

COMMISSION MINUTES

December 11, 2017

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this eleventh day of December, 2017. Meeting commenced at 1:30 p.m. with Commissioners Garth ‘Tooter’ Ogden, Kenneth May and Ralph Brown in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Clerk/Auditor Steven C. Wall and Executive Administrator Malcolm Nash were also present.

Commission business:

Clerk/Auditor Steven Wall reminded the Commissioners to review the districts and boards to determine which needed to be re-appointed or replaced.

Minutes of November 27th Commission meeting approved:

Minutes of the November 27th Commission Meeting were then reviewed and approved on a motion by Commissioner May, second Commissioner Brown, unanimous.

Claims for November approved:

Claims for the month of November were reviewed and approved on a motion by Commissioner Brown, second Commissioner May, unanimous.

Commission approves refunds for overpayment of taxes:

Treasurer Cheryl Buchanan then reviewed with the Commissioners a list of the overpayments on taxes that had been paid. The overpayments totaled approximately \$26,945. After review, Commissioner Brown moved to approve the refunds as recommended, second Commissioner May, unanimous.

Agreements enacted for work to Rd Creek Bridge and Salina Creek Bridge:

Kary Monroe, Jones & DeMille Engineering, and Road Superintendent Bob Watts discussed with the Commission the opportunity to do maintenance and repair work on bridges through a UDOT program, where the state would pay 93% of the cost through a grant and the County matching the remaining 7%. Mr. Monroe recommended that the County look at applying for the grant funding for the Red Creek Bridge and the Salina Creek Bridge near the Gooseberry interchange. Mr. Monroe indicated that the money available through this program would not be available until approximately 2023, but the application would need to be completed now. Costs for the bridges were estimated at approximately \$1.17 million for the Red Creek Bridge, and \$500,000 for the Salina Creek Bridge, with the cost for 93% being covered by grants. Discussion followed concerning the County portion being reimbursed to the County by Special Service District #1. After discussion, Commissioner Brown moved to authorize Mr. Monroe to complete the application for both bridges and to approve the agreement, and authorize the necessary individual to sign the applications where necessary, second Commissioner May, unanimous.

Tax roll adjustments for 2017 approved:

Assessor Amy Garren-Clark then discussed with the Commission recommended adjustments to values after the tax roll for corrections that had been found after the tax notices had been sent, noting that some were splits and had not been split in the correct year. After discussion, Commissioner Brown moved to accept the adjustments as recommended, second Commissioner May, unanimous.

Hardship request to abate greenbelt rollback taxes tabled:

Jared Peterson, representing Arno and Rane Jensen, met with the Commission concerning a request for an application for settlement or deferral of greenbelt rollback taxes on various parcels that had been charged this year. He indicated that the Jensen’s are appealing the decision of the County Board of Equalization on the greenbelt charges stating that they did not meet the greenbelt requirements for one of

the years in question. He expressed concern that the rollback was for 5 years as is in the law, but felt that was extreme where there is only one year shown where they did not meet the greenbelt requirements. Mr. Peterson said they are not discussing the greenbelt, as that appeal is being heard by another agency, but he is asking for the rollback taxes to be abated on a hardship request because of the age and health of the Jensen's. He said the Jensen's are over 80 years old, live on social security, and are trying to maintain their property on the greenbelt status. He reported that through the years they have always had an understanding (nothing in writing) with the neighbors nearby that there would be sheep and cattle across the property and payment for those, but there is nothing in writing to verify that. He also stated that one of the reasons they want to keep the property up there, and maintain it, is for the elk and deer herds which graze there. He noted that there is not a lot of grazing left after the wildlife, so it is not valuable as grazing property. Mr. Peterson said that they do not have a lot of cash. They do have other assets, but they would take time to sell, which is why they are asking for the abatement. Mr. Peterson once again expressed that it was extreme to bill them for the 5 years, making a windfall for the County collecting the rollback taxes, and his clients would like to offer a settlement of \$8,000 if the County would abate the rest of the taxes. Commissioner Ogden noted that all of the property owners up in that area have the same problem with the wildlife grazing, but yet they can still show and maintain that they are using the property for agricultural purposes and qualify for the greenbelt. He also mentioned that the logging activity reported to the County was not done in the year that had been reported, as he had talked to the logging company, and the greenbelt application was denied as they did not have the required activity. Commissioner Brown asked if the Jensen's had received any payment from the grazers that had crossed over their property. It was reported that they had not, and they just have one agreement with a grazer now, but not with those that had passed through their property in prior years. Commissioner Brown also stated that he was sympathetic to their request, saying that he feels it is a hardship because the use of the property has not changed for several years and then suddenly they get a statement that they do not qualify for the greenbelt and are assessed a large amount of taxes without any pre-notification or opportunity to come into compliance. He also expressed concern with the Jensen's age and ability pay, and would be open to discussion of some type of possible abatement or some type of payment plan. Commissioner Ogden said that several others had paid their greenbelt rollback fees because they could not provide the information necessary, and felt that it would be unfair to charge others the taxes and abate taxes for the Jensen's. Commissioner Ogden felt the County should treat everyone the same. Commissioner May also stated that where the appeal is in process now, that he felt we should not make a decision on this at this time, but wait until the appeal on the rollback taxes was completed through the State before any discussion should be held on deferring or abating the rollback taxes. Mr. Peterson said that the purpose of trying to settle the matter now was to save the Jensen's and the County time and expense by avoiding going to Salt Lake City to the hearings, etc.; and that if the matter was resolved, they would withdraw the appeal. The Commission said they felt like they should let the process move forward at this time, and took no action. The Commission took the matter under advisement.

