

Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held Wednesday, July 19, 2023 in the Commission Room of the Administration Building, Price, Utah, commencing at 4:30 p.m.

Those present: Casey Hopes, Commission Chair
Larry Jensen, Commissioner
Tony Martines, Commissioner

Also present: Lyn Hanson, Deputy County Attorney
Soleil Melo, Deputy Clerk
Geni Hawk, Commission Secretary
Kourtney Cox, HR Assistant
Lori Perez, Chief Deputy Clerk
Jeff Wood, Sheriff

1) Approval of Minutes

Commissioner Martines made a motion to approve the June 21, 2023 Commission Meeting minutes. Commissioner Jensen seconded. Motion carried.

Commissioner Jensen made a motion to approve the June 26, 2023 Special Commission Meeting minutes. Commissioner Martines seconded. Motion carried.

2) Presentation of Employee of the Month award – Kourtney Cox

Kourtney said the July Employee of the Month is Victor Turner. Victor was hired in 2004 and has served 18 years in the Carbon County Sheriff's office as a corrections officer. He was nominated anonymously. Kourtney read the nomination letter (attached) which stated that Victor is selfless and inmates look up to him and hold him in high regard. He deserves many awards; he is a true hero.

Sheriff Wood said Victor has been a reliable employee, this is another example of the day in the life of a police and correction officer. Victor is a good example of what is expected today from police officers. Victor was presented with his recognition and award.

(Commissioner Hopes moved to agenda item number 4)

3) Presentation of Super Service award – Tina Grange

Tina said the July Super Service Award goes to Casey Duncan from Club Mecca in Price. Tina read the nomination which stated that Casey is friendly and outgoing and truly cares about his customers. He knows the specials and recommends new drink and food options. There has never been a bad experience when Casey is working, he is great to chat with and makes you feel important. Tina presented the award to Casey Duncan.

Tina added that as most people know Casey is a recovering addict and he had asked Tina to help with a project idea he had. Casey said a lot of people have done nice things for him. Because of the kindness he has received from the people in Carbon County he wants to give back. He wants to find a way to spread that good feeling and kindness. Tina has been trying to find a way to bring this to life. Casey wants to share kindness with someone who needs it but he also wants to give a shout out to those who show kindness too. He wants this kindness to spread outside of our area.

Tina presented an idea to Casey. She created "Casey's Wish, Kindness Challenge" which includes a Gmail account, a social media page and kindness cards. Tina read what is printed on the kindness cards. Each card is printed with a QR code that takes you to Casey's Wish, Kindness Challenge Facebook page. The person then shares where they are from and how they received the card. This will allow Casey to track how the kindness is spreading. The cards remind people to pay it forward and be kind.

Tina said she is hoping that the entities in the county reach out and order kindness cards. They are \$5.00 a sheet and you can order them at Carbon Print and Design. Casey is not quite ready to be a non-profit organization. It would be so cool if Carbon County was voted the kindest county in the State because of Casey's project. Casey thanked Tina and the commission for the recognition.

(The meeting returned to agenda item 8)

4) **Ratification of agreement with LAMAR Advertising for Bus Transit Advertising in the Boulder Colorado Market – Tina Grange**

Tina said this is for more bus ads. This is a ratification because the agreement had to be in place in order to start working on the ads. Commissioner Hopes said this is expanding our advertising into new markets. Tina said they have seen a lot of growth in the Denver, Colorado area. They decided to put some of the out-of-home advertising dollars that was received in a 2022 marketing grant into billboards, bus ads or bench ads. Our advertising agent did the research and found that the bus ads are very affordable. They contain QR codes where passengers stopped behind the bus can scan the code for the information.

Commissioner Martines said this money comes from the tourism dollars and it is not county tax dollars. Tina said a percentage of tourism dollars can be used for marketing which comes from taxes paid for hotel lodging. It is a 50% matching grant. It is a great way for us to stretch our marketing dollars.

Commissioner Jensen made a motion to ratify the agreement with LAMAR Advertising for Bus Advertising in the Boulder County market. Commissioner Martines seconded. Motion carried.

5) **Ratification of agreement with LAMAR Advertising for Bus Transit Advertising in the Colorado Springs Market – Tina Grange**

Commissioner Hopes said this is similar to the last one just in a different area.

Commissioner Martines made a motion to ratify the agreement with LAMAR Advertising for the Bus Transit Advertising for the Colorado Springs market. Commissioner Jensen seconded. Motion carried.

