

Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held February 17, 2016 at the Administration Building, Price, Utah, commencing at 4:30 p.m.

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

Also present: Alexis Horsley, Supervisor Clerk/Auditors Office
 Sandy Lehman, Commission Secretary
 Lori Perez, Deputy Clerk
 Jeff Wood, Sheriff
 Christian Bryner, Attorney
 Rose Barnes, HR

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

Commissioner Potter welcomed everyone and led the Pledge of Allegiance. The meeting began at 4:33 p.m.

1) Convene as Carbon County Municipal Building Authority

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

A. *PUBLIC HEARING to receive public comment on the size, scope and nature of funding to be requested from the CIB for a new 7th District and Juvenile Court Complex.*

Commissioner Hopes said the 7th District Court is in need of a new building. Carbon County has entered into an agreement with the State in order to build a new building. Commissioner Potter explained how the building would be funded. We would enter into a contract with Zions Bank to provide funding for half of the project. This is a 13.8 million dollar building, the revenue bonds for the first twelve years would come through Zions Bank and the other portion would be a CIB loan with a 20 to 25 year pay off. The reason it is being split between the two is with mineral revenues down we can be good stewards with CIB funds by getting a very similar rate on the initial bond through Zions and picking up the rest of the financing through the CIB. As Commissioner Hopes stated this is a district court building, it will be a State building; the cost to the citizens of Carbon County will be nothing because the rental payments on the building will be paid by the State of Utah. The new building will be located on the corner of Main Street where the old courthouse building currently sits. The old building will be removed during late summer or fall. The new building will be two stories on Main Street with the requirements of the court system. This would be funded similarly to the construction of the CJC and Division of Wildlife Resource buildings. The initial application has been submitted and will be heard in May at the next CIB meeting. Carbon County will be working with the architect to complete the process.

Commissioner Hopes opened the public hearing at 4:35 p.m.

Bill Campbell works for an electrical contractor and asked if local companies would be able to bid on the electrical for the new building. Commissioner Potter said we would hope so. The general contractor has not been selected yet. DFCM (Division of Facilities Management) will be overseeing the construction. The architect chosen is Architectural Nexus. The County has requested that local businesses be able to bid for jobs. A contractor will be selected next month and interested subcontractors can contact that company then.

Bill asked if there would be an opportunity to get prints or designs prior to the contractor being selected. Commissioner Hopes said the plans are not complete. Commissioner Potter said he would keep the local company posted because they want to give local contractors that opportunity.

Jim Darter said the building is falling apart. He said there is a battery of information out there on a web site called www.buildingcostsbuddy.com that deals with making things more cost effective in the life of the building. He sees this being used locally. Mr. Darter's second issue he wanted the Commissioners to be aware of is that the Administration of the Courts through Senator Todd Weiler has introduced SB155 which is the Utah Indigent Defense Commission and that will affect the picture concerning indigent defense going forward.

Commissioner Potter clarified that the old courthouse building on Main Street will be demolished and a new building built in its place. Jim said there are details that need to be addressed concerning the long term life of the new building using the company he mentioned who has worked with other institutions across the nation.

Commissioner Hopes closed the public hearing at 4:40 p.m.

B. *Adjourn as Carbon County Municipal Building Authority; Reconvene as Carbon County Board of Commissioners*

Commissioner Potter made a motion to adjourn as the Municipal Building Authority, Commissioner Mellor seconded. Motion carried.

2) **Approval of Minutes**

Commissioner Hopes made a motion to approve the January 20, 2016 Commission Meeting minutes, Commissioner Mellor seconded. Motion carried.

Commissioner Hopes made a motion to approve the February 3, 2016 Commission Meeting minutes, Commissioner Mellor seconded. Motion carried.

3) **Review and possible approval of Cooperative Agreement with USU – Ellen Serfustini**

Ellen was unable to attend and Commissioner Potter addressed this item. He said this is the standard contract that we have seen before in regards to the cooperative agreement with Utah State University for their extension services. On the second page of the agreement it shows there total budget being \$62,900 and notes that their primary funding comes from Utah State University with County support.

