Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held March 16, 2016 at the Administration Building, Price, Utah, commencing at 4:30 p.m.

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

Also present: Seth Oveson, Clerk/Auditor
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 4:30 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) *A Resolution 2016-1 of the Municipal Building Authority of Carbon County, Utah, Authorizing its $480,000 Lease Revenue Bonds, Series 2016 for the Construction of County Road Improvements, Including a Salt Shed and Related Improvements: Authorizing a Master Resolution as Amended, an Annual Appropriation Lease, as Amended, a Ground Lease, as Amended, Security Documents, as Amended, and all Other Documents and Related Matters.*

Commissioner Hopes said this bid was issued last year for the salt shed and Renegade was awarded the bid for this project in Nine Mile Canyon. This is formalizing that agreement and amending the leases so the project can move forward.

Attorney Bryner said the resolution looks fine and is a standard for this kind of project.

Commissioner Potter made a motion to approve Resolution MBA 2016-1, Commissioner Mellor seconded. Motion carried.

B) ADJOURN as Carbon County MBA; RECONVENE as Carbon County Board of Commissioners.

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

2) ***A Resolution 2016-1 of the Board of County Commissioners Authorizing the Issuance and Sale by the Municipal Building Authority of Carbon County, Utah of its $480,000 Lease Revenue Bonds, Series 2016 for the Construction of County Road Improvements, Including Salt Shed and Related Improvements; Authorizing a Master Resolution, as Amended, an Annual Appropriation Lease, as Amended, a Ground Lease, as Amended, Security Documents, as Amended, and All Other Documents and Related Matters.***

This is formalizing the Municipal Building Authority resolution based on the discussion above for the Salt Shed in Nine Mile Canyon.

Commissioner Hopes made a motion to approve Resolution 2016-1. Commissioner Mellor seconded. Motion carried.

3) ***Approval of Minutes***

Commissioner Hopes corrected the February 17, 2016 minutes. Paragraph 3, item 1-A, should specify that local sub-contractors can contact the chosen contractor directly in order to bid for work and not contact the County who does not do this. Commissioner Mellor made a motion to approve the minutes with the correction, Commissioner Hopes seconded. Motion carried.

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

Commissioner Potter recognized that Eric Johnson had just joined the meeting and asked him if he wanted to add anything to the discussion concerning the bond for the salt shed in Nine Mile Canyon. Eric wanted to point out that these bonds are being issued on parity with the 2008 and 2014 bonds which were also for road improvements. They will all be tied together when it comes to the security for these three bonds. Commissioner Potter said it is good to know that they are all the same process in bonding.

4) ***Presentation to Sheriff Wood and Search & Rescue – Rose Barnes***

Rose turned the time over to Ben Clement for the presentation. Ben said on behalf of himself and his family he would like to give this award to those who helped with their family tragedy in December. This type of rescue can be difficult and he wanted to thank everyone who helped them. He thanked Sherriff Wood who stayed with them all through the night. Ben realizes that there are more people involved from out of the county and wanted to express his gratitude to them as well.

The Commissioners thanked Ben for his presentation to Kyle Fox and Zac Wise and acknowledged Sheriff Wood and the Search and Rescue Division.

5) ***Appointment to fill vacancy on Sheriff Merit Board.***

Commissioner Potter said these are applications carried over from the last commission meeting. Commissioner Hopes said all of the applicants are very qualified. Commissioner Hopes made a motion to appoint John Daniels to the Sheriff Merit Board. Commissioner Mellor said it was a difficult decision but did second Commissioner Hopes' motion. Motion carried.

6) ***Public Hearing to consider and possibly approve a recommendation from the Planning Commission for a 5-Lot Subdivision with public improvements, East Liberty Estates, Circle K Ranch.***

Dave Levanger, Director of Planning and Zoning, showed the Commissioners a map and explained the existing roads in Liberty Estates. A new road would need to be constructed including fire hydrants and utilities, going to the five large lots that end in a cul-de-sac. Dave said everything was in order according to zoning and planning codes.

Commissioner Potter opened the Public Hearing at 4:44 p.m.
Hearing no comments, Commissioner Potter closed the Public Hearing at 4:45 p.m.

Commissioner Mellor made a motion to approve the 5-lot subdivision with public improvements. Commissioner Hopes seconded. Motion carried.

7) ***Public Heairng to consider and possibly approve a recommendation from the Planning Commission for a Zone change from I-1 to C-1 on parcel 2-1651 for Tom Patterick.***

Dave said this concerns the old Kilfoyle Kraft property on Highway 10. An industrial business was interested in the property last year and the zone was changed to a light industrial zone. A new business is now interested in the property and needs commercial use zoning. Mr. Patterick is requesting to return the property back to the C-1 commercial classification.

