

Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held May 4, 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, Deputy 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 Municipal Building Authority of Carbon County**

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

**A. Public Hearing on the Carbon County Municipal Building Authority Lease Revenue Bonds, Series 2016 in the amount Not to Exceed \$14,800,000 for New Court Facilities, and Related Matters.**

Commissioner Hopes said this is the bond for the new 7<sup>th</sup> District Court Building and a public hearing is required. Seth said meetings have been held including advertised work meetings where the proposed plans have been presented. Today's hearing gives the public a chance to express their concerns. Seth said this is going to be a great project for the community. The proposed site is at 120 E. Main where the old administrative building was. The old building will be removed and the new building will be completed by the beginning of 2018. This new building will be a good addition for the downtown corridor. The architects have put a lot of thought and planning to make the building match with Price City's buildings and their plans for the Peace Gardens. Seth is the representative for the County and can answer specific questions.

Commissioner Mellor asked Seth about exceeding the 14.8 million and how this could happen. The project for just the building is 13.8 million. The extra is to cover any changes such as bond closing costs. The extra amount gives us some leeway if needed but we would not be able to issue bonds over 14.8 million without another public hearing stating the reason.

Commissioner Potter said these are lease revenue bonds and the cost and payback is provided through the Utah Administrative Office of the Courts and is not a taxation issue.

Commissioner Hopes opened the Public Hearing at 4:42 p.m.  
Hearing no comment the Public Hearing was closed at 4:43 p.m.

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

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

**2) Consideration and possible approval of Lease Agreement and Memorandum of Agreement with the Utah Administrative Office of the Courts for new Seventh District and Juvenile Court Building.**

Christian said there was a change made to one of the provisions. On the second page, paragraph B3, this paragraph indicates what the County will do in respect to the construction of the new courthouse and what the State will do. Christian explained. The option to purchase the facility by the State was changed. It is the intention of the County to own this building so this was changed in the lease agreement. The County will hold on to the building even after the twenty-five year lease is over. Alyn Lunsford has approved the change.

Commissioner Hopes asked about the responsibility of the County to build the building including inspections, code, etc. If the building is not built to Utah Administrative Office of the Courts standard can they walk away from the lease? Christian said this is not the construction contract. It is more of a list of what is going to happen and is not binding at this point.

Commissioner Hopes made a motion to approve the Memorandum of Agreement with the proposed change to include the refusal of purchase to a lease agreement. Commissioner Mellor seconded. Motion carried.

Commissioner Potter said concerning the lease agreement, his understanding is that this is not the final lease but is in format and the final details will be worked out later. The final form can be approved separately when it comes forward.

Commissioner Hopes made a motion to also approve the Lease Agreement in its general form until we receive a final form. Commissioner Mellor seconded. Motion carried.

3) **Approval of Minutes**

Commissioner Hopes made a motion to approve the minutes for the April 6, 2016 Work Meeting. Commissioner Mellor seconded. Commissioner Potter abstained, he was not in attendance. Motion carried.

Commissioner Mellor made a motion to approve the minutes for the April 6, 2016 Commissioner Meeting. Commissioner Hopes seconded. Motion carried.

4) **OPEN sealed proposals for removal of concrete from landfill.**

Seth said no bids were received. This can be re-advertised at a future date. Commissioner Hopes will talk to Daniel Campbell. This proposal was advertised because there was interest in concrete removal from the community.

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

5) **OPEN sealed bids for paint striping of approximately 1,000,000 linear feet of County roads.**

Three bids were received.

Premier Striping, Inc. 6.5 cents per linear foot or \$65,000 for the project

Interstate Barricade Opt 1 UDOT spec is 8.5 cents per foot or \$85,000 for the project, Opt 2 City or County spec is 6.4 cents per foot or \$64,000. They are in Layton, Utah

Innovative Marketing Systems 7.5 cents per linear foot, includes a mobilization charge of \$3,600 for a total of \$78,600. They are in Saratoga Springs.

Seth said the Road Shop may want to verify if the other bidders have a mobilization charge before awarding.

Commissioner Potter asked about the difference between the UDOT specs and the City County specs and if the bidders bid according to the notice standards. This would need to be reviewed and verified. Christian said the mobilization charge can be verified with the bidders by telephone.

Commissioner Mellor acknowledged the bids received, allowing for the Road Shop to verify the specifications and award accordingly. Commissioner Hopes seconded. Motion carried.

6) **Continuation of Public Hearing to consider written protests filed and to hear all comments and objections relating to proposed improvements of a roadway which includes pavement of the Hilltop Road from the end of the current pavement around West Gordon Creek Road to the end of Hilltop Road and also regarding the creation of a Special Tax Assessment Area to be known as Carbon County, Utah Special Tax Assessment Area No. 2015-1 (Hill Subdivision).**

Commissioner Potter said there are people interested in speaking and the committee may have an update of what still needs to be filed. At this point in time, we need to have a continuance without a date and then once the information is complete set a date for a final hearing. Christian said we should enter into a public hearing even though the County Engineer is still waiting for some documents, with the understanding that there will be a final public hearing later on.