Christian said he reviewed the contract and it is the same as before. He saw no problems with it.

Commissioner Mellor made a motion to approve the Cooperative Agreement with Utah State University. Commissioner Hopes seconded. Motion carried.

4) **OPEN SEALED BIDS for Sheriff's Office Vehicles.**

Six bids were received – Alexis Horsley and Jeff Wood opened the bids.

These bids are for three vehicles – Tahoe 4x4 special service vehicles, a Ford Explorer emergency vehicle and a Ford Explorer jail transport vehicle. They needed to be received by 4:00 p.m. on February 17th.

The first bid was inadvertently opened. It is a bid for the Road Department on another vehicle and the department was not designated on the envelope.

Auto Farm Price Auto Group	2016 Ford Explorer Emergency Vehicle	\$28,237
Auto Farm Price Auto Group	2016 Ford Explorer Jail Transport Vehicle	\$27,608
Tony Basso GM	2016 Chevy Tahoe 4x4 Special Service Vehicle	\$38,240
		plus \$287 document fee
Moab Ford	Jail Transport Vehicle 17A	\$27,176.18
Moab Ford	Emergency Services Vehicle	\$27,537.18

Commissioner Potter asked Christian about the bid that was opened in error. After a discussion, Christian said the bid can be saved for the correct commission meeting and to let Tony Basso know that they can resubmit a new bid if they would like. It is currently the only bid received for the Road Department vehicle. It was noted that the envelope should have identified exactly what it was for, however they did follow the bid requirement.

Sheriff Wood said the bid on the Tahoe is more than he had anticipated it would be and he would like to rethink that one. If the Tahoe is that much more then he would rather go with an Explorer and save the \$10,000.

Christian said the procurement code does allow us to give a 10% discount on a straight bid like this, to a local bidder against an out of county bidder. Commissioner Potter said we can acknowledge the bids and let Sheriff Wood review them and bring it back to a commission meeting for final approval.

Commissioner Mellor made a motion to send the bids to Sheriff Wood for review and bring back his recommendation. Commissioner Hopes seconded. Motion carried.

5) **Award bid for Scrap Metal Removal from Landfill for 2016 – County Road Dept.**

Commissioner Hopes said Daniel and Curtis reviewed the scrap metal bids and are recommending awarding the bid to Stephenson Scrap Metal for removal of scrap metal at the landfill.

Christian explained that one of the reasons Stephenson's is being awarded is because they presented a sum certain which they would pay for the scrap metal. It would not fluctuate and was not to be tagged along the San Francisco market exchange price. Their bid was a firm price at \$50 a ton.

Scott Feichko from the audience said their bid was the same type of thing. Christian said how their bid was written the amount could go up or down. Scott further explained. Commissioner Hopes said Stephenson's bid amount would remain constant in case the market goes down. Scott Fiechko further explained. Commissioner Hopes said Stephenson's bid included other things like cleaning up the piles with a magnet. Scott said they could do the same thing.

Christian noted that if the public is going to speak the Commission needs to make a motion to hear from the public because this is not a public hearing. The Commission has a right to do that but they are not required to do that.

Commissioner Potter said all of the bids were reviewed and he is in favor of moving forward and award.

Commissioner Hopes made motion to award Stephenson Scrap Metal for recycling; Commissioner Mellor said the bids were reviewed by Curtis Page, Daniel Campbell and Commissioner Hopes. Commissioner Mellor seconded. Motion carried.

6) Request for donation – ABC Learning Center, Richard Lee

Commissioner Hopes made a motion to table; Mr. Lee was not in attendance. Commissioner Mellor seconded. Motion carried.

