

Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held October 20, 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
Daniel Campbell, Road Dept.
Curtis Page, Engineer
Shelley Wright, CJC
Karen Dolan, Mental Health
Barry Horsley, IT

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

Commissioner Mellor welcomed everyone and had Scout Troop 297 lead the Pledge of Allegiance. The meeting began at 4:34 p.m.

1) **Approval of Minutes**

Commissioner Hopes made a motion to approve the Sept. 16, 2015 Work Meeting minutes. Commissioner Potter seconded. Motion carried.

2) **Open sealed Bids for Compact Track Loader – County Road Dept.**

Daniel Campbell, Road Department Supervisor, assisted Seth in opening the bids:

Century Equipment Company, Springville Utah	\$50,400.00 with trade in value
Wheeler Cat	\$42,569.57
Peak JCB, West Valley City	\$55,125.12
Honnen Equipment Bid #1	\$62,500.00 (Model 329 E)
Honnen Equipment Bid #2	\$55,750.00 (Model 323 E)

Commissioner Hopes made a motion to acknowledge the bids and turn them over to Daniel Campbell for review and bring back a recommendation. Commissioner Potter seconded. Motion carried. Wheeler Cat was recognized as the low bid.

3) **Convene as Carbon County Municipal Building Authority**

Commissioner Potter made a motion to convene as the Carbon County Municipal Board, Commissioner Hopes seconded. Motion carried.

A. *Open sealed bids for construction of Nine Mile Canyon Road Improvement Phase II Cottonwood Bridge project.*

Curtis Page, County Engineer, assistant Seth in opening the bids:

Nielson Construction	Acknowledged addendums 1 & 2, bid bond present	\$1,355,104.11
Dry Creek Structural	Acknowledged addendums 1 & 2, bid bond present	\$1,360,213.00
Gerber Construction	Acknowledged addendums 1 & 2, bid bond present	\$1,355,642.25
Wadsworth Brothers	Acknowledged addendums 1 & 2, bid bond present	\$1,434,746.11
COP Construction	Acknowledged addendums 1 & 2, bid bond present	\$1,731,272.30
Knife River Construction	Acknowledged addendums 1 & 2, bid bond present	\$1,826,881.45

Commissioner Mellor made a motion to acknowledge the bids and have Curtis review them, recognizing the low bid as Nielson Construction, Commissioner Potter seconded. Motion carried.

Commissioner Potter made a motion to reconvene as the Carbon County Board of Commissioners, Commissioner Mellor seconded. Motion carried.

Adjourn as MBA – Reconvene as Carbon County Board of Commissioners

4) **Consideration and possible approval of Amendment #2 of Contract with DCFS – Shelley Wright, CJC**

Shelley Wright said their current home visiting program contract ended September 30, 2015 and this amended contract goes from October 1st to December 31, 2015. There are no changes and the amount is the same. The new RGA came out yesterday and will begin January 1, 2016 if received.

Commissioner Potter made a motion to approve the amended contract with DCFS, Commissioner Hopes seconded. Motion carried.

5) **Presentation of Dept of Human Services contract for the Utah Transition Youth Empowered to Succeed program – Karen Dolan, Four Corners Community Behavioral Health**

Karen explained that the Utah YES Grant was received in December and it's a five year contract to help young adults, ages 16 to 25, who are developing mental health symptoms or who have serious mental illness. This contract is an addendum to the original contract and contains wording changes and an added objective to help the youth obtain employment.

Commissioner Hopes asked about the coordinators and grant writers. Karen explained the staffing for each county. Currently all the staff is hired and up and running. They have served approximately sixty youth since December 2014. This is a good program and she is encouraged by the help being offered.

Commissioner Hopes made a motion to approve the Youth Empowered to Succeed contract, Commissioner Potter seconded. Motion carried.

6) **Public Lands Issue Update – Ken Brown, WCA**

Ken Brown from the Western County Alliance gave an update on the public lands issues.

He first discussed PILT and compared the numbers from 2014 to 2015. In 2014 the total amount was \$437,000,000 and in 2015 it was \$442,000,000 of which \$405,000,000 was paid in June 2015. The Feds used an omnibus bill and deducted \$37,000,000 from what should have been paid after October 1, 2016. A second PILT check to the counties should be coming in a couple of weeks. Ken explained the omnibus bill process. The Office of Budget and Management said they would try to prevent the deduction from happening. This will need to be monitored.

