

Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held September 16, 2015 at the Courthouse Building, Price, Utah, commencing at 4:30 p.m.

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

Also present: Seth Oveson, Clerk/Auditor
Lori Perez, Deputy Clerk
Sandy Lehman, Commission Secretary
Jeff Wood, Sheriff
Christian Bryner, Attorney
Rose Barnes, HR
Howard Jennings, Road Shop
Pat Vigil, Weed & Mosquito Abatement
Curtis Page, County Engineer

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

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

1) **Presentation of Retirement Plaques to Howard Jennings and Pat Vigil**

Howard Jennings has worked for the County for 25 ½ years and Pat Vigil for 28 years. They were presented with retirement plaques and commended and thanked for their years of service to Carbon County. The Commissioners expressed their appreciation for these dedicated employees.

Commissioner Potter made a motion to convene as the Municipal Building Authority. Commissioner Hopes seconded. Motion carried.

Convene as Carbon County Municipal Building Authority

A) Open Sealed Bids for construction of Nine Mile Canyon Road Improvement Phase II Salt Shed Project

Curtis Page explained that the previous bids were withdrawn and the project split out because of funding issues. The Salt Shed has now been advertised as a standalone project. Later on the Cottonwood Bridge replacement project will be advertised the same way.

Seth and Curtis opened the bids:

Nelco	\$376,198.00	Addendum #1 acknowledged and the bid bond was present
Perco Rock	\$348,687.00	Addendum #1 acknowledged and the bid bond was present
Nielson Construction	\$333,176.55	Addendum #1 acknowledged and the bid bond was present
Renegade Industrial	\$301,965.20	Addendum #1 acknowledged and the bid bond was present
BHI	\$392,627.70	Addendum #1 acknowledged and the bid bond was present
Vancon Inc.	\$390,990.88	Addendum #1 acknowledged and the bid bond was present

Commissioner Mellor recognized all of the bids noting that Renegade Industrial is the apparent low bidder.

Commissioner Potter made a motion to acknowledge the bids and send them to Engineering for review prior to awarding the contract. Commissioner Hopes seconded. Motion carried.

Commissioner Hopes made a motion to adjourn from the Carbon County Municipal Building Authority and reconvene as the Carbon County Board of Commissioners. Commissioner Potter seconded. Motion carried.

Adjourn as Carbon County Municipal Building Authority – Reconvene as Carbon County Board of Commissioners

2) **Approval of Minutes**

Commissioner Hopes made a motion to approve the minutes from the September 2, 2015 Commission Meeting. Commissioner Potter seconded. Motion carried.

3) **Open Sealed Bids for construction of Westwood Detention Basin**

Curtis Page explained that we have needed a detention basin to mitigate increased runoff due to development in the Westwood neighborhood. Parts of Westwood developed before detention basins were required. This detention basin is designed to allow nuisance water flows to pass through without ponding but in a major event it will fill up the basin allowing for percolation and then return to pass through flow. Because of this there should not be any mosquito issues. This is a good project for the County.

Seth and Curtis opened the bids:

Nielson Construction	\$104,129.15	Addendum #1 acknowledged and bid bond was present
Nelco	\$ 90,797.00	Addendum #1 acknowledged and bid bond was present
Renegade Industries	\$ 90,740.74	Addendum #1 acknowledged and bid bond was present

Commissioner Potter made a motion to acknowledge the bids noting Renegade Industries as the apparent low bidder. These bids will be sent to Engineering for review. Commissioner Hopes seconded. Motion carried.

4) **Discussion concerning Tourism – Harvey Howard, Desert Thunder Raceway**

Commissioner Potter made a motion to table this item; Harvey Howard was unable to attend. Commissioner Hopes seconded. Motion carried.

5) **Discussion and possible approval of a motion to direct County Attorney's office to prepare ordinance allowing for night hunting of predators by spotlight pursuant to U.C.A. Section 23-13-17 – Casey Hopes**

Commissioner Hopes explained that the State allows each County the option to allow night hunting of predators or not. Commissioner Hopes has met with Sheriff Wood and they have reviewed Emery County's ordinance. Our ordinance could include various stipulations including a limit of applicants per month, allowing a certain number of hunters per night and the hunter would need to call the Sheriff's office each night when they would like to hunt and call back in when they are done for the night.