7) Economic Development overview – Tami Ursenbach

Tami Ursenbach, the Economic Development Director, said there has been a lot of question concerning Revolution Fuels. This project started three years ago and Revolution Fuels decided that this is the best place for them because of the availability of coal. The process is taking a long time but they are not looking at any other place. The air permit has taken a long time; Revolution Fuels applied on May 6, 2015 and were hoping to complete in six to twelve weeks. Revolution Fuels wanted the Commission to know that they are not hiding and wanted to move forward sooner but it took the Utah Department of Air Quality a lot longer to review. The process is new and their project manager had not seen some of the processes before and needed to be educated before he made an intelligent decision. The decision was made just before the holidays further delaying its completion. They have to follow certain time lines and procedures one of them being if someone requests a public hearing in the first two weeks they have to adhere to that. On January 6th a requested public hearing was held. It was a great event for the community and had great attendance.

The public comment period went to January 11th and three comments were submitted to the Department of Air Quality, some of the requests had to go back to Revolution Fuels for more information. This will take two to three weeks to complete. Once this is done, the Department of Air Quality will review everything and make comments back to the people with concerns and then it is sent to the Attorney General's office. They are hoping that the Attorney General's office moves faster and takes just a couple of weeks to complete.

Tami commented that she was grateful for the long process. It may not be comfortable for Revolution Fuels and it is costing them more money but we know that they are not missing something. Tami said that in order to do her part of the job she wanted to hear from the Department of Air Quality. She and Commissioner Potter met with the project manager. Tami noted that every time a company has to be shut down for two hours or more, it has to be reported to the Department of Air Quality. If a company is shutting down frequently the Department of Air Quality is monitoring and can investigate why. They may not monitor rural Utah like the Wasatch Front but they do monitor each company and the individual companies have to submit reports to them.

Revolution Fuels may be hiring two to three hundred people after the construction jobs. Tami explained the research being done and the impact jobs have on rural communities. The effect of one job in rural Utah is equal to 242 jobs on the Wasatch Front. Just three new jobs have a huge impact on our community.

Commissioner Potter said Revolution Fuels will be using 750,000 tons of coal a year with little or no emissions because coal is not being burned; natural gas is used in the process. Tami said she was asked about ash, there would be no ash because coal is not being burned.

Tami discussed the Haze Public Hearing held a couple of weeks ago. She has been doing research comparing the effect of cars on air along the Wasatch Front in comparison to rural Utah. She just received an email from the

Department of Environmental Quality with more questions that she needs to research. She explained the research she is doing and will have impact numbers at the next meeting. Her research involves outputs from power plants, variable winds, airports and railroads. It may not be perfectly accurate but will give an average.

Tami talked about the newly organized Economic Development Agency and the need to diversify so that when oil, gas and coal slumps we have something to fall back on. She explained what project redevelopment areas are and how they function. The Holiday Inn and Ridge Road are project redevelopment areas. The reason to have these project areas is for job creation, environmental cleanup and blight cleanup, development of businesses and industrial parks, to increase tax base and to renovate historic downtown areas and vacant buildings.

Redevelopment projects are not used as a way for annexation. It is a way to increase development. The increased taxes go into the Economic Development Agency for use on other projects: building infrastructure like roads and electrical grids and incentives for companies, land acquisitions, relocation, demolition, administrative and legal fees. These affect different taxing entities which can be tier stepped depending on how each project area is set up. This is a tool that can be used to encourage and entice businesses to come to the area.

Tami talked about the success of community development programs in other areas of the State including downtown Salt Lake, the old Geneva area in Vineyard, and the growth problems at Thanksgiving Point where they struggle with not having enough infrastructures in place. Part of an agency's purpose is to establish ground work and put in the needed infrastructure.

Tami has been given permission for an ad hoc Economic Development Committee meeting. The next meeting will be held in a couple of weeks. They will be working on a new SWOT (Strength, Weakness, Opportunities and Threats) analysis as a committee. They want to make sure they are going after the right businesses and locating them in the right areas. They want to have a strategic economic development plan in place.