Commissioner Potter opened the public hearing at 4:55 p.m.  
Hearing no comment, the Public Hearing was closed at 4:56 p.m.

Commissioner Hopes made a motion to leave the public hearing open until further information is brought forward, at which time a final public hearing will be scheduled. Commissioner Mellor seconded. Motion carried.

7) **Appointment of Housing Authority Board Member**

Christian said one of the Housing Authority board members let him know that by looking through the federal regulations, at least one person on the governing board must be a resident of the housing complex. We had provisionally appointed someone at the last meeting to fill that final position which needs to be revoked and appoint someone who is a resident. The Housing Authority board did send out notices to solicit new board members from the residents however it only went out to one of the complexes and not all of them. Christian is hesitant to go forward if it hasn't gone out to everyone. He recommends tabling this matter and let the County send out new notices to solicit a board member. Commissioner Potter asked if it would be appropriate to read in the names on the applications already received.

Christian said yes and they can be accepted, noting that anyone else can also submit an application and the original applicants do not need to resubmit.

Commissioner Hopes is concerned that we do it right and is in favor of having the Housing Authority re-advertise the board positions just in case something was missed.

Brian Salzetti said the letters were delivered to all of the complexes by hand by Cheryl who does the maintenance for the Authority. Brian said he received his last week. They have board meetings the second Wednesday of the month. He had to have his application in by today's date. Sandy said she has never seen the notice but from the calls she has received it seems to be a little confusing. People did not know when meetings were held.

Commissioner Potter asked if this changes things. Christian said the information he has received is conflicting. He would like to confirm that the notices went to everyone.

The applications for the position that were received are from Brian Salzetti, Sharon LaRose, Gloria Neal and Heidi Essex.

Commissioner Mellor made a motion to table this item in order to allow for clarification of distribution of the notice and if needed re advertise and re distribute. Otherwise at the next Commission Meeting we will vote on one of the candidates and appoint to the board. Commissioner Hopes seconded. Motion carried.

8) **Request for fee waiver for Barrel Racing Event at County Fairgrounds – Kathy Price**

Kathy Price said barrel racing starts this Saturday and runs through October. There is more interest this year from across the State, they are hoping for more people to attend. They are asking for fee waivers for use of the Fairgrounds. Commissioner Potter asked if they had refined their dates. Kathy explained including the conflict with the College.

Frank Ori said the fee amount is \$75 per barrel race event. His concern is others who will ask for fee waivers. Kathy does charge entry fees. Frank would like to work on a percentage base, which they have done with others. It allows for a reduction of the fee but still gives something to the County for maintenance. If it's a non-profit entity then he would be more willing to accept a fee waiver.

Commissioner Hopes said another option is to take applications through the Restaurant and Transient Room tax monies and use those monies to pay for the operation of the facility. But that deadline has already passed. This might be a solution for the future. Seth said the Barrel Racing Association did submit an application to the Travel and Tourism Board and were awarded \$1,000 which can be used for the venue. They have not submitted any reimbursement requests yet. Kathy said they were going to use the money for advertising. Seth said they can use the money to pay for part of the fee but he is not comfortable with providing a fee waiver. The cost to run the events including maintenance and staff are held in the Fairgrounds Fund 26. The fees would allow for maintenance costs and would show how much is generated for the service. He would like to charge the fee but provide some mechanism for them to pay it another way.

Kathy said there will only be four events. The conflict with the College has been resolved and the College will hold their events on September 30 and October 1. There are ten colleges coming to compete.

Commissioner Mellor made a motion to allow Frank to negotiate with Kathy and the Barrel Racing Association for an agreeable resolution setting a “not to exceed” fee based off of participation. Commissioner Hopes seconded. Motion carried.

9) **Presentation on the SR-10, US-6 to Ridge Road project – Lochner Engineering**

Troy Torgerson from the UDOT Region Richfield office said he is here to update everyone about the Ridge Road project scheduled for the summer of 2017. Troy showed a slide presentation. (A copy will be included with the minutes.) The project is titled SR-10 through US-6 to Ridge Road; they are in the process of changing that to US-6 Carbon Ave to 3000 South.

The purpose of the project is to improve safety with wider shoulders, turning lanes and a sidewalk. Troy explained the CM/GC process which allows getting the contractor on board early. He explained the timeline with planned completion for the Fall of 2018.

Troy showed a view of a typical cross section of the road which includes sidewalks, drainage, shoulder, travel lanes and turning lanes. As the project proceeds the design will continue to be updated. Funding is approved for 11 million dollars but the early designs exceed the approved amount.

Commissioner Potter thanked him. Troy said to send any comments to the email address. Curtis Page is involved in all the meetings as well as representatives from Price City.

10) **Discussion and possible approval of purchasing a 5 year license with Foundation Search – Tami Ursenbach, Economic Development**

Commissioner Mellor said Tami has used a grant search engine in the past and recommends purchasing five user licenses to allow other entities to find grants. This software is currently discounted and we can purchase five licensees for the next five years for \$9,000.

Commissioner Potter asked who the other users would include and if it’s broad enough. Commissioner Mellor said the intent is to share them with the community. He thinks Tami plans on working through the community in regards to her economic development committee whose members also belong to the cities and other entities in the County. Interested participants can contact Tami. It is meant to benefit all of the cities, businesses and communities in the County.

