

**COMMISSION MINUTES**  
**November 26, 2012**

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this twenty-sixth day of November, 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 and Malcolm Nash were also present.

**Commission Business:**

Commissioner Ogden reviewed some of the items discussed at the UAC Convention, indicating he felt it was a good conference with a lot of good information. He then updated the Commissioners on the EWP River Project which is moving forward.

Commissioner Topham reported that he felt that they received good information at the UAC Conference. He reviewed an email he had received from Robert Weidener requesting payment for 2013 services that he would follow up on.

**Minutes of November 13<sup>th</sup> approved:**

Minutes of the November 13<sup>th</sup> Commission Meeting were then reviewed and approved on a motion by Commissioner Topham, second Commissioner Mason, unanimous.

**Claims approved:**

Claims were then reviewed and approved on a motion by Commissioner Topham, second Commissioner Mason, unanimous.

**Public Comments:**

The Commission then opened the meeting for comments from the public. There were no comments.

**Public Hearing for Flood Damage Prevention Ordinance and Ordinance 14.68:**

The Commission then opened the meeting for a public hearing as had been advertised to review a Flood Damage Prevention Ordinance and a change to Ordinance 14.68 on Conditional Uses. Zoning Administrator Larry Hanson reviewed with the Commissioners the Flood Damage Prevention Ordinance and indicated that the ordinance was an update with changes required by FEMA (Federal Emergency Management Agency) and definitions to bring our ordinance current. Mr. Hanson then reviewed with the Commissioners the changes recommended to Chapter 14.68 on Conditional Use Permits which would require that the Conditional Use Permits be recorded so that any future buyers would be aware of the conditions relating to the property. There were no comments from the public. The Commission then closed the public hearing and resumed regular meeting.

After discussion, Commissioner Topham motioned to approve the updated Flood Damage Prevention Ordinance, second Commissioner Mason, unanimous.

Commissioner Topham then moved to approve the changes to Ordinance 14.68 on Conditional Uses as discussed, second Commissioner Mason, unanimous.

**No action on Dennis Cupp request for exemption from taxes:**

Dennis and Alana Cupp met with the Commissioners concerning the denial and non-action taken by the Board of Equalization on their request for a Homestead Exemption on parcel numbers 5-68-1 and 5-69-4. Mr. Cupp presented information on the Homestead Act of 1862 and the Utah Constitution and State Statutes which he felt indicated that the land patent he had, then outlined the effort he had gone to to document their claim. Commissioner Mason advised Mr. and Mrs. Cupp that, as they had been told in previous meetings with the County, that the County does not recognize patents as being separate or different from any other land in the County or exempt from taxes. He also informed them that without the County Attorney being present, they will not make a decision, but would discuss the matter with the County Attorney. Mrs. Cupp reported that they had met with the State Tax Commission in previous years concerning this issue, and had also been told by the State Tax Commission that they don't have the authority to make the decision, and that it has to be made by the Supreme Court. Commissioner Mason then said that the Cupp's have received benefits from taxes that have been paid to the County, schools, etc. along with their other neighbors, and feels that they should pay the taxes. Discussion followed concerning presenting and discussing the information with the County Attorney, and waiting for a recommendation from the County Attorney prior to any decision. The Commission recommended that the Cupp's pay their taxes under protest prior to the due date, and depending on the decision later, there could either be a refund or they would need to be paid. No further action was taken.

**No action taken on Coast2Coast prescription card program contract:**

Malcolm Nash then reviewed with the Commissioners the Coast2Coast prescription card program that is being endorsed by the Utah Association of Counties, and was discussed at their recent meetings. There is no cost to the County, but they are looking for an endorsement from the County and use of the County seal or logo in their advertising, etc. The Commission questioned what the difference was between this program and the current program we are endorsing or sponsoring through the National Association of Counties. No action was taken at this time. The Commission will gather more information as to the differences between the two programs, and what would be best for our area residents.

**Fire Protection Services agreement with Salina City approved:**

The Commission then reviewed an agreement for Fire Protection Services between Salina City and the County. It was noted that the contract had been reviewed and approved by Salina City. After discussion, Commissioner Topham moved to approve the fire protection agreement with Salina City for the north end of the County, second Commissioner Mason, unanimous.

**Resolution 2012-11-2 adopted:**

Ryan Palmer, 222<sup>nd</sup> National Guard, discussed with the Commissioners Resolution 2012-11-2 approving the adoption and support of the Sevier County Covenant to honor and celebrate the military men and women of Sevier County and their families. Mr. Palmer thanked the Commissioners for all of the support that has been given to the military people, and discussed with them the upcoming program with the military band and the presentation of the Sevier

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County Covenant that would be presented at that time. After review and discussion, Commissioner Mason moved to adopt Resolution 2012-11-2 approving the adoption and support of the Sevier County Covenant honoring the military men and women of Sevier County, second Commissioner Topham, unanimous.

**Cooperative agreement with Forestry Fire and State Lands approved:**

The Commission then reviewed the Cooperative Agreement between the State of Utah Division of Forestry Fire and State Lands. This is a renewal of an agreement that had been approved in prior years to assist Sevier County in administering fuel reduction projects, Firewise projects, writing Community Wildfire Protection Plans, and collecting data. After discussion, Commissioner Topham moved to approve the Cooperative Agreement between the Utah Division of Forestry Fire and State Lands and Sevier County, second Commissioner Mason, unanimous.

**Agenda change approved:**

Commissioner Topham then moved to strike the last item of Assignment order with Jones & DeMille Engineering for the Sevier River EWP Project from the agenda as it was not ready to be reviewed at this time, second Commissioner Mason, unanimous.

There being no further business to come before the Board, meeting adjourned at 3:30 p.m.