Commissioner Potter opened the Public Hearing at 4:47 p.m.
Hearing no comments, the Public Hearing was closed at 4:48 p.m.

Commissioner Hopes made a motion to approve the recommendation to change parcel 2-1651 from Zone I-1 to C-1, Commissioner Mellor seconded. Motion carried.

8) ***Public Hearing to consider and possibly approve a recommendation from the Planning Commission for a Conditional Use Permit for Asphalt & Concrete production plants on parcel 2A-1513-5 located on Ridge Road for Staker & Parsons, DBA Nielsen Construction & Materials.***

This is the existing concrete batch plant and asphalt plant on Ridge Road and Hwy 10. At that time, the land was still the property of the State and was not regulated by Carbon County. They are coming before the Commission to get everything in order so that they can continue with business.

The Public Hearing was opened at 4:49 p.m.
Hearing no comment, the Public Hearing was closed at 4:50 p.m.

Commissioner Hopes made a motion to approve the conditional use permit to Staker & Parsons, dba Nielsen Construction. Commissioner Mellor seconded. Motion carried.

9) ***Public Hearing to consider and possibly approve a recommendation from the Planning Commission for a Conditional Use Permit for Steel Fabrication in an existing building located at 392 E 400 S for Matt Blaser.***

Dave said this is an existing building used by Pacific Central Steel. The previous owner is now deceased. Matt Blaser will be purchasing the properties and buildings in order to resume the same type of operation. Dave has reviewed the previous conditional use permit including that the operation shall be enclosed within a fence not less than six feet in height. The working hours will be limited to 6 a.m. to 10 p.m. Mr. Blaser has agreed to all of these conditions that were previously in place. Dave said in the future Matt may develop the property into something more aggressive. Curtis Page, Chris Rowley, Rex Sacco and Daniel Campbell have reviewed this for access issues.

Dave said if the property owner wants to do further development and re-grade the lot then Curtis Page would want to be involved in order to make sure that the storm drains work and the property would drain correctly.

Commissioner Potter opened the Public Hearing at 4:53 p.m.

Commissioner Hopes said the Planning Commission approved the hours to be from 7 a.m. to 7 p.m. and not from 6 a.m. to 10 p.m. Dave said the 7 a.m. to 7 p.m. is the correct time. Commissioner Hopes said there was a request to change the hours of operation and would that need to go back to the Planning Commission. Christian said if you are going to propose something different then that should come from the Planning Commission. If you are going to grant something beyond what the Planning Commission recommended, which is what this would be, the hours of operation are going to be expanded; it would need to come back to the Planning Commission. Tonight you could approve the 7 a.m. to 7 p.m. hours and then have it go back to the Planning Commission in order to look at that one aspect. Christian would hesitate to the granting of additional hours beyond what was granted by the Planning Commission.

Commissioner Mellor said he doesn't recall if the Planning Commission approved the 7 a.m. to 7 p.m. hours. Dave suggested that the conditional use permit be approved under the present hours of 7 a.m. to 7 p.m. Commissioner Hopes said that when the previous operation was running, the operating hours became an issue due to noise after 7 p.m. After talking to that owner, he did not stop working but rearranged his work in order to be quiet at 7 p.m.

Commissioner Potter asked about the duration in use of months or days and if the March 1st through April 31st is correct. Dave said no, that needs to be changed. Commissioner Potter said this would have to be approved as it is written and brought back if corrections are needed. Dave said he would listen to the minutes and get it corrected.

Commissioner Potter closed the Public Hearing at 4:56 p.m.

Commissioner Hopes made a motion to approve the conditional use permit with a follow up of the Planning and Zoning minutes for corrections. Commissioner Hopes asked that this be brought back if corrections are needed at the next Commission meeting depending on what the Planning Commission approved. Commissioner Potter asked that this also include the date correction. Commissioner Hopes amended his motion to include the date correction as well. Commissioner Mellor seconded. Motion carried.

10) ***Consideration and possible approval of Contract with the Division of Child and Family Services to provide prevention services RGA DHS90676 - Shelley Wright, Family Support and Children's Justice Center.***

Shelley Wright said this contract takes effect as of January 1st. For the first six months of the fiscal year the amount is $38,000 and starting July 1, 2016 through June 30, 2017 it will be $76,000. In the fifth year, the last six months will be $38,000 again due to the difference in calendar years. Shelley said the grant process requires a half cash match. They asked for a partial cash match which is $190,000 instead of the $380,000. Commissioner Potter asked if she saw any other changes in comparison to past contracts. Shelley said the training requirements were changed and they are already in the process of doing that.

