

Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held March 2, 2016 at the Administration Building, Price, Utah, commencing at 4:30 p.m.

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

Also present: Seth Oveson, Clerk/Auditor
 Sandy Lehman, Commission Secretary
 Lori Perez, Deputy Clerk
 Dave Brewer, Sheriff Deputy
 Christian Bryner, Attorney
 Rose Barnes, HR

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

Commissioner Hopes welcomed everyone. Boy Scout Michael Urbanik led the Pledge of Allegiance. The meeting began at 4:30 p.m.

Commissioner Hopes introduced Michael Urbanik who is presenting his Eagle Scout Project to the Sheriff's office. Christian said the Commissioners are all in agreement and will allow this presentation even though it is not on the agenda. Michael explained that he and his troop gathered and assembled comfort kits for the Sheriff's Office for children ages 0-3, 4-8 and 9-14. The kits contain blankets, stuffed animals, coloring books, crayons, pens and pencils depending on the age of the children.

He posted his project on Facebook and contacted people by phone for additional donations. The community dropped off donations at his house. Michael said these will be handed out during times of crisis as the Sheriff's office needs them. He is donating ninety-four kits. It was a growing experience and he had a lot of fun doing it.

Commissioner Hopes asked how the idea was conceived. Michael said his mom actually came up with the idea after a niece wandered away and was brought home by the Sheriff's office carrying a stuffed animal.

Officer David Brewer was in attendance representing Sheriff Wood and accepted the donation for the Sheriff's Department. Officer Brewer expressed his thanks and said it will benefit the community. The Commissioners thanked Michael for his contribution.

Commissioner Hopes excused Commissioner Potter who is up at the legislative session working on SB 246.

1) County Employee of the Month Award – Rose Barnes

Rose Barnes asked Don Marrelli to come to the microphone to help present the Employee of the Month to Kami Olson and Michael Montoya from the Ambulance Department. Don said on December 15, 2015, there was a significant auto accident on SR 6 and two ambulances were sent out. Two vehicles were involved and the first arriving ambulance found an injured patient in a passenger car. A family in the second vehicle were shook up but not injured. The second ambulance arrived with Kami and Mike on board who were sent to the family who were still inside their pickup truck because it is cold, for further assessment. Kami and Mike discovered that the family was on a surprise trip going from Washington State to Texas for Christmas. The family was concerned about what to do next. Kami and Mike picked up their belongings and brought the family to Price in the ambulance, helped them check into a hotel room and gave them information for renting a car so that they could continue on their trip. The family had a child in a car seat which could no longer be used. Kami and Mike went to the Health Department and got a car seat for the family and delivered it to the hotel room. These acts of kindness were above and beyond their call of duty. Don thanked them for what they had done.

Commissioner Hopes said this highlights the great Carbon County employees we have and the great people living in our communities. Rose said she always hears compliments for the Ambulance Department. They do an excellent job every day saving our lives.

2) Approval of Minutes

No minutes were presented for approval.

3) **OPEN SEALED BIDS for up to 600 ton of LMCRS-2 Chipping Oil – County Road Department**

There were three bids submitted –

Peak Asphalt	\$295.00 a ton for 600 tons	FOB is Woods Cross, Utah
Mountain States Asphalt	\$274.00 a ton for 600 tons	FOB is Tooele, Utah
Ergon Asphalts and Emulsions	\$276.00 a ton for 600 tons	FOB is North Salt Lake

Commissioner Mellor acknowledged the bids noting that Mountain States is the low bid with Ergon second with a two dollar difference. He turned the bids over to Daniel Campbell, Supervisor of the Road Department, for further review and allow him to award the bid. Commissioner Hopes stepped down and seconded. Motion carried.

4) **OPEN SEALED BIDS for new ¾ ton pickup truck for County Road Department**

Four bids were submitted –

Ken Garff West Valley	\$ 40,788.00	specifies brush guard, and other things
Auto Farm Price Auto Group	\$ 29,345.99	
Auto Farm Price Auto Group	\$ 29,002.99	
Tony Basso GM	\$ 33,405.00	plus \$279.00 document fee

Commissioner Mellor made a motion to acknowledge the bids and allow Daniel Campbell to review them and award to the lowest bidder who meets the requirements. Commissioner Hopes seconded. Motion carried.