Ken discussed his ideas on how to fund PILT including the Land and Water Conservation Fund who is using their money to buy private land which he feels is wrong because it takes revenue off of local tax rolls and impacts local counties. Other sources for funding could be the Mineral Royalty Fund, also known as the Lee Ray McCallister Fund and using money from Foreign Aid. They are looking for revenue for 2016 and are hoping for an increase.

Concerning Secure Rural Schools (SRS), they were told that there would be no reauthorization of SRS payments for 2015. Congress went ahead and reauthorized the payments. It was thought that the only money received would be the 25% forestry revenue of about \$102,000 for Carbon County. The SRS has now been reauthorized for 2016 and 2017, but the amount is unknown at this time.

Concerning Sage Grouse, it was not listed on the endangered species by the Secretary of the Interior. The WCA sent out an email indicating that this was a good decision and should be with no strings attached. They are not sure what will happen.

Public Lands Transfer and the American Lands Council continue to move forward. It will only happen if State and County put that public land into multiple use production in well managed spaces.

The Wild Horse and Burro Program is still a problem. There are some wild horses on the Tavaputs but not as many as in southern Utah. Nevada and Wyoming get hit hard. There are 4000 wild horses in Utah and the land can only sustain 2000. These roaming animals are damaging the resources. Ken attends the national board meetings twice a year and has asked that they be held in the West so that Commissioners can attend. This is happening.

Senator Hatch has introduced a bill (S1845) to transfer jurisdiction of the Wild Horse Program from the Feds to the State coupled with counties. Representative Leavitt has introduced HR3172 with the same purpose. This would be helpful, but will be a real challenge. If we can get it to Congress and attach it to something popular we have a chance to get it through.

Ken has been working with Nevada on the road issues (RS2477) and he will be attending a workshop on Friday the 23rd.

From the Clean Water Act, the Obama administration has declared that they will do something administratively. President Obama has been told by his legal team that Congress put the Clean Water Act into law. They are the only body that can legally amend the law. Commissioner Hopes asked if this is in reference to the Waters of the U.S. which is currently on stay by a judge. The President has asserted power over small waterways.

Concerning the revenue of the WCA, several new counties have joined and so the cost has gone down. For 2016 Carbon County will need to pay \$25,000, down from \$35,000.

Commissioner Mellor said they would take this into consideration.

7) **Presentation on Wildland Urban Interface – Ted Black, State Fire Marshall's Office**

Ted Black said that in the 2014 legislative session they found that the codes were not meeting the needs of the counties. In researching this they found that the majority of the complaints being received involved the Wildland Urban interface code and not the Fire or Building codes. They approached the State Forester to continue their research.

The document he presented is a sample ordinance that should slide right into the County ordinance if the County chooses to adopt it.

He reviewed the document including the clarification of item 101.1, the scope of building seasonal line structures under 1000 square feet, the definition was changed to accept the building or fire official having jurisdiction. Other items clarified were individual structures built in remote areas, approved roads for response, water supply for small structures, other small structures on existing driveways, narrowed easements for access to a new cabin and fire apparatus access roads that are large enough for wildland fire equipment.

Ted gave the Commissioners an information sheet and explained that a sentence is missing its last word. Add the word "water" so that it reads "if municipal services like water are available people can't claim they are in the Wildland Urban interface . . . therefore they don't have to meet municipal code".

The last page addresses questions that were fielded during this process including what is and is not defensible space, enough access and what wildland urban space is.

It is up to the individual county to adopt all, part or none of this code.

They are celebrating 50 years and Ken presented the Commissioners with a pin. He welcomes any questions and calls at 801-602-7406.

8) **Discussion concerning tourism – Harvey Howard, Desert Thunder Raceway**

Commissioner Potter made a motion to postpone this item until Harvey is better and has contacted us to reschedule, Commissioner Hopes seconded. Motion carried.

9) **Possible sale of radio translators to the two local stations**

Paul Anderson and Tony Basso are the owners of the two local radio stations. Paul explained that five or six years ago they approached the County about FM translators being used by AM stations. It is allowed by the FCC for AM stations to go on FM translators. There are improvements needed in order to improve the quality and delivery of the radio stations. Paul would like to purchase the license for the translators that KOAL is currently on, the K280AG. He would invest his money into upgrading the equipment and moving translator 103.9 to its proper location. Rack space would still need to be rented from the County.