6) **Consideration and possible approval of agreement with Nine Mile Canyon RV Resort to house a Tourism Digital Kiosk – Tina Grange**

Tina said the new Nine Mile Canyon RV Resort is located in Wellington and they are hoping to open on July 21. She and Shanny met with the site manager and the owner and had a great tour. She took all of the digital kiosk information for them to review and he signed it on the spot. This is for the digital kiosks that we are placing as a pilot program. The Tourism Board approved to spend \$5,000 to place these small touch screen kiosks in high traffic areas throughout the county. This is a temporary placement so we can track the usage and make sure they are in the right place or if they need to be relocated. The kiosk themselves are on back order at the moment.

Commissioner Martines made a motion to approve the agreement with Nine Mile Canyon RV Resort to house a tourism digital kiosk. Commissioner Jensen seconded. Motion carried.

7) **Consideration and possible approval of new board member to Carbon County Tourism and Tax Advisory Board – Tina Grange**

Tina said there is an open position because one of our members went to work for the AOG. She no longer qualifies as working with a qualifying entity. The majority of the board has to be from the paying entities that pay into the lodging and restaurant tax. Tina put out a call for applications and had one person return an application. This person would finish out the open term until 2024 and if she is interested can apply again. The applicant is Mequelle Woodruff who is the manager of the Carbon County Club.

Commissioner Martines made a motion to approve Mequelle Woodruff for the Carbon County Tourism and Tax Advisory board. Commissioner Jensen seconded. Motion carried.

(Commissioner Hopes returned to agenda item 3)

8) Open sealed bids for pickup truck – Road Department

Deputy Clerk Soleil Melo opened the bids. Clerk/Auditor Seth Marsing was on vacation.

Daniel Luke, Director of the Road Department, said over the past two and a half years they have incorporated a handful of pickup trucks with snow plows into the snow fight equipment to better take care of smaller roads in Cabonville, Kenilworth and Westwood Subdivision and other places where the bigger trucks don't fit. One of these trucks is worn out. This bid is to replace one of those single cab, long bed pickups that are used for snow plowing in the winter but used as a work truck throughout the year.

One bid was received:

Auto Farm Chrysler/Dodge/Jeep and Ram - 2024 3500 Tradesman Reg Cab \$64,310 It will be available in 100 to 120 days. It meets all of the minimum criteria.

Commissioner Jensen made a motion to allow Daniel and himself to review the bid to make sure it is in order and award. Commissioner Martines seconded. Motion carried.

9) Open sealed bids for Motor Grader – Road Department

Daniel said they are looking for a used motor grader. Today the oldest grader in the fleet is working in the Clear Creek area, it is a 1976 model. It is still a good machine, a workhorse, but when it breaks down parts are not available. Another grader is just a few years newer than this one and has the same problem where parts are not available. The newest machine is a 2010 model that has over 2,000 hours.

Two bids were received:

Wheeler Machinery 2021 150 all-wheel drive grader with 1886 hours \$325,000
Includes a service history and is in possession of another government entity who will continue to put hours on it until August, when it will become available.

Honnen Equipment – includes two options –
2023 John Deere 772G grader all-wheel drive, a new machine with government pricing \$392,205.11
2021 John Deere 772G grader all-wheel drive with 1935 hours \$345,000

Commissioner Martines made a motion to acknowledge the bids received and allow Daniel and Commissioner Jensen to review the bids and award. Commissioner Jensen seconded. Motion carried.

10) Consideration and possible approval of a contract between Carbon County and the Victims of Crime Act (VOCA) 7/1/2023 to 6/30/2025 – Shelley Wright

Shelley said they wrote a grant to fund the therapist position and were awarded a two year grant for \$100,379.32 which will be split between the two years. Part of the VOCA agreement includes agreeing to the quality assurances which need to be signed electronically. They have to be compliant between their department and human resources.

Commissioner Jensen made a motion to approve a contract between Carbon County and the Victims of Crime Act (VOCA) 7/1/2023 to 6/30/2025. Commissioner Martines seconded. Motion carried.

11) Consideration and possible approval of a grant between Carbon County and the Utah Office of Victims of Crime Act (VOCA) 2023-2024 – Denna Fausett

Denna said they are asking for approval for the new grant. This year they applied for a state grant instead of a VOCA grant. The state put aside money for victims within each county. We were able to receive this one-year

grant which is for more money because the VOCA funding is decreasing. The grant total is \$43,822.20. She is asking for approval to continue this program at the sheriff's office.