5) **Award bids for Sheriff's Office vehicles**

Commissioner Hopes said the vehicle bids were opened at the last Commission Meeting. The sheriff was allowed to review those bids and come back with a recommendation.

Sheriff Wood has recommended awarding the following:

2016 4x4 GM Special Service Vehicle	Tony Basso	\$38,524.00
2016 Ford Explorer Jail Transport Vehicle	Moab Ford	\$27,176.18
2016 Ford Explorer Jail Transport Vehicle	Auto Farm/Price Auto Group	\$27,608.00

Commissioner Mellor made a motion to accept the recommendations. Commissioner Hopes stepped down and seconded. Motion carried.

6) **Appointments to fill vacancies on County Boards**

Carbon County Tourism Tax Advisory Board: This board is operating but they would like one more person from the industry to sit on this board. Commissioner Mellor said we could potentially fill two more positions but one would need to come from the restaurant or hotel industry. All four of the current applications are from non-industry. Commissioner Mellor made a motion to table until a future date. He asked Christian if it needed to be re-advertised. Christian said if the board is up and operating you would not need to keep advertising, but if there is interest you could appoint someone. Commissioner Mellor changed his motion to hold the four names in reserve until an industry application is received and then appoint two more board members but to continue functioning with the board as is until that time. Commissioner Hopes stepped down and seconded. Motion carried.

Carbon County Board of Adjustments: there are two vacancies and no applications have been received.

Scofield Reservoir Special Service District Board: There is one opening and one application has been received from Val Johnson. Commissioner Mellor made a motion to appoint Val Johnson. Commissioner Hopes stepped down and seconded. Motion carried.

Housing Authority of Carbon County: There are five positions open and four applications have been received from David Wilkinson, Debra Madrigal, Amy Peters and Jean Boyack. There are six board members and two of them have not re-applied. Commissioner Mellor made a motion to appoint the four applicants and re-advertise for the fifth position. Seth explained that the seats are open for different terms and the applicants need to be appointed to a specific

term. Commissioner Mellor included in his motion to assign the terms alphabetically by last name with the fifth application going to the five year spot. Commissioner Hopes stepped down and seconded. He asked for further discussion.

Amy Peters came to the microphone and said she has been on board for a year and half. She asked that they take into consideration how long members have been on the board before they assign the terms.

David Wilkinson said he has been on the board since December 2012 and Debra Madrigal was appointed at the same time. Jean Boyack was already sitting on the board at that time and could have been appointed as early as 2010.

Amy said she was appointed the summer of 2014. Commissioner Hopes asked if Amy wanted to finish out her four year term and be done. Amy does not have a preference, but has been on the board the least amount of time and was hoping to be on longer. Seth said the motion as it stands would appoint Jean Boyack for a one year term, Debra Madrigal as a two year term, Amy Peters to a three year term and David Wilkinson as a four year term leaving the five year term open. Both David and Amy are willing to serve at any term.

Christian said his concern is if you want to receive more applications you may want the newest applicant to serve the one year commitment so that they are not overwhelmed by a five year commitment. Commissioner Hopes was in agreement. Christian said the other option is to not decide on the terms tonight but wait until you get another application and then assign the terms.

Commissioner Mellor suggested reversing the order. He amended his motion to assign David to the 5 year term, Amy to the four year term, Debra to the three year term, Jean to the two year term and assign the next appointed person to the one year term. Commissioner Hopes stepped down and seconded the amended motion. Motion carried.

Weed Board: There are four vacancies and one application has been received from John Sampinos. Commissioner Mellor made a motion to accept this application and re-advertise for the remaining three positions, Commissioner Hopes stepped down and seconded. Motion carried.

Carbon County Sheriff Merit Board: There is one vacancy and four applications have been received from John Daniels, David Wilkinson, Ralph Vose and Michael Kourianos. Commissioner Mellor said the applications were reviewed and all are qualified. This is for a six year term.

Commissioner Hopes said there is an active roster of candidates that can be interviewed for correction officers. This board interviews the applicants and makes recommendations to the Sheriff.

Officer David Brewer explained that the Sheriff Merit Board administers the written, physical and oral board tests and make recommendations to the Sheriff. Christian said the recommendations are made based on their testing and are for both hiring and the promotion of deputies.

Commissioner Mellor made a motion to accept David Wilkinson as the new board member. Commissioner Hopes noted that David is already serving on one board and does not want to wear him out.