Commissioner Mellor made a motion to approve the contract with the Division of Child and Family Services, Commissioner Hopes seconded. Motion carried.

11) ***Consideration and possible approval of an agreement with Castleview Hospital for Non-Emergency Ambulance Transportation.***

Commissioner Hopes made a motion to table this item. Commissioner Mellor seconded. Motion carried.

12) ***Consideration and possible approval of a deferral of payment of delinquent ad valorem taxes for Ruth Higley pursuant to U.C.A. 59-12-1347.***

This deferral was requested by Heidi Corbell who is representing Mrs. Higley. Mrs. Corbell has asked that in light of her making a substantial payment towards her delinquent taxes and the advanced age of Mrs. Higley, she be given an additional year to get the remainder of the delinquent taxes paid with a due date of November 30. This would keep the property off of the tax sale for this year. The tax amount would continue to accrue interest until it is paid in full and the 2016 taxes would have to be paid in order to avoid the tax sale. If she only pays partially it would be applied to the 2016 taxes first. The County treasurer finds this offer acceptable. It is now up to the commission to consider this and make a decision.

Kay said Mrs. Corbell called this morning and is trying to get the property recorded in her name. Kay feels she will take care of it. This property is in the Bolotas Subdivision at Scofield.

Commissioner Mellor made a motion to approve the deferral of payment as discussed by Christian, Commissioner Hopes seconded. Motion carried.

13) ***Consideration and possible approval of Ordinance 479 establishing the Carbon County Public Land Corner Preservation Fund.***

Christian said a work meeting was held a few weeks ago to discuss this. If the County institutes a mechanism to collect funding for the purpose of paying for replacing the section corner markers or monuments, then the State would be able to provide some funding as well. Christian spoke to our County Surveyor and they would like more time to work on the language on this ordinance. They would like this tabled for today so that the language does not conflict with the statutory fees that the County Recorder charges.

Commissioner Hopes made a motion to table this item. Commissioner Mellor seconded. Motion carried. Christian anticipates this will be on the April 6th agenda.

14) ***Consideration and possible approval of a Memorandum of Understanding between Carbon School District and Carbon County to provide adult education services at the Carbon County Jail.***

Sheriff Wood said this is a valuable resource to have the Carbon County School District come in and educate the people who are incarcerated. There are not too many opportunities like this because it is expensive.
Christian said this is the same type of contract drafted and used last year. This service is provided at no charge and gives the Sheriff the discretion to choose who takes advantage of it.

Commissioner Mellor made a motion to approve the Memorandum of Understanding with Carbon School District, Commission Hopes seconded. Motion carried.

15) ***Review and possible approval of Memorandum of Understanding between Carbon County and the Utah State Division of Forestry, Fire and State Lands.***

Justin Needles said the Utah State Division of Forestry, Fire and State Lands canceled the current agreement because they have changed their fire policy. Commissioner Potter asked if we are approving anything or just accepting the cancelation. Justin said there is a new Memorandum of Understanding ready for approval that contains the changes.

Justin said he is okay with the new MOU. They have changed how the yearly inspection of equipment is done, mandating the billing to be done online and we are agreeing to the new costs that have increased.

Christian said the new MOU says what they are going to pay us when we go out and do fire suppression at their request. Justin said it does not require us to respond with our equipment, we only respond with equipment that is available and then they will reimburse us for the cost that they associate with those pieces of equipment.

Commissioner Hopes said most of the firefighting equipment belongs to the cities. We do have some bulldozers, excavating equipment, and water trucks. Justin said on the agreement is lists bulldozers, excavators, backhoes, water tankers, our ambulances, command post generators, and the UTV's that the Sheriff's office has.

Commissioner Mellor asked if the numbers are the same as last year. Justin said the numbers did go up significantly but to our favor. Commissioner Hopes asked if this was done with private contractors as well. Justin said the private contractors are all done through the Federal agency. This is for the state and local contractors. Commissioner Hopes asked if a fire becomes federally controlled is there a different set of agreements or is that done through this agreement.

Justin explained that the State code says county and local municipalities cannot make agreements with the Federal government. They have to go through the State which is why the State handles all of the agreements.

Commissioner Mellor made a motion to approve the Memorandum of Understanding between Carbon County and the Utah State Division of Forestry, Fire and State Lands, Commissioner Hopes seconded. Motion carried.

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

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

The meeting adjourned a 5:12 p.m.

Jae Potter, Chairman

ATTEST:

Seth Oveson, County Clerk/Auditor