Tony Basso would like to do the same. Paul said that one of the reasons in approaching the County for the purchase of the translators is because of the Emergency Alert System. KOAL serves as the primary EAS for Carbon and Emery Counties. At night when they go directional, the signal does not cover the eastern part of the

County very well. Tony's station goes off air during the night and they monitor KOAL as well as the two FM stations for EAS activity. Neither station will reach everyone in the County but together they reach the majority. During the night the translators help facilitate any EAS activation that needs to be transmitted.

Commissioner Potter asked if there are other translators available in the area that could be purchased. Paul said no the County owns the only translators. They could not apply on their own for a translator, the FCC does not have a plan to have an auction of available licenses, the FCC doesn't allow translators to be moved in from other areas. The last time an auction was held was in 2006 for commercial licenses. There are no planned windows for an auction of licenses for new translators.

Commissioner Potter asked if both owners were in agreement with the proposals even though they are specific to each of their stations. Tony said the proposals will be split and both are in agreement.

Commissioner Potter asked for an explanation of the three proposals –

The first proposal is for \$2,500 in cash and they will pay for the FCC filing fees for both stations on one translator, pay engineering to move the one translator to the correct place, include on their website a place for County legal notices, create a program on the stations for a County public forums, programming will consist of interviews and ads, promote the Office of Tourism and create a link to the tourism website and continue to pay for rack space that is leased from the County.

The second proposal is similar with \$5,000 cash, pay own filing fees with the FCC, pay engineering expenses to move the translator, create a place on the website for legal notices, link to the Office of Tourism and continue to pay the rack space.

The third proposal would be a flat \$8,500, pay the FCC filing fee, pay for engineering expenses to move the translator and continue to pay the rack space.

Commissioner Potter asked Barry to explain the levels of noise and his concerns.

Barry's concern is if we release those licenses the new owners have the ability to increase the amount of power being translated. That may increase the noise floor which means there is a possibility of the need for more filters on our own equipment which would be a cost to us. The noise floor is not enforceable by the FCC and you could not force radio stations to reduce their power. The biggest disadvantage to the county by releasing these licenses is we would lose control of maintaining those power levels.

Paul said the engineer, Dave Gardine, who did the maps for the radio stations, talked about these same concerns. He said that the FCC requires the translators to operate at licensed power. If the County is against them running at the licenses power then they should apply to the FCC to have the power reduced. This is similar to the translators being in the improper location, there could be fines and penalties. Barry was asked if they are operating at the correct levels. Barry said he had monitored them today and 104.9 is currently running at 7.5 watts and they are licensed to be at 8 watts, 103.9 is currently running at 12 watts and they are licensed to be at 35.

So there could be a significant difference on the one. Paul encouraged Barry to talk to the engineer who deals with RF to get the questions answered. The County has communication equipment on both Four Mile Hill and Wood Hill next to the radio station equipment that is running at 6000 watts and more without causing interference. He doesn't think 30 watts will cause any problem.

Commissioner Potter asked that if we sell these translators and issues arise, would Paul and Tony be willing to take care of them for the County. Paul said yes.

Barry said this sound like being given a blank check. Paul said he trusts working with the County. Barry asked if we proceed to sale this translator do we sale the other translators as well. Commissioner Hopes asked who is on the other translators. Barry said FM100 and 106.3. Commissioner Potter said this would have to be discussed.

Commissioner Hopes said FM100 couldn't buy their translators because they are not in our area. Barry explained the difference in translators. Commissioner Hopes reiterated that there are only two stations in the County who could buy these translators.

Barry said we do have filtration issues with radio stations and their frequency's escaping at this point. With TV equipment translators they do run additional filters to filter out radio stations. He thinks that with the increase in power there will be potential issues.

Christian said his concerns are if anyone else could buy these translators and is there a need for them to go out on bid. It looks like these two stations are the only ones who could possibly buy them. The Commission has the right to sell them to these two stations if they want to. He does not feel that they would need to go out to a public auction.

Commissioner Mellor asked if anything could be written up in the contract that would nullify Barry's concerns. Barry said this is possible however to this date nothing has been attempted to improve signal quality. The rack on Ford Ridge is running on archaic equipment in order to convert the signal from AM to FM. He thinks there are some conversion issues that could be improved.