This is for a five year subscription and it has not been budgeted. We would have to reopen a budget or reallocate funding from another source. The program would help us get grants and funding that we would not know about otherwise.

Commissioner Potter’s concern is funding. Seth said there is money in the Commission budget under miscellaneous. If it needs to come out of the Economic Development budget then that budget would have to be opened and amended. Seth sees value in this software and it is by far the best one he has reviewed. If we could offset costs with private source money it would be an asset and a great tool.

Commissioner Potter said using the Commission budget is not his preference but we could open the budget midyear and make adjustments. Seth said the user licenses have to be tied directly to a person. These people can change over the year.

Commissioner Mellor made a motion to approve the purchase of the five, five year licenses with Foundation Search, funded with a combination of money from both Economic Development and the miscellaneous Commission fund. Commissioner Hopes is unsure of the funding.

Seth said another option is to allocate costs out to each department. Christian said no one has talked to any of the departments to see if they are willing to contribute. Seth said it needs to be funded by the end of May in order to get the five licenses for the cost of one. It could be addressed at the next commission meeting.

Commissioner Hopes made a substitute motion to table this until the next meeting and contact the cities and other departments to see if there are any other funding sources that could be utilized. Commissioner Mellor seconded. Motion carried.

Commissioner Potter said to put this back on the agenda for the next meeting and ask Amy and Tami to contact other departments and cities to see if they are interested.

**11) Ratify approval, signing and submittal of Emergency Management Performance Grant (EMPG) Application – Justin Needles, Whitney Waterfall – Emergency Services**

Justin Needles said this is the same EMPG grant with a 50/50 match totaling \$88,000 of which \$44,000 goes to support the salaries of those in emergency management. It was due April 26<sup>th</sup> and signed after the last commission meeting because of the deadline.

Commissioner Hopes made a motion to ratify the signing of the EMPG application. Commissioner Mellor seconded. Motion carried.

**12) Review and possible approval of the Bullet Proof Vest Grant and the Body Worn Camera Grant – Justin Needles, Emergency Management**

Justin Needles said after reviewing the requirements for the body worn cameras we do not have enough people for that grant, you have to have a minimum of twenty-five people and we only have twenty-two. They are reviewing other funding sources.

They are looking for more bullet proof vests. They have fourteen vests that are going to expire and there is a need for new vests for new hires. The total cost for 17 vests is \$14,666.75 and with a 50% match it would roughly cost \$7,334. They do have this amount in their budget.

Commissioner Mellor asked if the emergency services fund is what is usually used for funding. Justin said there are several sources of funding; this one has the funding and can be used to promote public safety.

Commissioner Mellor made a motion to approve the Bullet Proof Vest grant. Commissioner Hopes seconded. Motion carried.

Justin said they will come back for body camera funding after they have found a different grant.

**13) Review and possible approval of a Land Use Coordinating Resolution.**

Christian said Resolution 2016-3 was prepared by Rex Sacco. Christian has made some clerical adjustments and the Commissioners have not seen these changes.

Christian explained that the County is often asked to be a coordinator in land use planning projects. This resolution states an explanation of what the coordination will be. It emphasizes that any plans proposed need to be consistent with any plans of Carbon County. The resolution indicates that all coordination efforts undertaken with the County shall be done in a way as to give notice to all state, federal agencies and Carbon County. Carbon County requires all land use and natural resource planning to take place in a manner that requires dynamic planning efforts, periodic review, assessment and amendment in coordination with all agencies. It should occur in a manner that gives full affect, recognition and consideration of Carbon County land use and planning ordinances and resolution. Christian thinks it is a good document and it gives state and federal agencies notice as to our participation.

Christian is concerned that the Commission has not seen the changes and recommends tabling to allow the review of the them.

Commissioner Hopes made a motion to table until the next commission meeting in order to allow for review. Commissioner Mellor seconded. Motion carried.

**14) Consideration and possible approval of fire and emergency services contracts with local cities.**

Commissioner Potter said we are not quite ready to do this and it is still being worked out with the cities.

Commissioner Hopes made a motion to table items 14 and 15 until needed. Commissioner Mellor seconded. Motion carried.

**15) Consideration and approval of a resolution declaring the intention of the Board of Commissioners to create a Special Service District for the purpose of providing fire protection; declaring the proposed name and boundaries of the district; and setting a date for a public hearing to receive public comment on the formation of the district.**

Tabled

**16) Possible closed session for the purpose of discussing pending litigation and the character or professional competence of an individual pursuant to U.C.A. 52-4-205**

Commissioner Hopes made a motion to go into closed session. Commissioner Mellor seconded. Motion carried.

Commissioner Mellor made a motion to return to the regular session. Commissioner Hopes seconded. Motion carried.

Commissioner Mellor made a motion to authorize Christian the amount mentioned in the closed session to be used to negotiate a potential settlement. Commissioner Hopes seconded. Motion carried.

**17) 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 6:30 p.m.

ATTEST:

  
Seth Oveson, County Clerk/Auditor

