

Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held May 20, 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
Sandy Lehman, Commission Secretary
Jeff Wood, Sheriff
Christian Bryner, Attorney
Rose Barnes, HR
Carl Schade, Roads
Daniel Campbell, Roads Supervisor
Dave Levanger, Planning & Zoning
Nicole Steele, Workforce Services
Rex Sacco, Federal Lands

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: 30 p.m.

Commissioner Hopes asked that agenda Item 10 be addressed before agenda Item 9. Commissioner Potter made a motion to change the order. Commissioner Mellor seconded. Motion carried.

1) **Approval of Minutes**

Commissioner Potter made a motion to approve the minutes from the April 13 Work Meeting. Commissioner Mellor seconded. Motion carried.

Commissioner Potter made one correction to the April 15 Commission Meeting. On the third page, paragraph nine, change the word "burden" to "bear". Commissioner Mellor made a motion to approve the minutes with the change. Commissioner Potter abstained, he was not in attendance. Commissioner Hopes stepped down and seconded. Motion carried.

2) **Presentation of Retirement Plaque to Carl Schade**

Carl Schade was presented with a retirement plaque for his forty-one years of service to the County. He began working for the County in 1973. The Road Department Supervisor, Daniel Campbell has worked with Carl for fifteen years and said Carl never complains, has worked in adverse conditions and will be missed by the County. The Commissioners and Rose Barnes expressed their appreciation for everything Carl has done.

3) **Carbon County Employee of the Month Recognition – Rose Barnes**

Deputy Rory Bradly was recognized as the employee of the month. Sheriff Wood said Rory was nominated because of his recent detective work on a high profile case. He has brought a high level of performance to the job.

4) **Present Foster Mother of the Year – Kobe Prettyman**

Kobe Prettyman said May is National Foster Care Month and she presented Jona Jackson as Foster Mother of the Year. Jona and Rodney Jackson have been foster parents for five years. They provide stability and an excellent level of care for the foster children in their care and allow them to maintain connection with biological parents. Kobe said there is a great need in our community for foster parents.

5) **Open sealed bids for hauling of asphalt – Co. Road Dept.**

Two identical bids were received from Basin Western Inc. Their first bid missed the last deadline.

The most current bid from Basin Western Inc. \$37.64 per ton

Commissioner Potter made a motion to send the bid to the Road Department and have Daniel Campbell make a final recommendation. Commissioner Mellor seconded. Motion carried.

6) **Open sealed bids for UTV for Sheriff's Search & Rescue**

Commissioner Hopes explained that this funding is not out of the sheriff's budget but comes from separate monies raised by Search and Rescue.

Two bids were received:

Rocky Mountain ATV	\$16,915	Kawasaki
Tony Basso RV and ATV	\$15,200	Polaris

Commissioner Potter made a motion to acknowledge the bids received and refer them to the Sheriff's office for a final recommendation. Commissioner Mellor seconded. Motion carried.

7) **Open sealed Statements of Qualifications for Airport Planning Services**

Two statements of qualifications were received both were complete proposals:

Airport Development Group
Aviation

Commissioner Potter explained that this is in regards to the master plan and needs to be done each year in order to be in compliance with the FFA. Commissioner Potter made a motion to acknowledge the proposals and have the Commissioners and Curtis review them and place it on the agenda for the June 3rd Commission Meeting. Commissioner Mellor seconded. Motion carried.

8) **Public Hearing to consider and possibly approve a recommendation from the Carbon County Planning Commission for an amendment of the Feichko Subdivision No. 1 Plat, Lot 12 for Marilyn Brady**

Dave Levanger showed the Commissioners a plat and description of the Feichko Subdivision #1. This Subdivision was approved in 1979. The request involves a 10 acre lot. Mrs. Brady wants to divide her 2 ½ acre lot where her home sits from the rest of the subdivision. The lot is bisected by a County road and canal. The original approved road had a 40 foot wide right of way, we now require 50 feet. Dave recommends adding the additional ten feet which means they would have to move the property line to the north. All legal requirements have been followed. Dave explained that Mrs. Brady lives in Idaho and will sell the rest of the land as agricultural to the neighbor. Christian Bryner recommends the additional ten feet as well.