8) **Consideration and possible approval of application for Utah High School Activities Association Rodeo Finals for 2017 – Frank Ori**

Frank Ori, the Recreation Supervisor, said we have the opportunity to apply for the Utah High School Rodeo finals to be held here. It has been in Heber City for twenty years. It is a five year proposal beginning in 2017. A committee was organized to work on this and is comprised of the Economic Development Office, Recreation, Office of Tourism and Rhonda Peterson at the Fairgrounds. They will meet tomorrow to finalize the proposal with photos and captions if the Commission approves. Tonight the committee is looking for a commitment from the County to sponsor this event and be willing to supply the scholarship money used for the prizes. They are proposing that Carbon County agrees to fund \$20,000 to be awarded as academic scholarships to the college of the participants' choice. Carbon County will participate in determining the scholarship recipients and that the fund will be available on an annual basis during the duration of the contract. In addition, Carbon County will guarantee a \$5,000 sponsorship for the Junior High Division finals which are held a few days before. This additional event brings more people to the area. Carbon County also agrees to fund or find six plus sponsors to fund \$12,000, and finally, a donation of \$2,500 to the High School Rodeo finals for an advertising and marketing campaign to reach ticket sale goals.

The economic impact of this event is between 1 and 2 million dollars for the week. There will be 400 plus campers and trailers. The location is required to have 300 hotel rooms and plenty of restaurants. Frank and his committee have put together a great package and have a real shot to host this event.

Commissioner Potter said an application was submitted for this event in 2012 but Heber was still awarded it. The Association has said they are going to move the event and it is well worth submitting an application. Commissioner Potter asked for the dates of the event.

Frank said the event will be held the last weekend in May and run through the first Saturday in June. The entire event runs for ten to twelve days. Frank said there are 700 participant plus their families for the high school event.

Commissioner Potter said this is a big event. The discussion continued concerning how to fund this event and what departments might be able to help. Heber's prize package offered is \$15,000 and the Frank's committee decided to offer \$20,000 plus the \$5,000 for the Junior High finals, \$2,500 for advertising and \$12,000 from local sponsors.

Christian asked if the Utah High School Activities Association is a branch of the State Board of Education, and is this sponsored by them. Are they a governmental entity or a nonprofit fund raising entity? Frank wasn't sure but can ask and get back to Christian. Christian asked if this is what Heber City was asked to pay in the past. Frank said Heber City's numbers are less, like the \$15,000 in scholarships. The High School Activities Association governs all of the

interscholastic sports in the State. Christian asked if it was Heber City or Wasatch County that funded this in the past. Frank said it was Wasatch County.

Frank said with approval and if they are awarded the bid they are asking for \$40,000 in total support from the County. Shalee said the High School Activities Association also requires that the County provides ten hotel rooms for the event at a cost of \$11,000 to \$13,000 in addition to the other funding. So the total needed is closer to \$50,000.

Christian explained that if the Commission makes a motion, there is a state code that says that the county may not appropriate money in support of any nonprofit entity unless you find that the assistance contributes to "the safety, health, prosperity, moral, well-being, peace, or comfort or convenience of County residence". He suggests that if the Commissioners approve this that they specifically find that providing this monetary assistance will contribute to the prosperity of the county residents. They need to make a specific finding that they are receiving consideration for this donation to a nonprofit entity.

Commissioner Potter discussed the benefits of the event including sales tax, benefit to businesses, TRT increase and other things. Christian said you would need to have a justification for it otherwise by statute it would be illegal.

Commissioner Potter asked about the information coming out of TRT and the tourism tax. These funds are regulated differently. Christian said they are but are still subject to same statute.

Christian explained said if you are giving money to a nonprofit entity that is not giving back a service or a good, you have to show that the assistance contributes to the safety, health, prosperity etc. of the county residence. Christian said if the High School Activities Association is a private enterprise then you cannot fund this unless you are getting something more direct back. Christian recommends that the Commission proceeds as if the High School Rodeo Association is a non-profit or governmental entity. Assuming this is the case you need to make the motion that paying out these amounts is going to contribute to the prosperity of Carbon County by having the event here.

