

COMMISSION MINUTES
August 13, 2012

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this thirteenth day of August, 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 Malcolm Nash were also present.

Commission business:

Commissioner Ogden reported he had attended a meeting with others on the Sage Grouse Plan they are developing for this area. He said he would update the Commission as more information became available.

The Commissioners said that the Fair seemed to be successful this year, and they have received several good comments from the patrons.

Commissioner Topham reported he had received the notice of modification of our Bull Claim Hill Rock Quarry increasing the surety average amount to \$37,200 for the rock they are using on the river project.

Commissioner Topham then reported that there were some concerns over the Queen contest that had been expressed, and he would like to look at those in more detail including the purpose of having the Queen contest, helping the girls, or helping the County, and making it a better program.

Commissioner Topham reported that he had received information from the Attorney General's Office that the County needs to improve their agendas, and he will get more information on that to all Department Heads.

Malcolm Nash then updated the Commission on the progress for the Big Rock Candy Mountain Whistle Stop Trailhead, indicating that it is moving along well and will be finalized soon.

Mr. Nash then reported he has been working with Salina City on bringing more businesses to the Salina area.

County Attorney Dale Eyre updated the Commissioners on some discussion he had with Corwin Ogden on the Long Flat issue, and asked if he could get some information on what was decided in the previous meeting with the Commissioners to continue that discussion.

Commissioner Mason reviewed with the Commission the process of Conditional Use Permits according to the County Code, noting that there was an agenda item later on that was asking for a change in a Conditional Use Permit. Commissioner Mason was concerned that the Planning Commission is the Board that handles the Conditional Use Permits and that they are not handled or approved by the County Commissioners. He felt the matter should be reviewed by the Planning Commission instead of the County Commission.

Open time for public comments:

Commissioner Ogden then opened the meeting for comments from the public. There were no comments from the public.

Beer Tax Fund Plan approved:

Sheriff Nathan Curtis then reviewed with the Commission the new Beer Tax Guidelines and agreement with the State with a plan that he has developed for the use of the beer tax funds to meet the new guidelines. Discussion followed concerning the need to track the use of those funds more diligently, and reporting to the State. After discussion, Commissioner Mason moved to authorize the Chair to sign the Beer Tax Fund Plan developed by the Sheriff, second Commissioner Topham, unanimous.

Cooperative Agreement for Dispatch Services approved:

Sheriff Curtis then reviewed with the Commission the Cooperative Agreement for Dispatch Services for Sevier, Puite, and Wayne Counties, which included Sevier County's portion of those expenses for dispatch services, and that it would cover from July 2012 through July 2013. After review and discussion, Commissioner Topham moved to approve the Cooperative Agreement for Consolidated Dispatch Services in Sevier, Piute, and Wayne Counties, second Commissioner Mason, unanimous.

Polygraph unit declared surplus:

Sheriff Curtis then reported he had a polygraph testing unit that he would like declared surplus. He explained that due to the retirement of Kelvin Williams, he no longer had anyone trained to utilize the equipment, and that he had other ways of providing those services. He recommended declaring the polygraph unit as surplus, authorizing it for sale, and noted that the new units similar to this one were approximately \$2,500. After discussion, Commissioner Topham moved to declare the polygraph unit #5250 as surplus property, second Commissioner Mason, unanimous. Commissioner Mason then moved to authorize the unit to be advertised for sale with a sealed bid at a minimum value of \$800, second Commissioner Topham, unanimous.

Victim's Advocate grant accepted:

Shelly Haupt, Victim's Advocate, reviewed with the Commissioners the new grant she had received indicating the grant would be for approximately \$61,075. She reviewed what the grant would cover, and training that she is required to have. After discussion, Commissioner Mason moved to accept the grant and the report on her program, and ratify his signature on the grant application, second Commissioner Topham, unanimous.

Bids awarded for EWP River Project:

John Hunt, Emergency Management Director, and Darin Robinson, Jones & DeMille Engineering, reviewed with the Commissioners the bid they had received on the EWP River Project. They have split the project into three portions: a north area, central area, and south area. They reviewed the bids with the Commissioners for each of the areas, noting that the low bid for the north area was from Feller Enterprises in St. George for \$216,083, the low bid for the central and south areas was from Perco Rock for \$580,820 for the Central area and \$532,011 for the

south area. They noted that all of the bills were below the engineer's estimate. Mr. Hunt then reviewed with the Commission information on the contractors, noting that in his review and work done with them prior, that he felt he could work with them and recommended they be awarded the contracts. Darin Robinson then noted that they are still reviewing a few of the items that need to be finalized with NRCS on the bids and the contractors, but they were minor items and would not be major changes. After discussion, Commissioner Topham moved to award the bids to Feller Enterprises in the north area and Perco Rock on the central and south areas subject to final review and approval of the NRCS as recommended, second Commissioner Mason, unanimous.

Richfield EMS Parking Lot improvements reviewed:

John Hunt then discussed with the Commissioners the realignment that Richfield City is doing on 900 North road in front of the EMS Building in Richfield and in giving land to the County which will increase the parking area, etc. He is recommending that new concrete be poured from the garage to the new road, and that the rest of the parking lot be chip sealed and new asphalt as needed in a few areas with an approximate cost of \$20,000 to \$25,000. Mr. Hunt said the project could be done under his current budget, with the possibility of the project being split into two years depending on the time of year it is completed. The Commissioners thanked him for the information.