The public hearing was opened at 4:53 p.m.

Zane Nelson said the current road is not a full fledged two lane road; he owns the property just up from it. He wanted to clarify where the ten feet was being requested. Dave further explained and Zane was okay with the changes. The change would affect the property he is buying and a fence line.

The public hearing closed at 4:56 p.m.

Commissioner Potter asked about the division of the lot for the Brady's request and if the property owners had been involved in the decision. Dave said Mrs. Brady is making the decisions but asked Dave to handle it and Mr. Nelson is acting as her agent. This is amendment #4 to this plat.

Commissioner Mellor made a motion to approve the amendment to the Feichko Subdivision No. 1 Plat, Lot 12 including the ten feet addition to the road on the map, Commissioner Potter seconded. Motion carried.

9) **Discussion in consideration of Local Transit Tax Option – Seth Oveson**

Seth explained House Bill 362, concerning Transportation Infrastructure which increased fuel tax. Part of the bill includes the option of a local sales tax of ¼ of a cent specifically for transportation. This is county wide sales tax and would need to be added in a general election cycle as a ballot initiative. This won't affect the price at the pump because it is a general sales tax increase and excludes all food items. Seth explained the breakout.

The analysis shows it would generate approximately \$354,000 with \$90,000 going to the County, \$14,000 to East Carbon, \$26,000 to Helper, \$197,000 to Price, \$400 to Scofield, \$4,000 to Sunnyside, and \$22,000 to Wellington. This is assuming that all of the counties in the State adopt it. The tax is totaled together and then split out based on point of sale and population. Purchases along the Wasatch Front would generate more funds for rural Utah.

Christian asked if the money would be held in a separate fund or dedicated for transportation or to go into the general budget. Seth said it would be very similar to B & C Road monies that the cities receive now for transportation. It is stipulated that this money would supplement original budgets for roads and not be a replacement.

Commissioner Potter said B & C Roads do not have the funds for maintenance. We need to take into consideration how valuable Ridge Road is and how it benefits multiple counties. It is a high use road that needs to be maintained. We do not want to be the only county who implements the tax, we would only benefit if most of the counties in the State approve the tax. We would want to be cautious.

Commissioner Hopes has talked with local Mayors, UAC who is working with the Utah League of Cities and Towns with concerns on when, if and how to implement the tax. Along with the right to not implement it if Carbon County votes it in but a large county doesn't because it doesn't make sense. Carbon County has the lowest sales tax rate in the State.

Commissioner Hopes said this is a sales tax increase and has been specified for use on road improvement and maintenance of roads. Commissioner Potter said we need to start having discussions about this in other affiliations. The cost and expense of putting it on a ballot needs to be evaluated to see if it is worth it. We need help getting the word out. The general public would have the final voice in the general election.

Warren Benson asked how the Commissioners want responses back concerning this from groups or clubs. Commissioner Potter said by letters, emails or phone. The Commissioners could come and talk to various groups. The Chamber of Commerce and others may help promote it.

10) Approval of Worksite Learning Agreements with State of Utah Div. of Workforce Services – Nicole Steele

Nicole Steele said this is their annual visit to discuss the agreements. The first is an unpaid agreement that allows for clients to receive benefits at a worksite learning center.

Christian said Workforce Services provides Workman's Comp for this program and works through Rose Barnes for background checks.

The second one is a paid agreement which has not been used recently but Nicole wants it on file just in case. This is for a youth program that reimburses 100% of wages. For this program the County does provide Worker Compensation.

Commissioner Potter made a motion to approve both contracts. Commissioner Mellor seconded. Motion carried.

11) Request for donation for the Black Diamond Legends Pro Rodeo

Lisa Peirce and Chairman Bob Hopes asked for sponsorship of the Black Diamond Pro Rodeo. They have raised \$25,000 dollars. Corporate sponsors have stepped up. They need all the help they can get.

