

COMMISSION MINUTES
March 12, 2012

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this twelfth day of March, 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.

Commission business:

Commissioner Ogden reported that April 1st there is a Six County Leadership Conference he is planning on attending. He then reviewed a petition for annexation that had been received from Richfield City noting there is some additional property on the south end of Richfield they are annexing, like a residential area.

Commissioner Ogden then gave the Commission an update on the NACo legislative meetings he had attended in Washington DC last week.

Commissioner Mason reported that the dance studio that is located in the same building as the new tattoo parlor they had approved at the last Commission Meeting is looking for a new location. Apparently, the business owners had not worked together as had been reported during the Commission meeting. Discussion followed concerning whether or not due diligence had been met prior to approval of the tattoo parlor. County Attorney Dale Eyre said that if the business met all of the requirements applicable under the law, how could the Commission not approve it.

Commissioner Topham then reported on his visit at the NACo legislative meetings, and some of the NACo Committees he is on and some the items they discussed.

Malcolm Nash stated he had received a request from a resident to bring a TV channel to the area from St. George that is currently being broadcast by St. George through Iron County, Beaver, and Millard County. The channel plays old movies, old TV movies, and series from the 1950's and 1960's. Commissioner Mason said he would discuss it with Johnny Parsons who takes care of our translator stations. No further action was taken at this time.

Minutes of the February 27th Commission Meeting approved:

Minutes of the February 27th Commission Meeting were reviewed and approved on a motion by Commissioner Ogden, second Commissioner Topham, unanimous.

Contracts approved for Balloon Festival and County Fair:

Paula Martin then reviewed several contracts with the Commission for activities during the balloon festival, as well as the Sevier County Fair. She first reviewed the Scales and Tails contract, which would be during the Balloon Festival in Salina. After discussion, Commissioner Topham moved to approve the agreement with Scales and Tails of Utah for a fee of \$1,075, second Commissioner Mason, unanimous.

Ms. Martin then reviewed the agreement with Harmony West Entertainment for the band Tennessee River, an Alabama Tribute, for the concert held during the balloon festival. She said that they planned to close Salina Main Street to hold all of the activities along Main Street this year to hopefully make it a bigger celebration and activity for the community. After discussion, Commissioner Mason moved to approve the Harmony West agreement at a fee of \$5,000, second Commissioner Topham, unanimous.

Ms. Martin reviewed the Harmony Artists agreement for the Doo Wah Riders for the County Fair at a fee of \$3,000. After discussion, Commissioner Mason moved to approve the agreement with Harmony Artists Incorporated for the Doo Wah Riders, second Commissioner Topham, unanimous.

The last agreement Ms. Martin reviewed was with JD Platts agreement for the Canine Kings Entertainment to be held during the Sevier County Fair at a fee of \$4,800. After discussion, Commissioner Topham moved to approve the agreement between Sevier County and JD Platts for the Canine Kings Entertainment, second Commissioner Mason, unanimous.

Ms. Martin said she was still in negotiations for the rodeo to be done at the fair, and was not ready to approve that contract at this point.

Nuisance Ordinance added to Sevier County Code book, Chapter 8:

The Commission then discussed the updated Nuisance Ordinance, Chapter 8 of the Sevier County Code, from their public hearing at their last meeting. Noting they had not received any additional information or comments, etc. After discussion, Commissioner Topham moved to adopt the new Nuisance Ordinance 2012-3-1 updating Chapter 8 of the Sevier County Code, second Commissioner Mason, unanimous.

Property purchase, and fee waivers approved for Sevenmile Gooseberry Road:

The Commissioners then reviewed again the costs for the rights-of-way along the Sevenmile Gooseberry Road, noting that they had discussed and waived Recording fees during the last Commission Meeting. They also discussed that there are a few roll-back taxes that are due, as well as some additional fees due to title companies, some recording on new trust deeds, etc. because of changes in property descriptions, and payment for the properties as the property is coming to the County at the request of the County. After further discussion, Commissioner Topham moved to approve the purchase of the properties as noted on the schedule, to abate the rollback taxes and fees necessary to complete all of the recording that needs to be done on the properties, and to authorize payment of the fees to the title companies, second Commissioner Mason, unanimous.

Business license for Cody Nielson approved:

The Commissioners then reviewed a business license for Cody Nielson for Performance Motor Sports to move locations in the County. The Commission noted that a business license had been purchased for 2012 at their current location, but they were changing locations of the business. After discussion, Commissioner Topham moved to approve the new license at a fee of \$25 per

year with the understanding that a \$5 fee would be paid this year to re-issue the license as a license had already been purchased, second Commissioner Mason, unanimous.

Travel Council Recommendations approved:

Special Events Director Kevin Arrington then reviewed with the Commissioners the recommendations of the Travel Council for funding for activities in the area as a result of their recent meeting. After discussion, Commissioner Mason moved to approve the recommendations as outlined, second Commissioner Topham, unanimous.