Out of State Travel approved:

Mr. Hunt told the Commissioners that the new ambulance they are purchasing is ready to be delivered and asked for permission for out-of-state travel to go pick it up and drive it back to Utah to save on some transportation costs. After discussion, Commissioner Mason moved to authorize the out-of-state travel for John Hunt to pick up the new ambulance, second Commissioner Topham, unanimous.

Citizen's for Clean Air & Water present information to Commission:

Dick Cumiskey, Citizens for Clean Air and Water Incorporated, discussed with the Commissioners information on the Sevier Power project and the Utah Air Quality Permit they are seeking. Mr. Cumiskey read a letter addressed to the Commissioners expressing concern of the progress of the business, noting the length of time it is taking to get anything accomplished, and also their concerns of the pollution of air in the County which would limit or restrict other businesses in the future because of the level of pollution. He requested that the County request that the Division of Air Quality take the time to build a base study of current pollutants and the amount that would be allowed in the air, and what effects this power plant will have on that. The Commissioners thanked him for the information. No action was taken at this time.

Changes to Conditional Use Permit reviewed:

Matt Barnes, Project Manager for Flat Iron Construction, discussed with the Commissioners his request to authorize a change in the Conditional Use Permit allowing them to operate for 24 hours rather than daylight hours. Mr. Barnes reported that they are behind schedule on the project they are doing on I-70 through Clear Creek Canyon, and that the only portion of the operation that would be operated 24 hours would be the asphalt and paving portion. He said the rest of the work would only be done during daylight hours, and that this would be a temporary

change lasting until late September when the weather cools down and they would be unable to make the asphalt at that time. He said they are trying to get the project done and they are behind. Discussion followed that the original application is for daylight hours only, and that the surrounding property owners have been notified. Mr. Barnes submitted letters from the surrounding property owners indicating they would be okay if he could mitigate some of their concerns of noise with the honking and blowing of horns as the trucks moved down off the loading dock. He said he could mitigate those with a yard man, but would not be able to mitigate the beeping sound of loaders as they backed up due to OSHA requirements, and that the surrounding property owners were aware of that. The Commissioners then discussed again their concerns about whether or not the neighbors understand both the scope of the work and the length of time involved in the request, and also whether or not they had the authority to make the changes. The Commissioners noted that Mr. Barnes is 'under the gun' timewise, and may not be able to wait until the next Planning Commission meeting. Further discussion followed concerning whether or not there would need to be a public hearing on any modifications to the permit, or if they could just get a temporary permit that could be handled by the Zoning Administrator which would move things along quicker for him. The County Attorney also expressed after reading our code, his opinion that the County Commission did not have anything to do with the Conditional Use Permit as it was done by the Planning Commission. The Commission referred the matter back to the Zoning Administrator to see what could be done. They expressed that before any further action was taken, that the Zoning Administrator discuss the matter with the surrounding property owners and get their opinion before a permit was issued. No action was taken.

Indigent Burial approved:

The Commission then reviewed a request from Aspen Funeral Services for a cremation for Lamar Mikesell under our indigent burial program. After discussion, Commissioner Topham moved to approve the payment for the cremation services of \$600 to Aspen Funeral Services, second Commissioner Mason, unanimous.

Business license for Ricky Ellis:

The Commissioners then reviewed a business license for Ricky Ellis for Cove Mountain Game Calls located on the Black Knoll Road. The Commissioners noted that it is a home-based business, and had been approved by the Zoning Administrator. After discussion, Commissioner Topham moved to approve the business license at a fee of \$25 per year, second Commissioner Mason, unanimous.

Minutes of July 23 approved:

Commissioner Topham then moved to approve the minutes of the July 23rd Commission Meeting as written, second Commissioner Mason, unanimous.

Reallocation of funds to Red Hills BMX approved:

The Commissioners then discussed a request from Red Hills BMX noting they had found some fencing which was less expensive and asked if they could use the additional money that was approved for fencing on other items for the project of getting the track ready. The Commissioners noted that they had approved up to \$8,000 for fencing, and the fencing they

found was approximately \$3,500. After further discussion, Commissioner Topham moved to authorize Red Hills BMX to use the additional funding up to a total of \$8,000 on the BMX track project, second Commissioner Mason, unanimous.

Claims for July approved:

Claims for the month of July were then reviewed with Commissioner Topham expressing concern on charges for local meals. He requested those charges be looked at, and asked that the reasons why be clarified to ensure there are legitimate reasons why meals are being purchased. After discussion, claims for the month of July were then reviewed and approved on a motion by Commissioner Topham, second Commissioner Mason, unanimous.

Greenbelt fees waived for properties involved in Redmond Lake Road Project:

Assessor Amy Garren-Clark reviewed with the Commission the properties along the Redmond Lake Road Project that were changed and required new greenbelt applications to be recorded and filed. She recommended that the recording fees on those applications be waived because it was a County project. After discussion, Commissioner Mason moved to waive the fees for changes on the greenbelt applications for the properties affected by the Redmond Lake Road project, second Commissioner Topham, unanimous.

Bid awarded on parcel 1-53-16:

The Commission then reviewed again the sale of surplus real property serial number 1-53-16, noting that they had accepted the bids from the last meeting. The Commission noted that the parcel number and address was correct, and that everything had been handled correctly and authorized. After discussion, Commissioner Topham moved to award the bid to Mr. Paul Paxton at a bid of \$4,161 and authorize the Clerk/Auditor to execute the deed, second Commissioner Mason, unanimous.

There being no further business to come before the Board, meeting adjourned at 3:25 p.m.