The major sponsors are Wrangler, Justin Boots and Coors. There will be a beer garden and the license has been approved.

Lisa and Bob said they are trying to raise \$40,000. They are doing the concession themselves and hope that ticket sells net \$18,000.

Commissioner Hopes would like the rodeo to grow and get better each year. The County is willing to waive fees and provide the facility. The Black Diamond Rodeo committee is asking for \$5,000 in support from the County. Commissioner Hopes will abstain from the request because of family involvement.

Commissioner Potter would like them to apply for advertising dollars through the Office of Tourism. He would like to see the event become self-sufficient.

The County has waived fees for the arena, ambulance and cleaning. Commissioner Hopes asked what happens if the ticket sales are less than expected. The company providing the stock still wants to move forward. Previous years have never had less attendance. This Committee is committed to the event.

Commissioner Potter made a motion to provide \$2,500 in funding in addition to the fees waived for the arena, ambulance and clean up. He would like the money used for outside area advertisement. Commissioner Mellor seconded. Motion carried. Commissioner Hopes abstained.

12) Request to turn Spring Glen Cemetery over to County – Mark Morley

Mark Morley introduced his Scouts, Nathan and Riley, who are working on their Citizenship in the Community merit badge.

Mr. Morley explained that the LDS church inherited the Spring Glen Cemetery which includes a right-of-way to Tom Mathew's property. He would like the County to take it over and give a right of way to Tom.

There is not a group to take ownership. There is a non-profit group in Spring Glen that helps maintain the cemetery and a group from the LDS church does service projects. The people buried in the cemetery are varied and not all LDS. They want to make sure that the cemetery will be maintained.

The cemetery is dirt, so there is no watering or mowing required. The County has sprayed the weeds and put down roto-mill.

Commissioner Potter said there are other cemeteries in the County that are hard to maintain. Tom already maintains the road because it goes to his house. It does need to be surveyed in order to identify the right of way. Tom said part of his property is in the cemetery and part of the cemetery is on his property. He would like to get this straightened out as well.

Commissioner Potter said if it's something the County is interested in then we are willing to work out the boundaries and who and when to spray for weeds. We could have further discussion concerning this in a work meeting and then bring it back to a Commission Meeting. Tom explained that the oldest veteran in the County is buried in this cemetery. There are twenty four unmarked graves in the cemetery and it is closed to future burials.

Commissioner Potter proposed that all of the information be gathered and a work meeting be scheduled.

Tom asked that the road remain common so that it doesn't shut either party out. Commissioner Potter asked that the information be given to him and he will schedule the work meeting.

13) Discussion concerning Barrel Racing Event and Indoor Arena at County Fairgrounds – Kathy D'Ambrosio

Kathy said they are bringing the National Barrel Races to Price on Friday, Saturday and Sunday and are scheduling other races because of our central location. The event would include Utah and the surrounding States. These events would be good for the local economy and have the support of local businesses. They are asking for sponsorship.

Commissioner Potter said he wants it to be successful. They need to make sure that the Fairgrounds personal have all the information they need. The last event held went off without a hitch. He would like to see their budget and what they are in need of.

Kathy is also interested in developing an indoor facility and asked if there is land available. This would allow for other events to be brought in. Commissioner Potter asked that she talk to other indoor arenas and see what their operating costs are. Grants are available to build buildings but the real cost is running and maintaining them.

Kathy said attendance for the Barrel Race is expected to be 100 plus families. It is a free event. Entrants pay a fee and membership dues. That is how they establish the purses.

Commissioner Mellor asked what the requested money would be used for. Kathy said possibly for prizes. The advertisement is done by the announcers. Kathy gave the event information the Commission Secretary.

This item was tabled to the next Commission Meeting.