Christian said Rex Sacco has received feedback from the agricultural community who would like to be involved in writing the ordinance. Christian clarified that the State statute specifically allows for the hunting of specific nuisance predators by spotlight which are coyotes, skunks and red fox. Other stipulations to be included would be not to allow hunting within five miles of any residence and no high powered rifles only shot guns could be used. Sheriff Wood explained that you can restrict certain areas and times of the year depending on cattle grazing areas. His office is willing to regulate this type of ordinance.

Commissioner Hopes made a motion to have County Attorney Christian Bryner draft an ordinance to allow for predator hunting by spotlight at night in the County, to be presented to the Commission for consideration. Commissioner Potter seconded. Motion carried.

6) **Consideration and possible approval of a motion to sponsor a request for proposals for a feasibility study for a new recreation/sports facility – Casey Hopes**

Commissioner Hopes said a group of people are interested in building a new recreation facility in the community. They are not asking for any money but are asking that the County be a sponsoring entity for requests for proposals for the project. The proposals would be opened in Commission meeting and turned back to their committee for review. At that point the committee could ask for money for a feasibility study.

Commissioner Potter asked that by being the sponsoring entity would we need to also sponsor the RFQ or RFP process.

Christian said the County would write up the public notice requesting proposals, the Commission would open those proposals in a public meeting and then pass them to their committee for review. The committee would look at the proposals and decide how to find funding for a feasibility study. It would not commit the County to pay for the feasibility study only to sponsor soliciting the proposals.

Commissioner Mellor said we would be facilitating the process. Seth explained it would make sense that the County would be the sponsoring entity for the feasibility study so that we could make sure that it is complete

enough for bonding. It is better that we get some input up front so that we can make sure it is complete and doesn't have to be redone later.

Commissioner Potter made a motion to put out requests for proposals and allow the County to be the sponsor. Commissioner Hopes seconded. Motion carried.

7) **Consideration and possible approval of consultant and professional services agreement with Jviation for the Carbon county Airport Master Plan – Tami Ursenbach**

Christian explained that this is a professional services agreement for the preparing of the airport master plan update. He has reviewed the consultant agreement and it is satisfactory.

Commissioner Potter explained the process involved in choosing Jviation as the consultant.

Commissioner Potter made a motion to enter into an agreement for the professional consultant services with Jviation in regards to the master planning at the airport. Commissioner Hopes seconded. Motion carried.

8) **Consideration and possible approval of joinder in a Data Quality Act Challenge to the Fish and Wildlife Service Conservation Objectives Team Report and related matters**

Christian said Rex Sacco brought this to his attention. This challenge was initiated by the Western Energy Alliance and concerns the reliance of the Fish and Wildlife service on certain reports regarding greater sage grouse and how the data was gathered and used to determine the density of lek habitat. This is an opportunity for us to challenge these reports. Duchesne County and several other counties in Nevada and Montana have already joined this challenge.

Christian explained that the legal team is in place and are asking for \$5,000 for litigation to support the challenge. This is an opportunity for Carbon County to properly address the greater sage grouse problems and concerns and that correct and proper data needs to be reliable. This will affect any decisions made by the Federal Government concerning the greater sage grouse. Christian said the documents look good and he and Rex Sacco recommend getting involved.

Commissioner Potter explained the issue concerning sage grouse and the drilling of natural gas. The BLM and the wildlife interests are overreaching their power and creating rules with falsified data. This can be devastating to the economy and industry. This is one more maneuver to end carbon based productions and Commissioner Potter is supportive of this joinder agreement.

Commissioner Potter made a motion to join the Data Quality Act Challenge and fund the requested \$5,000. Commissioner Hopes asked if this funding was available in the budget. Seth said it was. Commissioner Hopes seconded. Motion carried.

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

Meeting adjourned at 5:05 p.m.

ATTEST:


Seth Oveson, County Clerk/Auditor



