

COMMISSION MINUTES
December 10, 2012

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this tenth day of December, 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 updated the Commissioners on the EWP River Project indicating that they are still working hard there, and will continue to work weather permitting.

Malcolm Nash reported that there is some activity on the power plant. There are some individuals looking at investing in the power plant that will be here in the area in the next few days to look things over. He said that the power plant seems to be moving forward now that they have their permit from the State.

Minutes of November 26th meeting approved:

Minutes of the November 26th meeting were then reviewed and approved on a motion by Commissioner Topham, second Commissioner Mason, unanimous.

Claims for November approved:

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

More Commission business:

County Attorney Dale Eyre then reviewed with the Commissioners some concerns he has with the sale of the District Court Building to the State of Utah. There are a few items in the contract he has concerns with and some corrections that need to be made as far as addressing, etc. His main concern is parking for the Sheriff's Office and Jail, especially on Court days, and he would like to see if there is a way to re-negotiate ownership of the parking stalls. It was noted that the lease agreement has been in place since 1994 with the description in it. After discussion, the Commission agreed that these were legitimate concerns, and they agreed to forward the letter he had to the State addressing his concerns.

County Attorney Eyre then reported he had reviewed the information submitted by Dennis and Alana Cupp requesting property tax exemption. He indicated he has a response to them explaining the reasons that they should continue to pay the property tax payments, as the Homestead Exemption, etc. does not apply to property taxes but may apply to other taxes and liens, etc.

County Attorney Eyre then gave the Commissioners copies of agreements he had prepared for the smaller fire departments in the County, Elsinore, Sigurd, and Aurora for their review, and to discuss with those communities. The agreements would allow them to respond to calls, but the

County would not be responsible to pay them as we are contracted with the larger departments to handle the fires in the County.

Adjustments to taxes approved:

County Assessor Amy Garren-Clark reviewed with the Commission recommended adjustments to property taxes to correct for greenbelt errors, primary residence exemption, and partial tax exemption on properties through the year owned by the School District and Snow College. After discussion, Commissioner Mason moved to approve the adjustments as recommended by the Assessor, second Commissioner Topham, unanimous.

Public Comments:

Commissioner Ogden then opened the meeting for comments from the public. There were no comments. Dave Anderson asked some questions about the proposed 2013 budget, and the Commissioners responded.

Public Hearing to consider 2013 Budget and changes to 2012 Budget:

At 2:00 p.m., Commissioner Topham moved to recess the regular meeting and open a public hearing to consider the 2013 proposed budget and to open and modify the current 2012 budget, second Commissioner Mason, unanimous.

The Commission then reviewed the proposed 2013 budget, noting that some of the major changes were the reduction in grant monies from previous years. Clerk/Auditor Steven Wall also reviewed the proposed adjustments to the current 2012 budget with an increase to the General Fund of \$314,500 to pay for a prior year tax refund of \$109,500 and to authorize the expenditures for the Title 3 money of \$205,000; an increase to the Ambulance Fund of \$150,000 to cover additional costs for EMT's because of the high number of calls this year, as well as improvements to the parking lot entrance to the building from the road construction Richfield City is doing in front of the building; an increase to the E911 budget of \$41,000 with \$21,000 for special signage project, and \$20,000 that needs to be transferred back from the General Fund to the 911 fund; an increase to the Transient Room Tax budget of \$20,000 to cover the storage building that is being constructed. No further comments were received.

Commissioner Ogden closed the public hearing at 2:15 p.m. and resumed the regular meeting. Commissioner Mason stated that there were a few concerns he had in the proposed 2013 budget, and because we were making some last minute changes he would like to ensure that the budget is correct and not approve the budget at this time. The other Commissioners agreed that there were some late changes they had received, and they would like to make some minor adjustments before approval of the 2013 Budget. The Commission asked that the item be placed on the December 17th agenda at 2:00 p.m.

Adjustments to 2012 budget approved:

Commissioner Topham then moved to approve the changes to increase the current 2012 budget has had been recommended during the public hearing by the Clerk/Auditor, second Commissioner Mason, unanimous.