Commissioner Martines made a motion to approve the grant between Carbon County and the Utah Office of Victims of Crime Act (VOCA) 2023-2024. Commissioner Jensen seconded.

Denna said there are quality assurance forms coming from the state instead of from VOCA. Once she gets those she will send them to the Commissioners.

Motion carried.

12) Update on 2023 property tax assessments and 2023 property tax notice – County Assessor Gillan Bishop

Commissioner Hopes said the property tax disclosure notices will be coming out soon. We are asking that property owners take a close look at their disclosure notices this year and verify that what is on the paper matches what is on the ground. If you see discrepancies, please meet with the County Assessor Gillan Bishop. There are two different types of adjustments he can make. He can take it to the Board of Equalization or he can do an assessor initiated adjustment. A list of the assessor initiated adjustments will be brought to the board of commission for approval. If you have any questions, the Assessor's office is the best place to start.

The back of your notices contains a lot of information. Please read through it carefully so you can understand what you are looking at. This is not your tax notice. It is your opportunity before the final tax notice comes out in October to make sure your values are correct and matches what you have on the land.

Commissioner Martines said this tax notice is an evaluation of your property. This is not a tax increase. We are not raising taxes; we are just asking that you verify your valuations. The county's budget is still 5.6 million and not any more than that. Make sure your notice is accurate.

Commissioner Jensen said there are several offices in the county building that are involved in property taxes. The information on the notices is gathered from the Assessor's office. If you have questions, the treasurer's office and the Clerk's office can't fix anything. It is the Assessor's office who has to make the adjustments. The Commissioners are unable to make adjustments to values. They are willing to help answer questions. If you do not agree with the values, then the Board of Equalization is the last chance you have to make adjustments. You can set up an appointment in the clerk's office and meet with a third party hearing officer that the county hires to listen to property owners to determine if their values need to be adjusted. If you wait until after the BOE deadline, then it gets more difficult to make those changes. It is critical that you look at those immediately. If you do not receive a disclosure notice, then you need to call and ask for one.

Commissioner Hopes said the easiest way is to work with the Assessor's office for an assessor's office initiated adjustment. If you cannot come to an agreement, then the Board of Equalization is your opportunity to meet with a hearing officer. You can't just show up for a BOE hearing; you have to have documentation to prove that adjustments need to be made. These can be an appraisal, documentation of upgrades or a building being torn down. They will compare evaluations of similar properties in your area to make sure yours is comparable.

Commissioner Jensen said you will notice that the values of our homes went up again. The state is looking at this to make sure they are accurate. The valuation of your home comes from the sale of homes in your neighborhood over the last year.

Commissioner Hopes said as values increase the rate may decrease. If this happens you may be paying the same amount. If your value increases beyond the rate decrease you will pay more. The rate is going down this year as compared to last year's rate in most if not all areas of the county.

13) Consideration and possible approval of amendment No. 2 to contract 230345 between the State of Utah, Utah Attorney General's office and the Carbon County Children's Justice Center – Shelley Wright

Shelley said this is a contract amendment for an increase in the budget. Our funding for 2024 will be \$217,588. This contract will run from July 1, 2023 to June 30, 2024. This is amending the budget and it is an increase. The State was able to receive more victim funding so the forensic interviewer we hired in October will be funded at 100% as of July 1. She will still be part time but eventually increased to full time. We are no longer required to match her salary.

Commissioner Martines made a motion to approve Amendment #2 to contract #230345 between the State of Utah, Utah Attorney General's office and the Carbon County Children's Justice Center. Commissioner Jensen seconded. Motion carried.

14) Ratification of partial payment for pavement maintenance schedules I, II and III only, UDOT Project No. 239926 FY 2023

Commissioner Hopes said this is the pavement and maintenance project that we did at the airport this year. They ended up giving us more money to finish the project because of the increased costs due to inflation.

Commissioner Martines made a motion to approve the partial payment for pavement maintenance schedules, I, II and III only, UDOT Project No. 239926 for FY 2023. Commissioner Jensen seconded. Motion carried.

15) Ratification of partial payment for pavement maintenance schedule IV only UDOT Project No. 239926 FY2023

Commissioner Hopes said this the same project but because one of our runways is not supported by UDOT or the FAA, all of the maintenance is on us. This part of the maintenance project is our portion of that runway.