14) Review and possible approval of a Real Property License Agreement with the United States for use of County property for U.S. Army training exercise July 24 through August 5

Christian said this is an agreement with the Army to do training on County owned Property from July 24 to Aug. 5, 2015. Exhibit A lists the areas they would like to use and includes the old courthouse building, the airport, the fire training tower and shooting range.

Seth said the Planning and Zoning Building is going to be occupied by the Sheriff's Department as soon as possible. It is not available to the Army.

This building would be used as a meeting area. They would be kept out of locked areas. The commander will accept any conditions we want to include.

Commissioner Potter made the motion to approve the agreement with the removal of the Planning and Zoning building and with the understanding that some areas in this building will not be accessible.

Commissioner Mellor seconded. Motion carried.

15) Discussion regarding possibility of creating four new special service districts – Jake Mellor

Commissioner Mellor presented his idea to create new special service districts with a power point presentation. He discussed the various reasons for special service districts and how other counties in the State use their special service districts. The counties he studied were Uintah, Sevier, Emery, Sanpete and San Juan.

Jake would like to create four new districts divided between transportation, recreation, public safety and impact mitigation.

The benefits would be:

An increase of human hours spent on projects

Narrow the focus of each board

Involve City participation and give them a voice

Each special service district could pursue funding options and specialize in one area

It would increase community involvement

Jake discussed each area:

A Transportation SSD would have a non-voting commission member on its board. He showed a proposed map of boundary lines.

A Public Safety SSD would have a representative from each city in the county and would benefit sheriff, fire and safety departments. Jason and Jeff commented that the current board functions well. The cities did opt out of this district but if they were included it would give accountability back to those cities. Jeff does like that it is a collaborative system so that all are on the same page and could save money.

Recreation SSD would have a seven member board appointed by the Commission and would include a non-voting member from the Commission.

Impact mitigation SSD would benefit other projects that do not fit the other categories. It would consist of a five member board appointed by the Commission.

Jake explained why he thinks this would be important and empowering to the community. To accomplish this would involve a resolution of intent, a public hearing, protest period and a final resolution with changes.

Commissioner Hopes had questions concerning the boards and who will fund these if the mineral money does not continue. A stable source of money is needed that will allow the facilities to continue.

The discussion continued including levying a tax if needed, Rec and Trans current budget, Tooele Counties rec center and not having enough money to operate, what happens if the mineral lease money dries up and bonding authority.

Commissioner Potter made a motion to delay this discussion until the other agenda items are taken care of and return to this at the end of the meeting. Commissioner Mellor seconded. Motion carried.

This item was returned to after agenda items 16-23 were taken care of.

Commissioner Potter explained the funding mechanisms. Carbon County's mineral tax money received was 6 million a year, Uintah receives 18 million. That is a huge difference for funding programs and operating facilities. Commissioner Potter has done research on recreation facilities and unless they are a joint project with a college or city they do not run in the black.

In comparing with Sanpete County there is a big difference in the ratios. Carbon County has produced much more mineral money. We can't compare to them because they are nearly a non-mineral producing county. SRS money has to be received in a manner that doesn't conflict with PILT. Further discussion is needed.

Commissioner Potter is not opposed to looking at this but Commissioner Mellor's presentation does not answer all of the questions. Our future looks very bright with coal other minerals, coal is not dead, and these kinds of changes are wonderful opportunities to move forward.

Christian said you cannot limit the power to tax and bond and doesn't think that anyone is authorized to limit those powers in the creation of a special service district. They must have the power to tax, buy property and bond. Commissioner Hopes asked who allows them to impose more taxes. Christian will do further research on this.

John Schindler commented on the challenges of cities providing fire coverage in the County. He applauded the Commissioners willingness to address these issues and all of the options.

David Paar asked if the boards are lifetime positions and appointing boards should include women. Commissioner Potter said that when a board is being filled, no one often applies and people have to be asked to serve. Commissioner Potter would want to have diversity on each board.