Public Comments:

Commissioner Ogden then opened the meeting for comments from the public. Mosquito Abatement Director John Johnson reported he is drafting a Mosquito Abatement Program outline, and discussed some of the items in the outline. The Commissioners asked that they be given time to review the document at a later time and have their questions answered before it is made available to the public.

Elaine Bonavita, Salina, updated the Commissioners on her complaint to the Attorney General's Office, and discussed the contents, her desire to be on the no spray list, and her concerns of when John will be spraying, etc. due to the alleged health problems this creates for her.

2012-3-1 Parameters Resolution approved for refunding bonds:

Bond Attorney Richard Chamberlain, Chamberlain and Associates, and our financial advisor, Brian Baker of Zions Bank, updated the Commissioners on the refinancing of the 1994B and 2004 refunding bonds that has been previously discussed. Mr. Baker reported that at the current market prices, it would save approximately \$239,000 over the next 13 years. The Commission reviewed the bonding procedure and noted that Richard Chamberlain would be handling the bond work. Discussion followed that it will be approximately the first part of April when the bonds will be completed, working through the rating agencies, and whether to get bond insurance or not. After discussion, Commissioner Topham moved to adopt the 2012-3-1 Parameters Resolution authorizing issuance of not more than \$3.5 million for the refunding of 1994B and 2004 Refunding Bonds on the Justice Complex, second Commissioner Mason, unanimous.

Bid awarded for Community Wildfire Protection Plan:

The Commission then opened bids for the Community Wildfire Protection Plans. Two bids had been received. One from LS Forest Management Services, Inc. for a total of \$54,000, and another from GO Elements LLC for a total of \$39,564. The Commissioners discussed the bids with Fire Warden Matt Christensen, Emergency Services Director John Hunt, and Terry Heath from the State Wildland Fire Agency. They reported that they had discussed with both entities the plans and their proposals, and felt that either company would be qualified to provide the services as requested. After discussion, Commissioner Mason moved to award the bid to the apparent low bidder of GO Elements, LLC after final review and approval of legal items by the County Attorney, second Commissioner Topham, unanimous.

Indigent Burial requests approved:

The Commissioners then reviewed a request for two indigent burials from Neal S. Magleby's Funeral Home. The County Attorney reported they had been investigated, and both were indigent. Discussion followed as to the amount of the fee being paid, noting that currently we have budgeted \$1,100 per indigent burial. After discussion, Commissioner Mason moved to approve indigent burial as requested at a fee of \$1,100 each, second Commissioner Topham, unanimous.

Refunds and exemptions approved:

Assessor Amy Garren-Clark recommended a refund of \$11.78 to Triple D, Inc. for an overpayment, and \$20.28 to Gurney Trucking for a refund due to the 4R Act. After discussion, Commissioner Topham moved to approve the refunds as recommended, second Commissioner Mason, unanimous.

Assessor Garren-Clark then reported that she has received the information on all of the different tax-exempt properties. She reviewed the list with the Commission, and indicated they all requested continued tax exempt status. After discussion, Commissioner Mason moved to accept the recommendation of the Assessor and approve tax exempt status on the submitted list, second Commissioner Topham, unanimous.

Rollback taxes waived for rights of way along Dairy Road:

She then reviewed with the Commissioners a list of the properties that the County had taken along the Dairy Road, north of Venice, to widen that road. She noted the amount of roll-back taxes that were due. After discussion, noting that it was for County purposes and widening a roadway, Commissioner Topham moved to abate all of the rollback taxes on the parcels in question, second Commissioner Mason, unanimous.

Fiber optics contract ratified:

The Commissioners then discussed the fiber optics project that IT Director Dirk Jensen has been working on, noting that Commissioner Ogden had signed agreements as they are trying to move the project along. The cost would be approximately \$8,500 to bring fiber optics to the Administration Building, Fairgrounds, EMS Building, and the Justice Complex. After discussion, Commissioner Topham moved to ratify the agreement for fiber optics to increase our bandwidth for internet, which will provide better service and save money in the long run, second Commissioner Mason, unanimous.

Personnel changes approved in Sheriff's Department:

Sheriff Nathan Curtis and Human Resource Director Leigh Ann Wheeler met with the Commission reporting that the Sheriff had been testing, and had promoted Allen Pearson to a Detective Sergeant with a recommended a wage increase to \$23.60 per hour. Sheriff Curtis also noted that he had moved Jason Boots into the Task Force to replace Allen Pearson as the Sevier County Sheriff's officer on the task force. Discussion followed that Mr. Pearson was currently a Sergeant, but the Detective Sergeant position would allow for an increase in his salary to match the grade in our pay scale. After discussion, Commissioner Mason moved to accept the

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recommendation to move Allen Pearson to a Detective Sergeant position at a rate of \$23.60 effective March 12, 2012, second Commissioner Topham, unanimous.

There being no further business to come before the Board, meeting adjourned at 4:00 p.m.