David explained why he is on the Housing Authority Board and that he has an understanding of the Sheriff's office in general because he has worked for two other Sheriff's offices in the State and has been in law enforcement for twenty years. He is aware of the time commitment and feels that he can offer good insight into the merit board.

Commissioner Mellor asked if any of the other board members were in attendance. Sandy noted that attendance to the Commission Meeting was not a requirement on the application. Commissioner Mellor said his motion is not based on attendance but that it was beneficial to talk to David Wilkinson in person. Commissioner Mellor continued with his motion.

Christian explained that Commissioner Hopes does not have to second the motion and he could let it die but he could also make a motion of his own. The chairman is not limited from making a motion. If the motion is not seconded it will just die and could be considered at a later date.

Commissioner Hopes would like to have more time to consider the options and would like to address this on another date. He will allow the motion to die.

South Eastern Utah District Health Department Board: There is one vacancy and one application has been received from Debbie Peet. Debbie has been on the board for a number of years and has served well. Commissioner Mellor made a motion to appoint Debbie. Commissioner Hopes stepped down and seconded. Motion carried.

7) **Request for County assistance with parking lot expansion project – Sunnyside Rodeo, Dale Andrews**

Dale Andrews is representing the Grassy Trail Riding Club and said there is limited space in Sunnyside Canyon for parking. They have an idea to move some of the hillside, widening the shoulder which would make more parking up on the hill and along the road.

Commissioner Hopes asked exactly what are they asking for and how much material is needed. There is an aggregate pile already on the side of the hill. Dale said it should take two days with two end dumps and a loader. Commissioner Hopes asked who owns the property where the barrow pit sits and where the aggregate will be taken from. Dale said East Carbon City.

Commissioner Hopes said without physically looking at the place, he is not ready to make or accept a motion but he is willing to go out and look with Daniel to see what it is going to cost.

Commissioner Mellor thought it would be good to follow up with boots on the ground. Dale said they are an independent group and do not have the necessary equipment or employees to make the improvements. Commissioner Mellor asked if he would stay after the meeting to discuss the matter. Commissioner Hopes asked for the dates they are shooting for. Dale would like it to be in place by July 12th. Commissioner Hopes does not know how that would fit into the Road Departments schedule with the Soccer Fields project and the beginning of chipping season. However, the Commissioners are willing to go out and take a look.

8) **Review and possible approval of contract with Lantis Fireworks for 4th of July Celebration at County Fairgrounds – Frank Ori**

Frank Ori said that Christian has changed the contract to include an indemnity clause for the County. The cost of the 4th of July fireworks is \$10,000 which is the same as last year. Lantis is asking for \$5,000 now and the remainder within 10 days of the show.

Commissioner Mellor made a motion to accept the contract with the changes made by Christian. Frank said this is a budgeted item. Commissioner Hopes stepped down and seconded. Motion carried.

9) **Request for contribution to Graduation Spectacular 2016**

Commissioner Hopes said the County contributes \$500.00 every year to Graduation Spectacular. This is a very good cause on Graduation Night to allow the students a place to recreate and stay safe.

Commissioner Mellor made a motion to contribute \$500.00 to Graduation Spectacular 2016. Commissioner Hopes stepped down and seconded. Motion carried.

10) **Consideration and possible adoption of Ordinance Providing for Spotlight Hunting of Coyotes, Red Fox, Striped Skunk and Raccoon by Permit**

Christian said he met with Jay Shirley at the Division of Wildlife Resources and explained the changes made to the original version of the ordinance. Each permit would expire on December 31st of the year issued making it easier for the Sheriff's office to track. Fifty permits would be issued a year at \$10.00 each and there would be a hiatus from August 1 to November 30 during the deer and elk hunts.

Commissioner Hopes pointed out a correction on lettering of points on the document that should be A-B-C instead of A-B-B. Christian noted the correction.

Christian explained that the ordinance references the State statute concerning limits since this is already in place. This ordinance does not allow a violation of any other laws and it only allows for night hunting with hand held spotlights. You cannot hunt out of the window of your truck or from the bed of the truck and any lights mounted to a vehicle are prohibited from being used to hunt. Peace officers and animal control officers who have been hired by the Division of Wildlife Resources to do predator hunting do not have to purchase a license.