Commissioner Jensen made a motion to approve partial payment for pavement maintenance schedule IV only on UDOT Project No. 239926 FY 2023. Commissioner Martines seconded. Motion carried.

16) Ratification of Amendment No. One to Carbon County Airport/Buck Davis Field AIP Grant No. 3-49-0026-020-2021

Commissioner Hopes explained that he may have gotten the items backward. Agenda item 14 is the payment that we make on our runway, item 15 is for the runway where we participate with UDOT and this will be the amendment to the amount that they gave to us. This is the increase in payment.

Commissioner Martines made a motion to ratify amendment No. 1 to Carbon County Airport/Buck Davis Field AIP Grant No. 3-49-0026-020-2021. Commissioner Jensen seconded. Motion carried.

17) Ratification and approval of the Indigent Defense Commission Grant Award July 1, 2023 – June 30, 2024

Commissioner Hopes said every year we receive an Indigent Defense grant that helps pay for public defenders. There has been an increase in the need for public defenders. This year the State asked if there is an opportunity for us to align with other agencies. We reached out to our cities and Price was also receiving an Indigent Defense grant. We worked with each of the cities and came up with a plan. We were awarded the grant to combine all of our indigent defense under one umbrella instead of each city have their own contract with their own public defenders. The benefit will allow for conflict cases to be handled easier, especially for our cities where they might have one attorney for public defense. This will allow a pool of attorneys to draw from when there are conflicts.

The reason this is a ratification is because they needed the documentation signed prior to this meeting in order to get the grant award going.

Commissioner Jensen made a motion to approve the ratification of the Indigent Defense Commission grant for July 1, 2023 through June 30, 2024. Commissioner Martines seconded. Motion carried.

18) Consideration and possible approval of the Interlocal Agreement for the Provision of Indigent Defense Services between Carbon County and Wellington City, East Carbon City, Helper City and Price City

Commissioner Hopes said as part of the grant we just talked about, this agreement is between each of the cities. Each city will continue to pay their previous amount for indigent defense services. They will pay that to the county and then the county will pay all of the public defenders. We will contract with the public defenders for those services for all of the cities.

Commissioner Martines made a motion to approve the Interlocal Agreement for the Provision of Indigent Defense Services between Carbon County and Wellington City, East Carbon City, Helper City and Price City. Commissioner Jensen seconded. Motion carried.

19) Consideration and possible adoption of Ordinance 570, a change to the Carbon County Zoning Map from RR 2.5 to RR 1 located on a portion of parcel #02-1092-0000 for Glen Thompson – Todd Thorne

Todd said this zone change is on Glen Thompson's property. Jared Lessar wants to build a home, so they worked together to subdivide this for a 1-acre lot in order for Jared to build a home. It meets all of the distances for fire hydrant, water and sewer. The only problem was that Glen's field is in a two and half acre zone so it needed to be changed to one acre for him to build a home. There was one member of the public who come to the public hearing, Steve Zorn, who lives east of this property, and he was in support of this change. The Planning Commission approved it unanimously and had no concerns.

Commissioner Martines made a motion to approve the adoption of Ordinance 570, to change the Carbon County zoning map from RR 2.5 to RR 1 located on a portion of parcel #02-1092-0000 for Glen Thompson. Commissioner Jensen seconded. Motion carried.

20) Consideration and possible adoption of Ordinance 571, an amendment to Section 3.3.38 of the Carbon County Development Code – Todd Thorne

Todd said this is in reference to gas wells and the location of homes for potential developments. The current set back requirement is 660 feet. The conversation at the planning commission was to reduce that to 330 feet. For existing homes this might be a little bit close. The Planning Commission recommended to keep the distant at 660 feet from an existing home for a new well coming in. If a new development goes in, those homes are to be located 330 feet from an existing gas well. There will be two different criteria for the different gas wells. Other counties allow as close as 125 feet in Grand County and as far as 1000 feet in Uintah County. The Planning Commission was okay to reduce it to 330 for a housing development. This measurement is from the structure, not the property line. So from where the home would be to the gas well would be the 330 feet.