Commissioner Mellor said in light of the conversation we have had, the detail of the expenses that have been given and the potential economic impact that it could have on our community, he made a motion to allow Frank and the committee to proceed with the application understanding that we would then participate at the level indicated (approximately \$50,000). The County will benefit by the enhancement of health, prosperity, moral, well-being, peace, comfort and convenience to the community. Commissioner Hopes seconded. Motion carried.

Frank said they will make final adjustments tomorrow and send an email with the updated packets for final approval and then it will be mailed off on Monday because the deadline is February 28, 2016.

9) **Consideration and possible approval of an annual commitment from the County for a substance-use prevention coalition.**

Commissioner Hopes turned the time to the Sheriff Wood who is the chairman of this coalition.

Sheriff Wood explained that this is the Communities that Cares program. This coalition wants to address the substance abuse issues in Carbon County and is a joint effort between the county, cities and community leaders. They want to fund a one person staff member to help organize the coalition and keep it running on a daily basis. Tiffany Van Sickle with Four Corners Mental Health broke out the funding with contributions from the County, from each city and from local institutions like the hospital and the University. They will be identifying issues in the communities and decide what is best to move forward with programs that can help.

Commissioner Hopes also attends these meetings and said the Sheriff is the perfect champion of this. They are asking for \$3,000 from the County, \$3,000 from the combined cities, and \$1,500 from each of the following: Carbon School District, Four Corners Mental Health, the University of Utah Eastern and Castleview Hospital. They have received firm commitments from the University and the hospital. Commissioner Hopes believes this is a worthwhile cause. This is structured with an executive board made up of the Sheriff and community leaders under which the coalition is made up of religious leaders and community people from the hospital, health care, teaching positions, parents and students. Their responsibility is to come up with ideas to help the substance abuse problem in our community. He feels this has great potential for our community.

Commissioner Hopes made a motion to approve the funding of \$3,000 as a commitment to this substance abuse coalition and to fund the money out of the commission budget.

Christian asked who would receive the money. Sheriff Wood said the coalition is spearheaded by Four Corners Mental Health, but it is Carbon County's own coalition. Sheriff Wood said this has not been determined. That will be decided tomorrow in their meeting. It will probably be Carbon County.

Commissioner Hopes amended his motion to include that the funding received would be handled by a governmental or properly designated organization.

Commissioner Mellor said this is a worthy endeavor and seconded the motion. Motion carried.

10) Consideration and possible approval of a letter of support to Senator Hinkins in favor of the construction of a lower elevation reservoir.

Russell Seeley, Price City Engineer and chair of the Price River Watershed Council, explained that the council is made up of people from Price City, PRWID, Carbon County, Price River Water Users Association plus others. They have been working together for a year to find a solution to improve the water situation in Carbon County. The project they are working on is a lower elevation reservoir in Garley Canyon just west of the golf course. Senator Hinkins was able to secure \$300,000 to contribute to this project for a feasibility study of building this reservoir. Test drilling will begin in March. Senator Hinkins is working on an additional appropriation of \$400,000 at the legislative session to further the environmental studies and preliminary design on the reservoir. The Council is asking different entities in the community for a letter of support that will go Senator Hinkins.

Russell thinks this project will be very beneficial to all of the residents in our communities. It will increase our water supplies, help better manage the water that we do have as well as provide better irrigation and could be a springboard for future projects to enhance the irrigation system.

Commissioner Potter is in favor of a letter of support. He asked that in the design process, are they taking into consideration the silting that can happen in this type of runoff and the costs to remove it if silting happens. Russell said they are aware and will be addressing this. This reservoir is off channel and will not be impounding water from the Price River; they will have a diversion up in the canyon with a settling pond. There will be some sediment so they will need to install some sort of impoundment upstream to remove sediment in an economic manner.