Wildland Fire Budget approved

Fred Johnson and Marvin Turner from the Utah Division of Forestry, Fire, and State Lands, reviewed with the Commissioners the Wildland Fire Budget agreement for 2013. After discussion explaining what the budget pays and where the figures come from, Commissioner Topham moved to approve the 2013 Wildland Fire Budget that had been added to the Sevier County budget, second Commissioner Mason, unanimous.

Refunds approved:

Sevier County Treasurer Cheryl Buchanan reviewed with the Commissioners a list of recommended refunds for property taxes that had been overpaid for some reason or other such as a mortgage company paying and the individual paying, etc. The total amount of recommended refunds was \$18,436.36. After discussion, Commissioner Topham moved to approve the refunds as recommended, second Commissioner Mason, unanimous.

Treasurer Buchanan then reviewed with the Commissioners the amount of taxes still due for this year, as well as prior years, noting that the Casto properties in Salina that had been on contract for delinquent taxes had now been paid and brought current.

Public Hearing to consider vacating roadways displaced by Richfield Airport Project:

At 2:30 p.m., Commissioner Topham then moved to recess the Commission Meeting and open the meeting for a public hearing to consider vacating roadways that have been displaced by the Richfield City Airport Expansion project south of Richfield City. Discussion followed that the roadways being vacated need to be abandoned because of the expansion of the runway, that a new road has been built around the runway, and that these roads no longer exist.

At 2:40 p.m., Commissioner Topham moved to close the public hearing and resume the regular meeting, second Commissioner Mason, unanimous.

Roadway vacations approved:

After discussion, Commissioner Mason moved to vacate three roads for the expansion and improvement of the Richfield City Airport, second Commissioner Topham, unanimous.

Indigent Defense Counsel Services Contracts approved:

County Attorney Dale Eyre then reviewed with the Commissioners contracts for Indigent Defense Counsel services for the District Court, Juvenile Court, and Justice Courts. He noted that there have been a few changes in the contracts to bring our contracts current with State statute, and for a slight increase from the current contracts adding some compensation if the case goes to trial and also for an appeal to give the Attorney incentive to carry the case forward if it needed to be carried forward. After discussion, Commissioner Topham moved to approve the Indigent Defense Counsel contracts and authorized the County Attorney and Chairman to sign those contracts, second Commissioner Mason, unanimous.

Travel Council Recommendations approved:

Kevin Arrington then reviewed with the Commission the recommendations from the Travel Council. After review and discussion, Commissioner Topham moved to approve the recommendations, second Commissioner Mason, unanimous.

Assignment Order with Jones & DeMille Engineering approved:

Cynthia Nielsen, GIS, met with the Commissioners concerning an Assignment Order for Design and Construction Engineering Services for Jones & DeMille Engineering for the Sevier River EWP 2012 project at an estimated cost of \$300,000. After review and discussion, Commissioner Mason moved to approve the assignment agreement, second Commissioner Topham, unanimous.

Coast2Coast Prescription Card Marketing Agreement approved:

Malcolm Nash then reviewed with the Commissioners the Coast2Coast Prescription Card Marketing Agreement noting that the County Attorney had reviewed the agreement and made some minor changes including use of the County logo instead of the County seal. After review, Commissioner Topham noted that it had been endorsed by the Utah Association of Counties and that it could be used for all County residents as well as for the inmates in the County Jail. After discussion, Commissioner Topham moved to approve the Coast2Coast Prescription Card Marketing Agreement, second Commissioner Mason, unanimous.

No action taken on proposal to sell State Court Building at Justice Complex:

Clerk/Auditor Steven C. Wall then reviewed a request to Release the Leasehold Rights between Sevier County and the Municipal Building Authority on the Justice Complex property, and to approve the Real Estate Contract of Purchase and Sale of the Court portion of the property. The Commissioners noted they had some concerns that had been expressed by the County Attorney Dale Eyre, and reviewed the letter he had prepared to send to the State of Utah Division of Facilities Construction and Management expressing those concerns and the desire to re-negotiate the property line to allow more parking to stay with the County in front of the Jail and Sheriff's offices if possible. The Commissioners took no action at this time on the Leasehold agreement or the contract, and authorized the County Attorney to send his letter and wait for information from the State of Utah.

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