

**COMMISSION MINUTES**  
**September 14, 2015**

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this fourteenth day of September, 2015. Meeting commenced at 1:30 p.m. with Commissioners Garth 'Tooter' Ogden and Gordon Topham in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Clerk/Auditor Steven C. Wall and Executive Director Malcolm Nash were also present.

Commissioner Gary Mason was excused.

**Commission business:**

Commissioner Ogden reported on his recent excursion to Washington State in helping with the fires in that area as part of the firemen from Richfield City through FEMA. He said it was a good experience and a lot of lessons to learn there that they can implement in this area and discuss with their fire departments. He said it was a hard situation for those living in that area due to the amount of fire and the destruction there.

Commissioner Topham reported he had attended a meeting concerning RS2477 roads with the Utah Association of Counties. He then reported that the Federal Courts are dragging their feet on the project, and concerns are being expressed that those individuals that the Counties need for witnesses are passing away and they may not have the witnesses needed by the time the Courts are through with their hearings to testify. The Commission expressed concerns about maintaining access to the public lands and secure the roads.

Commissioner Topham then reported on the meeting he had in Washington DC with Congressional delegates concerning continued funding for the PILT program. He stated that there are 49 states affected by PILT payments. They are continuing the effort to establish permanent PILT funding, as it is currently discussed each year in appropriations.

**Minutes of August 24<sup>th</sup> Commission meeting approved:**

After review and discussion, Commissioner Topham then moved to approve the minutes of the August 24<sup>th</sup> meeting, second Commissioner Ogden. Motion passed.

**Claims for August approved:**

Claims for the month of August were then reviewed and approved on a motion by Commissioner Topham, second Commissioner Ogden. Motion passed.

**Contract with Par 3 Stucco Inc. for services approved:**

Maintenance Supervisor Randy Lister then reviewed with the Commissioners an agreement between Sevier County and Par 3 Stucco Inc. for services to re-stucco and upgrade the cement foundation around the Administration Building for a fee of \$7,679. Mr. Lister said he had contacted several contractors in the area, and that this had been the only response that he had received back. After discussion, Commissioner Topham moved to approve the agreement, second Commissioner Ogden. Motion passed.

**Personal property refunds approved:**

Assessor Amy Garren-Clark then reviewed with the Commissioners and recommended personal property refunds in the amount of \$34.37 to C&L Productions as a result of a State audit on their personal property, and \$90 to Kirby Gardner who had paid her trailer taxes along with her razor taxes but had sold the trailer previously. Assessor Garren-Clark stated that the State had reimbursed Mr. Gardner for their

portion of the fees. After discussion, Commissioner Topham moved to approve the refunds as recommended by the Assessor, second Commissioner Ogden. Motion passed.

**Fishlake Discovery Association business license granted:**

The Commission then reviewed the business license application for the Fishlake Discovery Association. Zoning Administrator Hanson said he had reviewed the application and set a stipulation that they provide off-highway parking for all patrons so that vehicles are not parked along the highway. Commissioner Topham reported that this organization provides visitor information to people in the Fishlake area, that it is a non-profit organization that has been ongoing for several years, and will continue at the lodge. After discussion, Commissioner Topham moved to approve the business license at a fee of \$25 per year, second Commissioner Ogden. Motion passed.

**Job description changes adopted for Children's Justice Center Manager and Victim Advocate:**

Human Resources Director LeighAnn Wheeler then reviewed changes to the Children's Justice Center Manager job description, changing it from a grant employee to non-exempt employee, and changing the grade from a grade 16 to a grade 15 because it no longer requires a bachelor degree for that position. After discussion, Commissioner Topham moved to approve the changes to the Children's Justice Center Manager job description, second Commissioner Ogden. Motion passed.

Ms. Wheeler then reviewed changes to the Victim Advocate job description, which was changed from a grade 15 to a grade 14, removing the bachelor degree requirement and some of the essential functions so that the employee would respond with a deputy in helping victims and not be involved as much with the court proceedings. Ms. Wheeler said she had been working with the County Attorney and the Sheriff's office to ensure that the changes made fit more with what the position requires. After discussion, Commissioner Topham moved to approve the changes as recommended, second Commissioner Ogden. Motion passed.

**Letter of Engagement signed for Chapman and Cutler LLP:**

Executive Director Malcolm Nash discussed with the Commissioners a letter of engagement with Chapman and Cutler LLP concerning their services to provide for organization of an Interlocal Entity and preliminary work on infrastructure projects, mainly the railroad project, that the County has been involved in. Mr. Nash indicated there were a few minor changes, but the Interlocal agreement would be between Sevier County and other counties, and would set out the responsibilities in organizing an interlocal entity that would then pursue funding, etc. for the railroad project and future projects as needed pursuant to that. Resident Mike Orton asked specifically what counties would be included and whether it would involve anything with the Oakland port area. The Commission explained that for the time being they would mainly be concerned with the railroad project, including Sanpete and Juab Counties, in getting CIB funding, but that in the long run if the rail project goes, it may move into other projects. After discussion, Commissioner Topham moved to approve the agreement pending review and execution of the minor changes by the County Attorney, second Commissioner Ogden. Motion passed.

**Easement No. 1861 with State of Utah for SITLA land, various roads, approved:**

The Commission then discussed an easement for roads through the State of Utah SITLA lands. Money would be made available to the County to purchase the easements from the State through the CIB program. Road Superintendent Mark Rickenbach indicated that it had been an effort they had been working on for two and a half years to get all of the easements agreed to, identified, and worked on by the Road Department and GIS Department. After discussion, Commissioner Topham moved to approve the easement agreement and authorize payment of the fees which will be reimbursed by CIB, second Commissioner Ogden. Motion passed.

**Easement No. 1408 with State of Utah for SITLA land, West Aurora Road, approved:**

Kary Monroe, Jones & DeMille Engineering, then discussed with the Commissioners an easement for a road west of Aurora being improved by Special Service District #1. The easement would allow access to the road by the residents along that road, providing rights of way to those residents along the roadway without trespassing on federal property. He did indicate there was one mistake on his description that will need to be initialized on the original document. After discussion, Commissioner Topham moved to approve amendment #1 to easement #1408 as recommended, second Commissioner Ogden. Motion passed.

**Discussion on possible Wetlands mitigation with Army Corps of Engineers:**

Kary Monroe and Janna Jorgensen, Right-of-way specialists with Jones and DeMille Engineering, discussed the road they are working on at this time just north of Walmart that will be built through to the Annabella Road to the east. They said there is a small portion of the road that will go through designated native wetlands. The Commissioners have an agreement to work with the Army Corps of Engineers on the wetlands; however, within the last couple of weeks there has been information that there are some changes in the requirements on the wetlands, noting that if it is irrigation induced wetlands, that it may not fall under the Army Corps of Engineers jurisdiction versus natural wetlands. Mr. Monroe said they would like to get some more information before any action was taken on the agreement. If it turns out that is the case, they will not need to get any agreement with the Army Corps of Engineers. No action was taken at this time.

There being no further business to come before the Board, meeting adjourned at 2:40 p.m.