no discretion to increase the number of inmates housed in category D. It has been determined by the Utah State Legislature that the County and the State will share in the cost of housing category D 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 3.D., Category Limits. The number of inmates listed in category D is equal to the amount of bed space Duchesne County can financially support using county funds and the funds allocated by the Utah State Legislature and appropriated through the legislative process.
- A. **Effective Date:** This ordinance shall become effective fifteen (15) days after its passage and upon proper publication in a newspaper published and having general circulation in Duchesne County. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

PASSED and APPROVED this 6th day of June, 2011.

DUCHESNE COUNTY:

Attest:

Diane Freston
County Clerk/Auditor

Kirk J. Wood
Commission Chairman

Kent R. Peatross
Commission Member

Ron Winterton
Commission Member

Commissioner Peatross motioned to approve Ordinance No. 11-289 as corrected. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Consideration Of Minutes For Working Commission Meeting Held May 23, 2011

Commissioner Peatross motioned to approve the minutes with the necessary corrections. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Consideration Of Minutes For Regular Commission Meeting Held May 23, 2011

Commissioner Peatross motioned to approve the minutes as presented. Commissioner Winterton seconded the motion. Both commissioners voted aye and the motion passed.

Adjournment

Commissioner Winterton adjourned the meeting at 1:53 P.M.

Read and approved this 13th day of June 2011.

Kirk J. Wood
Commission Chairman

Diane Freston
Clerk/Auditor

Minutes of meeting prepared by BobbiJo Casper _____