

COMMISSION MINUTES
February 13, 2012

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this thirteenth day of February, 2012. Meeting commenced at 1:30 p.m. with Commissioners Gordon Topham, Gary Mason, and Garth 'Tooter' Ogden in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Clerk/Auditor Steven C. Wall, County Attorney Dale Eyre and Executive Administrator Malcolm Nash were also present.

Minutes for January 23rd meeting approved:

Minutes of the January 23rd Commission meeting were reviewed and approved as corrected on a motion by Commissioner Topham, second Commissioner Mason, unanimous.

PILT funds received from Department of Natural Resources:

Doug Messerly, State of Utah Department of Natural Resources, presented the Commissioners a check in the amount of \$1,410.04 for payment in lieu of taxes on the properties in Sevier County that are owned by the Division of Wildlife Resources. He reviewed with the Commissioners the current programs that they are doing in the area. The Commissioners thanked him for the information.

Commission business:

The Commissioners then reviewed a request they had received in writing from Parm Patrick concerning delinquent property taxes on his home, noting the home was up for tax sale this year. They discussed with the Sevier County Attorney that in situations such as this one whether or not a contract with the property owner would be beneficial to the County, or what he recommended. His recommendation was that if they did anything, the law allowed them to defer the tax sale for one year, but recommended not going into a contract because it would then give the owner additional options for appeals, etc. He then said the deferment of the tax sale for one year should be a one-time event to give the owner a year to get the taxes caught up, and not put them in further hardship. The Commissioners asked that the item be put on the agenda for the next meeting, and also that the individual be contacted so they could explain to the Commissioners the reason for the hardship, their intent on paying the taxes, and also give the Commissioners the opportunity to discuss the deferment with him.

Commissioner Mason mentioned there is a possibility he will not be at the next Commission meeting because of a court case the County is involved in that is scheduled for that day.

Property quit-claim to Federal Government approved:

Mark Cox, Rocky Mountain Power, and Ed Anderson, Paragon Partners Ltd., discussed with the Commissioners a property in their research that shows that it is owned by Sevier County, but it is actually owned by the Federal Government, and asked that the County quit-claim the property back to the Federal Government to correct the ownership in the records. They also mentioned that they realized that the County had done some work verifying this information, and indicated they would be willing to reimburse the County for expenses if the County would let them know the amount of the expenses and what they were. County Attorney Dale Eyre said he and GIS Director Cynthia Nielsen had researched the parcel and verified that the property should be

deeded to the Federal Government. After discussion, Commissioner Topham moved to authorize a quit-claim deed be executed by the County deeding back to the Federal Government the property in question, second Commissioner Mason, unanimous.

Property Tax request nets deferment:

The Commissioners then discussed the petition they had received and discussed in previous meetings concerning the Casto properties (serial numbers 1-S3B-15, 1-S22-32, and 1-S22-22). Commissioner Topham noted that he had researched the statutes, and stated that once the values had been established and tax rolls had been set for prior years, and no pending appeals had been made, that by law the value needed to remain the same. Assessor Amy Garren-Clark noted that because of the appeal to reduce the taxes, they had visited the properties and at this time the properties have been reduced to salvage value with the land values remaining the same. After discussion, the Commission noted that only one of the properties are up for tax sale this year, that there are some extenuating circumstances and court cases involving those properties, and there would be no reduction in taxes because the values are set. After further discussion, Commissioner Mason moved to defer the tax sale on property 1-S22-22 for one year to allow the family time to get some of the issues resolved, second Commissioner Topham, unanimous.

Travel Council Recommendations approved:

Special Events Director Kevin Arrington then reviewed with the Commissioners the recommendations from the Travel Council during their last meeting. After discussion and review, Commissioner Mason moved to approve the expenditures as recommended, second Commissioner Topham, unanimous.

Business license approved:

The Commission then reviewed the business license request from Ted Slaymaker for Emergence Ink, a tattoo parlor. Mr. Slaymaker told the Commissioners he had talked to the owners of the adjacent businesses about concerns that had been expressed during the last Commission meeting. He said the hours of operation for his business would be in the afternoon and evenings (2 – 10 pm), which would not really coincide with the gymnastics studio, and that he intends to post a sign on his business regarding minors stating that they will not be allowed in his business without adult supervision. After discussion, noting that business license had been signed off by the Zoning Administrator, Commissioner Mason moved to approve the license at a fee of \$25 per year, second Commissioner Topham, unanimous.

Beer license renewals approved:

Beer license renewals for Fish Lake Lodge and Lakeside Resort were reviewed and approved on a motion by Commissioner Topham after noting that the Sheriff had signed approval for both licenses, second Commissioner Mason, unanimous.

Public Comments:

Chairman Ogden then opened the meeting for comments from the public. Elaine Bonavita, Salina, once again expressed her concerns with the mosquito abatement program, and asked that the County establish a Mosquito Abatement District so that the District could handle the program versus the County handling the program. She also said that there have been several presentations

to the Commissioners over the last seven months, several letters to the editor in the local papers, of their concerns over the local mosquito abatement program, and that she doesn't see that much, if any, action is being taken to address those concerns. Ms. Bonavita said she has not seen a resolution or any education matters being discussed to educate the public on the mosquito abatement program as well.