16) Review and possible amendment of OHV County Map pursuant to Ordinance No. 454 to include more County Public Roads and Trails – R. Sacco

This ordinance can be amended to add or remove roads or trails. Rex has talked to Dale Stapley with UDOT who is aware of any crossings on highways. They need to put in a cattle guard in one place and it has been taken off until it can be completed. This amendment gives access to trails in Emery County and other places.

Commissioner Potter made a motion to approve the changes on the map which includes more trails. Commissioner Mellor seconded.

Christian said the original ordinance does not list the names of the roads. He asked that in the future there be a list of roads and dates when added. Rex asked if the ordinance needs to be amended to include the names of the roads. Christian would need to research this. Rex said they would have to go back to the survey in order to identify each road.

Motion carried.

17) Review and possible approval of Memorandum of Understanding with the BLM for Cooperating Agency Status for a Travel and Transportation Management Plan

Christian has reviewed this and recommends that it be accepted without any changes. Commissioner Potter made a motion to approve the MOU with the BLM, Commissioner Mellor seconded. Motion carried.

18) Consideration of Property Tax Exemption – Seth Oveson

Commissioner Potter made motion to table this for now since the property has been redeemed. Commissioner Mellor seconded. Motion carried.

19) Review and approval of License for Use of Real Property to USU for the purpose of allowing USU to take control of and have access to NOAA Weather Stations at Carbon County Airport

Christian said the license does stipulate that the County be informed of when and who is accessing the weather station at the airport. With this change Christian does recommend the license.

Commissioner Potter made a motion to approve the License of use to USU Eastern with Christian's changes. Commissioner Mellor seconded. Motion carried.

20) Ratify Approval and signing of Memorandum of Understanding between Carbon County and Carbon School District – C. Bryner

Christian said Carbon School District provides this education service to the jail for free. Sheriff Wood said it is a very good program. The MOU has already been signed; it needs to be ratified today.

Commissioner Mellor made a motion to ratify the Memorandum of Understanding with Carbon School District for providing education programs to the jail. Commissioner Potter seconded. Motion carried.

21) Approval of Sheriff's Office Policy for Mandatory Wear of Bullet Proof Vests for deputies – J. Wood

Sheriff Wood said bullet proof vests have been obtained for everyone on the force. They will be replaced on a rotating basis. Sheriff Wood wants the vests worn by the officers and not sitting in the back of patrol cars. Commissioner Potter said they would need to change this within their own department policy.

After further discussion it was decided that the Sheriff can add this to his policy. The Commission thanked him for his concern of our officers. Safety has to come first.

22) Approval of Easter Seals Host Agency Agreement

Connie Wilcox said Easter Seals is funded by the Department of Labor which places 55 and older in host agencies. She is asking that the County again be a host agency. This is signed annually and puts people in training for 18 hours a week at \$7.20 an hour with supervision. Individuals can be in the program for 24 months.

Commissioner Potter made a motion to approve the agreement with Easter Seals. Commissioner Mellor seconded. Motion carried.

23) **Review and possible approval of amendments to the Carbon County Policies and Procedures manual – R. Barnes**

In the recent legislative session the Antidiscrimination Act was amended concerning gender identity and the expression of religion. The County policy and procedure manual also needs to be amended as well.

Commissioner Potter made a motion to approve and amend the County policy to follow State stature. Commissioner Mellor seconded. Motion carried.

24) **Possible closed session to discuss ongoing or potential litigation, the sale or purchase of real property, or the character, professional competence, or physical or mental health of an individual (U.C.A. §52-4-201).**

Commissioner Potter made a motion to go into closed session. Commissioner Mellor seconded. Motion carried.

Commissioner Potter made a motion to return to regular session, Commissioner Mellor seconded. Motion carried.

Commissioner Potter made a motion that the Sheriff and Clerk's offices work out the differences in the employment policy overpayment as per the discussion. Commissioner Mellor seconded. Motion carried.

25) **Review and approval of Department Reports**

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

Meeting adjourned at 7:55 p.m.

ATTEST:


Seth Oveson, County Clerk/Auditor