Commissioner Potter asked about the impact on FEMA flood zones and thereby the cost of flood insurance because of homes in that area. Russell said they will also look at this and are required by the State to do a dam break analysis. In the end he expects that it will improve the flood plain in that drainage area. Right now it is a flood zone and flooding has impacted the golf course before. By building this reservoir they are hoping to impound any moderate size flooding that could come through there. This should be an improvement of the flood zone with no impact to the residents in the area. This is what they expect but it is still very preliminary.

Commissioner Mellor said that this has been a lengthy process and a number of sites have been looked at. In regards to the letter he feels that they are all in support of receiving additional funding in order to make a good decision on the dam site. He expressed his appreciation for Russell's work as the chair.

Commissioner Mellor made a motion to send a letter of support to Senator Hinkins. Commissioner Hopes seconded. Commissioner Potter clarified who would make sure that the letter is issued. Commissioner Mellor said he would do this and asked Christian if he would draft an appropriate letter. Christian said will help prepare a new letter for Senator Hinkins. Motion carried.

11) Possible approval of a motion to join in the filing of an amicus brief in support of the position of the US Chamber of Commerce's lawsuit against the EPA's with respect to its Clean Power Plan.

Commissioner Potter said we cannot take any action to support this amicus brief because it is only for State and City Chambers of Commerce. Commissioner Potter wanted to make sure that our local Chamber of Commerce joined the amicus brief. Christian didn't know if they had but would contact them and follow up.

Commissioner Hopes asked Christian to contact Mark Ward to see if any other counties or states are filing a similar amicus brief that we could support. Christian said he sent an email to Mark right before this meeting but has not heard back. If the commission wants to support this they could pass a motion tonight authorizing their approval to join in any amici brief. The deadline to file with the Supreme Court is February 23, 2016. Tonight's meeting would be the last chance to make a motion of support.

Commissioner Hopes made a motion to continue researching for any amici brief looking for support from counties that would be in our favor with respect to the Clean Power Plan. Commissioner Mellor seconded. Motion carried.

Commissioner Potter said in regards to the EPA regional haze hearing that took place in Salt Lake, there is still time to file opinions and comments with the EPA. The Commissioners have that information available and Commissioner Potter is asking for citizens to take an active stance and send in their comments in positive for the State Implementation Plan (also known as the Utah SIP) and not in favor of the Federal plan.

12) PEHP Contract Renewal.

Christian said this contract is for our county employees' medial insurance submitted by PEHP. A new option on page 6 states that the County can offer insurance to early retirees prior to receiving Medicare. This is something the County has never done and is not required. In order to offer this to early retirees, an ordinance or resolution would have to be passed. Approving this contract tonight would not set this up for retirees. This is a costly addition but the contract leaves this possibility open for the Commissioners to consider.

Commissioner Potter asked if this contract is for two or three years with the current broker. Rose said it is a three year contract and this is year two.

Christian explained the terms of the agreement on page 14, section 7.1.2 which says "this agreement will be renewed automatically for one year unless they are notified". Christian further read under 7.2.2 "with written notice prior to the employer's open enrollment period". If we decide to not re-up with PEHP we would have to notify them prior to open enrollment in November and along with that on page 13, Section 5.2.3 it says "PEHP will give us its estimated rate changes 90 days prior to the end of the contract terms". We should be receiving estimates for next year by October 1st and we have 30 days to decide whether to continue with this company or not. Christian is going to calendar this so we can look at this then.

Rose Barnes from HR said they usually start reviewing the contract in July or August. Christian said he went through the rest of the contract and did not have any other concerns.

Commissioner Mellor noted that the cost to the County is only a 7.5 % increase on medical and a 3.5% increase on the dental plans, which is favorable in the insurance business.

Commissioner Mellor made a motion to accept and renew the PEHP's contract. Commissioner Hopes seconded. Motion carried.

13) Review and Approval of Departmental Reports and County Warrant Edit Reports

Commissioner Mellor made a motion to adjourn. Commissioner Hopes seconded. The meeting adjourned at 5:47 p.m.

ATTEST:


Seth Oveson, County Clerk/Auditor



