

Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held February 18, 2015 at the Courthouse Building, Price, Utah, commencing at 4:30 p.m.

Those present: Casey Hopes, Commission Chair  
Jae Potter, Commissioner  
Jake Mellor, Commissioner

Also present: Seth Oveson, Clerk/Auditor  
Lori Perez, Deputy Clerk  
Christian Bryner, Attorney  
Sandy Lehman, Commission Secretary  
Jeff Wood, Sheriff  
Cletis Steele, Deputy Sheriff  
Rose Barnes, HR  
Jason Llewelyn, Emergency Services  
Barry Horsley, IT  
Brad McCourt, Roads  
Kay Colosimo, Treasurer  
Julie Medley, Assessor

Clerk's Certificate of Compliance with Open Meeting Law was filed.

Commissioner Hopes welcomed everyone and led the Pledge of Allegiance. The meeting began at 4:35 p.m.

1) **Presentation of Retirement Plaque to Brad McCourt**

Rose commended Brad for his thirty-one years of service to the County and explained his employment history with the Road Department. A plaque was presented to Brad and he was thanked for all he has done for the County.

An open house for Brad will be held on February 27 from 12 to 2 at the Courthouse. Brad said this has been a good job for him and the people he works with are like family. Past Commissioner John Jones, thanked Brad for his years of service and discussed what Brad's job has entailed including clearing roads in the middle of the night.

2) **Approval of Cletis Steele as Chief Deputy Sheriff**

Christian read the statute stating the process for choosing a new Chief Deputy. This motion is to approve the sheriff's choice for Deputy Sheriff. Sheriff Wood introduced Cletis Steele and explained the work he has done in law enforcement at Adult Probation and Parole.

Cletis said he is excited to work with Sheriff Wood and is willing to serve the citizens of Carbon County.

Commissioner Potter made a motion to approve Cletis Steele as the new Chief Deputy Sheriff. Commissioner Mellor seconded. Motion carried.

3) **Approval of Minutes**

Commissioner Potter made a motion to approve the minutes from the January 21, 2015 Commission Meeting. Commissioner Mellor seconded. Motion carried.

Commissioner Potter made a motion to approve the minutes from the January 29, 2015 Special Commission Meeting. Commissioner Mellor seconded. Motion carried.

4) **Public hearing on petition to vacate a portion of a road (1290 West in Carbonville) and possible adoption of an ordinance vacating a portion of 1290 West**

Christian said typically when a road is vacated, the owners on either side get equal share of the property. In this case Axelgards own both properties and will take ownership of about 136 feet. The road being vacated does not go to any public areas and Planning and Zoning has approved. A public notice was published for four weeks in three different public places according to statute.

Commissioner Hopes opened the public hearing at 4:45 p.m. Seeing no action the public hearing was closed at 4:46 p.m.

Commissioner Mellor made a motion to approve Ordinance 462 vacating a portion of 1290 West in Carbonville. Commissioner Potter seconded. Motion carried.

5) **Appeal of interest on 2010 property tax – San Rafael Rehab, Jeff Ohlwiler**

Jeff Ohlwiler received a notice of failure to pay delinquent property tax from 2010. He researched his records and found that he had not paid the taxes in 2010 and on Monday he paid the tax and the penalty. He has paid all of the taxes up to that year and after that point. In researching the problem, the Treasurer's Office discovered that the tax notice was returned to their office by the U.S. Post Office as undeliverable even though the address has not changed. They attempted again to notify him with overdue postcards but these were also returned as undeliverable. Mr. Ohlwiler is appealing the interest due on the tax from 2010 to the present.

County Treasurer, Kay Colosimo, explained that the tax notification letter is a courtesy. Mr. Ohlwiler's address has not changed. The subsequent notices do state a delinquent amount due. The Treasurer explained that after five years of nonpayment of taxes, the property goes into public sale. Any notices returned are evaluated and re-sent if possible. The interest is not calculated until the taxes are paid but the penalty is applied because it is a set rate.