Linda Hymer, Sevier, addressed the Commissioners and stated that she is appalled at some of the statements and accusations being made against the Mosquito Abatement Program and John Johnson in particular, and did not feel that this is the forum for that to be done in. She said she feels that the mosquito abatement program in Sevier County is a great program, and that she would actually like to see something stronger done to eradicate more of the mosquitoes as the spray does not drift that far from the roadways where the spraying is currently being done. She then indicated personal attacks on individuals should not be done in a public meeting.

Elaine Bonavita then read a letter to the Commission requesting that it be made a part of the record, and noting that this letter is being taken to every community in Sevier County asking them to stop participating in the mosquito abatement program as it is currently being operated.

Commissioner Mason reminded Ms. Bonavita that any discussion or letters read during Commission meeting are not added to the minutes word for word as the minutes only reflect the important parts of the conversation, but the letter(s) could be included in the minute inserts.

Commissioner Topham, in response to Ms. Bonavita, indicated that he had written a letter to her in response to the some of the questions she had asked, and that a letter had not been sent to the Department of Agriculture because no information had been requested by them. He also stated that he is not in favor of establishing a Mosquito Abatement District because that would be an additional level of government with taxing authority and would put more taxes on the people of the County, and he is not willing to do that at this time.

Jones & DeMille to engineer new bike path segment:

Commissioner Mason updated the Commission on the bike path and continuing that path from Elsinore to the Richfield area. He noted that the County needs to name an engineer for design and construction for that portion of the path to move along with that project. He said he felt that having one engineer for design and construction would be a cost savings and allow more continuity. Commissioner Mason then moved to approve Jones & DeMille Engineering as the designated engineers for the design and construction of the bike path from Elsinore to Richfield, second Commissioner Topham, unanimous.

Contracts for fair entertainment approved:

The Commissioners then reviewed two contracts for activities during the Fair. One for Cook's Racing Pigs, and one with Laff Productions Inc. for a tribute to Frank Sinatra. After discussion, Commissioner Topham moved to approve the contracts as recommended, second Commissioner Mason, unanimous.

Candy Mountain Whistle Stop Trailhead Project agreement approved:

Malcolm Nash then updated the Commission on the proposed Candy Mountain Whistle Stop Trailhead Project, stating that the developers had executed the deeds to the County for the property and the easements for access to the trails from the parking area. He indicated that the parking area would not be paved so it would be easy to maintain, and that the restrooms would be maintained by Big Rock Candy Mountain Resort. Mr. Nash reviewed the property agreement with the Commission, indicating the parts that each party to the agreement would be responsible for. He said that the County will pursue funding and grants to help with the project, but there is no commitment of any County funds. He noted that if grants are unavailable, the project would not be pursued as there are no County funds committed to this project as the Resort will operate and maintain all of the facilities. After review and discussion, Commissioner Topham moved to approve the Candy Mountain Whistle Stop Trailhead Agreement between Sevier County and David S. Grow, Steven Grow, and Alexander James Grow, second Commissioner Mason, unanimous.

Forestry Fire and State lands agreement for Firewise projects approved:

The Commission then reviewed the cooperative agreement between the State of Utah, Division of Forestry Fire and State Lands, and Sevier County for the project to reduce hazardous fuels and to administer Firewise projects to be paid by the SRS Title III funding. After discussion, Commissioner Topham moved to approve the agreement, second Commissioner Mason, unanimous.

Resolution 2012-2-1 approved:

The Commission then reviewed Resolution 2012-2-1 authorizing the governing board of Special Service District #1 to issue mineral lease revenue bonds and covenanting not to impair the mineral lease revenues of the District so as to negatively impact the District's ability to pledge the Mineral Lease revenues for the repayment of the bonds. After discussion, Commissioner Mason moved to adopt Resolution 2012-2-1 stating that the County will not impair the District's ability to pledge the Mineral Lease revenues for the repayment of the bonds not to exceed \$30 million, second Commissioner Topham, unanimous.

Closed session:

Commissioner Topham then moved to set February 13, 2012, at 3:35 p.m. for a closed meeting to discuss possible litigation, second Commissioner Mason, unanimous. Those present in the meeting were the Commissioners, Clerk/Auditor Steven Wall, County Attorney Dale Eyre, and Executive Administrator Malcolm Nash.

Regular meeting then resumed at 3:50 p.m.

Zion's Bank to act as financial advisor to refund bonds:

The Commission then reviewed a letter from Zions Bank Public Finance Department offering to help the County refinance the County's outstanding Series 1994 and 2004 MBA Bonds. The letter outlines Zion's Bank responsibilities as a financial advisor to the County for the refunding of these bonds. After discussion, Commissioner Topham moved to approve the agreement

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authorizing Zion's Bank Public Finance to assist the County as financial advisor in refunding the Series 1994 and 2004 MBA Bonds, second Commissioner Mason, unanimous.

There being no further business to come before the Board, meeting adjourned at 3:55 p.m.