Commissioner Potter asked if this is an option, to improve the transmission and not sale the translators. Tony Basso said that two hundred dollars a month investment is not fair to the County or the tax payers. There are some major improvements that are needed. He asked that the Commissioners tune into the stations and hear the poor quality. To make it fair and beneficial for improvements on these two translators they would need ownership.

Commissioner Potter asked about the options of owning to a long term lease. Tony would look at either and would be fine with a long term lease. The issue is the improvements and having the ability to control those improvements and not have them pulled in two years. Commissioner Hopes asked about the length of time for a lease. Tony said a minimum of 25 years. Commissioner Potter said this is an option. We could sell the translators or agree to a 25 year lease. In the past we have guarded against long term leases.

Paul said ten years from now we do not know what the Commission will be like, they may pull the lease. He is not opposed to it but purchasing is his first priority.

Commissioner Potter said that with the information presented the translators were given a value of between \$8,500 and \$11,000. He made a motion to sell the translators to the two stations for \$10,000 apiece which is in the middle of that range, and that the contract include items in agreement with Barry and coordinated with an attorney as far as the noise level so there are no future costs to the County. He doesn't want to have to come back and have to budget for issues in the future.

Commissioner Hopes seconded. Motion carried.

Commissioner Potter asked that they discuss this to work out the details and have Christian draft an agreement. Christian said he could write a draft contract, have Paul and Tony look at, have their FCC attorneys, Barry and the Commissioners look at it, and then finalize it.

10) Public Hearing to amend Carbon County 2015 Budget for all funds and adopt 2016 Tentative Budget for all funds

Seth reviewed the tentative budget with the Commissioners for 2016. A copy is attached to the minutes. The general fund tentative revenues are \$12,571,836. He reviewed each department's budget.

Commissioner Mellor opened a public hearing at 6:07 p.m.

Mayor Joan Powell, Wellington City requested a copy of the tentative budget and was given one.

There were no other responses and the public hearing was closed at 6:09 p.m.

11) Approval of Carbon County 2015 Budget Amendments and approval of 2016 Tentative Budget for all funds

Commissioner Hopes made a motion to approve the 2015 budget amendments. Commissioner Potter seconded. Motion carried.

Commissioner Hopes made a motion to approve the 2016 tentative budget, Commissioner Potter seconded. Motion carried.

Seth explained that copies of the 2016 tentative budget are available in his office.

12) Public Hearing and discussion on Local Option Sales Tax for Transportation

Commissioner Mellor asked if the Local Option Sales Tax for Transportation pamphlet needed to be read in the meeting. Seth said there is no requirement for reading it but anyone speaking in favor of or against get equal time.

The Public Hearing began at 6:11 p.m.

Commissioner Potter said that Proposition 1 has been talked about in a multiple settings including in print, on billboards and TV ads. If anyone has questions the Commissioners can answer them in this public hearing. The decision for this proposition is up to the citizens which is why it was put on the ballot.

There was no response from those in attendance and the public hearing was closed at 6:14 p.m.

13) Consideration and possible approval of amendments to Carbon County Policies and Procedures Manual – Rose Barnes, Barry Horsley

Rose said there is one minor change on page 2 Section 5 to read “X-rated or contains nudity”. And then “exceptions to this policy may be granted if the material is related to criminal investigations or other legitimate investigations by law enforcement, information technology, human resources and/or county attorney”.

Christian explained that there are two amendments to the policy. The first one is to the computer policy and the other is for probationary employees. Rose explained that since she has been employed it has been the policy for new employees to be placed on a probation period from six months to a year. During that probation period they receive a probation salary which is at least 10% less than their hourly rate. Recently it was brought to the County’s attention that the policy doesn’t say this even though it has been the practice. This is to amend this to the policy. If an employee moves into a new position within the County, the probation starts over and the probation salary is also enforced.

Commissioner Mellor clarified that under the probationary period the salary received is 10% less for the time specified, usually for six months.

Commissioner Potter made a motion to approve both of the policy changes, Commissioner Hopes seconded. Motion carried.

14) Review and Approval of Departmental Reports

Commissioner Hopes made a motion to adjourn, Commissioner Potter seconded. Motion carried.

The meeting adjourned at 6:17 p.m.

ATTEST:


Seth Oveson, County Clerk/Auditor