Jeff Peters asked about Section 4B which excludes hunting within a one mile radius from an incorporated or unincorporated town. He asked that the one mile radius be reduced. He understands the laws and the 600 feet from a house and is respecting those laws, but was wondering where the one mile radius comes from.

Christian said the one mile radius came from the Sheriff due to concerns of noise and safety. Christian pointed out that the statute says that you do not have to get a permit to lawfully act, to protect a person's crops or domestic animals from predation. If the problem is on your own farm you do not need a permit.

Jeff asked if he could meet with the Sheriff to discuss this because the one mile radius is hampering their efforts. Commissioner Mellor said even if the ordinance is passed today, it could still be subject to changes in the future. Jeff said he would rather have the Commission table this and allow for more discussion with the public instead of correcting it in the future.

Commissioner Hopes said this ordinance was advertised and copies of the ordinance were given out to anyone requesting one. Sheriff Wood does not want to go less than one mile at least for the first trial year. It is the Sheriff who has to enforce this ordinance. Commissioner Hopes would like to follow Sheriff Wood's recommendation and then amend the ordinance in the future if needed and allow Sheriff Wood to work through any issues. Commissioner Hopes asked if Jeff had tried trap lines. He said last year they did without very much success because they could not get to the ground where the coyotes are living because of neighbors who won't allow hunting on their property. He has to wait until they come out and are taking livestock. Commissioner Hopes noted that if the coyotes are attacking his animals he can shoot them.

Rod Stephens said they have been working on this issue for eight months. He is concerned with the raccoon infestation because mountain lions are becoming infected with canine distemper disease from the raccoons. There are mountain lions along the river and they are getting close to backyards containing children. He can see something tragic happening in the future.

Christian said this ordinance does not include mountain lions; it is very specific to only include coyotes, red fox, striped skunks and raccoons. It can't be expanded to include mountain lions.

Rod said getting rid of the raccoons will decrease the contagion and the one mile radius still hampers their efforts. Raccoons are being seen during the daytime because of the high numbers.

Jeff is concerned that the ordinance requires hunter safety classes for hunters born prior to 1963 and the State statute lists that date as 1965. He thinks this should be the same. Christian agrees and will check on the specified dates.

Commissioner Hopes said we can continue to have discussions or we can pass the ordinance as it sits tonight which would allow the one mile radius but at least hunting can begin. He is good either way.

Commissioner Mellor made a motion to pass the ordinance with the corrections and adjustments as mentioned by Christian. Commissioner Hopes stepped down and seconded. Seth asked for clarification that the motion includes allowing Christian to double check the hunter safety date and change it if necessary. Commissioner Mellor amended his motion to allow Christian the flexibility to correct the date in question and included the ordinance number as being 478. Commissioner Hopes stepped down and seconded the amendment. Motion carried.

11) Consideration and possible approval of Right-of-Entry License with Blackhawk Coal Company for Clay Banks Road

Christian said Rex Sacco, Public Lands, worked this out with Blackhawk Coal Company which is in Kenilworth. This is a temporary right to go on their land and in order to do surveys to see if there is a better way to reroute the Clay Banks Road and then negotiating with them to acquire the road. This is to ensure that if someone gets hurt we can't blame Blackhawk Coal due to the steep terrain. Christian sees little risk in signing this.

Commissioner Mellor made a motion to approve the right-of-entry license for Clay Banks Road with Blackhawk Coal Company. Commissioner Hopes stepped down and seconded. Motion carried.

12) Consideration and possible approval of engagement of law office of Smith Hartvigsen to represent County Redevelopment Agency

Christian said Smith Hartvigsen is already engaged in representing Carbon County and this is a needed formal agreement which sets forth their rates.

Commissioner Mellor made a motion to accept the contract with Smith Hartvigsen PLLC. Commissioner Hopes stepped down and seconded. Motion carried.

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

Commissioner Mellor made a motion to adjourn. Commissioner Hopes stepped down and seconded. Motion carried. The meeting adjourned at 5:35 p.m.

ATTEST:


Seth Oveson, County Clerk/Auditor


Casey Hopes, Acting Chairman



The seal of Carbon County, Utah, is circular. It features a central figure of a person standing next to a horse-drawn wagon. The text "STATE OF UTAH" is at the top, "COUNTY CLERK" is at the bottom, and "COUNTY OF CARBON" is written around the inner border.