Commissioner Jensen said back in 1995 as the gas field west of town developed and got closer to homes, the 660 feet was established as a barrier from existing homes. Now that the wells have been drilled, the owners of these properties are losing acreage for development. The question is, is there a hazard to someone being that close, within the 330 feet. There really is no hazard. The ordinance from the 1990's no longer applies unless they are going to drill a new well. And if it's a new well then the 660 feet barrier will stay in place. In a new subdivision, lots could be within the 330 feet and it would be the choice of the homeowner to buy a lot and build a home that close to a well. We would not be infringing on the homeowner at that point.

Commissioner Martines asked if this is a variance or a county code change moving forward. Todd said this is a county code change moving forward. It will affect any parcel or development in the county. Commissioner Martines asked if there is any requirement for an existing well like fencing or a cover? Todd said there is a lower than 55 decibel noise requirement but it is the buffer area that could potentially be different.

Commissioner Hopes said this is a great compromise. It protects homeowners with an existing home but allows new owners a choice to make that decision. Commissioner Martines clarified that as far as a new well, it would stay at the 660 feet. A new subdivision developed near an existing well would be 330 feet.

Commissioner Jensen said these gas wells are at the end of their life and the gas company could be required to cap and abandon these wells. At that point, the barrier could be less.

Commissioner Jensen made a motion to approve Ordinance 571, an amendment to Section 3.3.38 of the Carbon County Development Code. Commissioner Martines seconded.

Commissioner Hopes said that this did pass the Planning and Zoning Commission at a 6-1 vote.

Motion carried.

21) Consideration and possible approval to apply for the Utah Division of Recreation Search and Rescue Grant – Sheriff Wood

Sheriff Wood said they found this grant and it is a good opportunity to upgrade some of their Search and rescue equipment. They are looking to replace old ATV's with new side by sides. This grant has up to a 50% match but it could be less. There is plenty of money in the Search and Rescue budget to make the match but approval of the application for the grant is needed.

Commissioner Hopes said it is important to keep our equipment current. He is in favor of this application.

Commissioner Martines made a motion to approve the application for the Utah Division of Recreation Search and Rescue grant. Commissioner Jensen seconded. Motion carried.

22) Consideration and possible approval of the Aviation Campus Workforce Development Grant award

Commissioner Hopes said this is exciting news. In the Build Back Better program, our portion was to build out the aviation campus. We were not funded in the Build Back Better grant application. However, thanks to Jade and the Southeastern Utah Association of Local Governments, they were able to find another grant, the Workforce Development Grant, and they recommended that we apply for funding to do Phase 1. We could have asked for more money but they recommended a lower amount so that it would get funded. With Jade's help the application was submitted and we were awarded the grant. This grant will allow us to build and add to the aviation campus specifically in the maintenance and mechanics side of the program. Currently, we have a flight school and a pilot training program. This will add the A&P courses to their campus and allow us to train mechanics. These mechanics certifications will allow them to work not only on airplanes but also in power plants. The grant is for 1.8 million dollars and it comes with a match of \$500,000. The awarded amount is 1.3 million dollars and with the \$500,000 it totals 1.8 million dollars. This is exciting if we approve it.

Commissioner Jensen said this is a great opportunity for the university and our community to have the additional classes available that will help fill the airport with good activity and overtime bring in more industry.

Commissioner Jensen made a motion to approve the aviation campus workforce development grant. Commissioner Martines seconded. Motion carried.

23) Review and approval of departmental reports

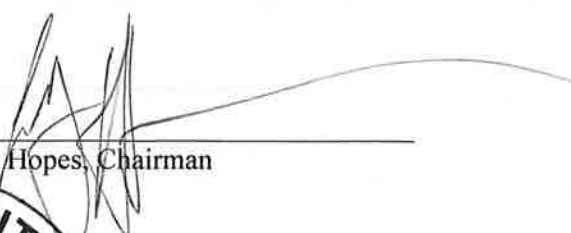
24) Possible Closed Session to Discuss sale, purchase, lease or exchange of real property

Commissioner Jensen made a motion to go into closed session to discuss sale, purchase, lease or exchange of real property. Commissioner Martines seconded. Motion carried.

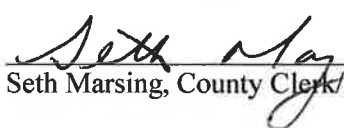
Commissioner Jensen made a motion to come out of the closed session and return to the public session.

Commissioner Jensen made a motion to adjourn the meeting.

The meeting adjourned at 5:49 p.m.


Casey Hopes, Chairman

ATTEST:


Seth Marsing, County Clerk/Auditor