Commissioner Mellor asked how often the property owner is notified for nonpayment. Kay said a post card per parcel is sent out and then each year's notice states a delinquency. Kay did find the returned letter and post cards from 2010. What the Post Office does cannot be controlled but it is an interesting situation where the address has never changed and the taxes were paid before and after 2010.

The statute does not require any more than what was done. Commissioner Mellor asked what else could have been done. It was explained that disclosure notices are sent out in July and corrections are made to the tax roll. Both the Treasurers' and Clerk/Auditors offices work to clarify addresses from returned letters but not all errors can be corrected.

Commissioner Potter asked for the amount of interest owed. Jeff believes it is over \$1,000. Jeff realizes that this is his responsibility and that the notice was lost in the mail. By paying the previous and later years it shows that he is willing to pay his taxes.

Christian explained that Statute 59-2-1347 allows a deferral or adjustment of taxes levied against property. The discussion continued on what can be waived. Christian would like to research this further.

Commissioner Potter asked that this be tabled until the next Commission Meeting on March 4 and asked that Mr. Ohlwiler put his request in writing as require by statute. Commissioner Mellor seconded. Motion carried.

Kay said there are other delinquent tax payers from 2010. To be fair, everyone should have the same rights. Commissioner Potter agreed and the Commission does not want to set precedence for the future.

6) **Open sealed proposals for design of interpretive panels for wayside exhibits along Utah State Routes 31, 264 and 96 – Scenic Byways Committee**

Seth received six proposals – this is to acknowledge the proposals and the Byways Committee will make a recommendation.

- 1) Melanie Pierson - Conservation by Design - acknowledged
- 2) Sign Edge – acknowledged
- 3) Kimly Horne and Associates – acknowledged
- 4) Interpretive Graphics – acknowledged
- 5) Milen Advertising Design – acknowledged
- 6) Wilderness Graphic Inks – received past the deadline and not opened

Commissioner Potter made a motion to acknowledge the proposals received and forward them to the Scenic Byway Committee for review. Commissioner Mellor seconded. Motion carried.

7) **Review and possible approval of Assignment Order with Jones & DeMille Engineering for conceptual feasibility stud for oil pipeline project**

Commissioner Potter explained that Jones and DeMille has been working with the County in preparing applications for initial feasibility work for the pipeline planned from Duchesne County to Carbon County.

Brian Barton from Jones and DeMille said it is prudent to do a conceptual feasibility analysis to make sure the project meets various aspects in construction, environment, technical, marketing and other components. It gives the County the basic answers for determining whether to begin detailed analysis and design.

Christian said the County has a general service contract with Jones and DeMille. We are not required to use them but we have a contract in place which allows us to create this assignment order. Christian has reviewed the assignment order and feels it is okay. It looks comprehensive and sets aside the estimated costs.

Commissioner Potter said we are already in the process and have filed applications for right of ways for this project. They will use the best corridors and preserve the sensitive areas.

Commissioner Potter made a motion to accept the assignment order and set aside \$50,000 to start the project and then assess it as it goes along. It would be paid with traditional monthly progress billings. Commissioner Mellor seconded. Motion carried.

8) **Award of contract(s) for FF&E in new County Administration Building**

Commissioner Hopes explained that two bids were received: one for just the chairs and one for all the other furnishings. These were opened in a public meeting held on February 10th. The FF&E Committee has reviewed the bids.

Henriksen Butler Design Group	\$719,526.37	for furnishings (minus the chairs) and one change order.
Office Etc	\$110,623.21.	bid for chairs

Christian asked if both companies were aware of the completion date and will the furniture be in the building on time. Commissioner Potter said this was discussed and should be good. The estimated completion date given is May 15. This should be reachable as long as they have a signed purchase order this week.

Commissioner Potter made a motion to accept the bids from Henriksen Bulter for the furnishings and Office Etc. for the chairs subject to signing the purchase orders. Commissioner Mellor seconded. Motion carried.

9) **Review and Approval of Departmental Reports**

Commissioner Potter made a motion to adjourn. Commissioner Mellor seconded. Motion carried.

Meeting adjourned at 5:22 p.m.

  
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Casey Hopes, Chairman



ATTEST:

  
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Seth Oveson, County Clerk/Auditor