CIB List reviewed:

Russell Cowley and Travis Kyhl, Six County Association of Governments, discussed with the Commissioners their planned activities to update the CIB List, working with the Cities and the County to update the list of short-term and long-term projects to reflect their current needs. The list, when completed, would be given to the CIB Board to assist in determining funding requests for projects. Commissioner Ogden reported that it is a good process they are doing, and that the CIB Board appreciates the way Sevier County coordinates with the Cities and presents a comprehensive list to the CIB. The Commission thanked them for their work, and requested that they meet with the different communities before reporting back to the County Commission.

Resolution 2017-12-1 adopted:

The Commission then discussed Resolution 2017-12-1 Approving and Authorizing the Execution of a Seventh Amended Interlocal Cooperation Agreement with Other Members of Utah Counties Indemnity Pool, Relating to the Establishment, Funding and Operation of Utah Counties Indemnity Pool. The Commission reviewed the Resolution, noting the change in the Interlocal Agreement that was discussed at the UAC Convention which would change some of the wording, making some changes in procedures and policies. The Commission noted that the agreement would also be presented to the other Counties and entities involved in the Pool. After discussion, Commissioner Brown moved to approve Resolution 2017-12-1, second Commissioner May, unanimous.

Resolution 2017-12-2 adopted:

The Commission then reviewed Resolution 2017-12-2 Approving Sponsorship for Participation of the Sevier County Municipal Building Authority in UCIP as a related entity member. This will allow the Municipal Building Authority to have liability insurance through UCIP. After discussion, Commissioner May moved to approve Resolution 2017-12-2, second Commissioner Brown, unanimous.

Public Hearing to take comments on proposed 2018 budget:

At 2:48 p.m. Commissioner Brown moved to recess the regular Commission Meeting and open a Public Hearing to consider the 2018 Budget, second Commissioner May, unanimous.

Commissioner Ogden and the Commissioners expressed their appreciation to the Department Heads and employees for the great work they do in being financially responsible and frugal, and in maintaining good budgets. The 2018 budget was made available to everyone in attendance.

Mike Orton asked if the number of employees for 2018 had stayed the same, or had changed. The Commission responded that the number of employees would stay the same without any increase or decrease.

Scott Hansen asked a few questions on specific line items regarding where the money was coming from, what it was used for, etc. The Commission responded to each of his questions.

There being no further comments by those in attendance, regular meeting resumed at 2:56 p.m.

Resolution 2017-12-3 adopted:

After discussion, Commissioner Brown moved to adopt Resolution 2017-12-3 adopting the 2018 budget as recommended, noting there was no opposition to the proposed budgets, second Commissioner May, unanimous.

Request for refund of 2016 taxes denied:

Assessor Amy Garren-Clark and Deputy Clerk/Auditor Barbara Crowther then reviewed with the Commission the request by the Quality for Animal Life for a refund of the taxes they paid in 2016 due to the fact that they had won their 2015 appeal to the State Tax Commission for the year 2015. It was noted that the Quality for Animal Life had made application for exemption in 2016, but that the Commission had denied that exemption as the appeal for the 2015 exemption denial had not yet been considered by the State Tax Commission. However, they also noted that the Quality for Animal Life did not appeal the 2016 denial of exemption, and that all of the time deadlines for appeals had passed. Discussion continued that generally, an entity would appeal all yearly denials until a decision had been reached by the Utah State Tax Commission. After discussion, Commissioner May moved to deny the refund based on the fact that there was no appeal on the 2016 denial of exemption, second Commissioner Brown, unanimous.

Landfill write-off's approved:

Landfill Supervisor Kelly Conder then discussed with the Commissioners the 2017 proposed write-offs. He indicated that most of the write-off balances were for late charges on accounts where the landfill fees had been paid, with the exception of one which still had landfill fees included. Mr. Conder noted that he was still working with the manager of Georgia Pacific, and asked that he have a little more time to work with them as they will be using the landfill at a future date. The total amount of the write-offs is \$557.65, with Georgia Pacific owing \$389.80 of that amount. The Commission commended Mr. Conder for the work he is doing in keeping the accounts collected, noting that this is a very small amount that he is requesting be written off. After discussion, Commissioner May moved to approve the write-offs of everyone on the list with the exception of Georgia Pacific for a total of \$167.85, second Commissioner Brown, unanimous.

Agreement with Robert Weidner approved:

The Commission then reviewed the agreement with Robert K. Weidner for annual dues for the work he does with the Rural Public Lands County Council in helping the counties on the federal level with public lands issues including: PILT, SRS, etc. The Commission noted that Mr. Weidner did coordinate his work with other entities representing the Counties interests. After discussion, Commissioner May moved to approve the agreement with Mr. Weidner, second Commissioner Brown, unanimous.

Contract for updating General Plan approved:

The Commission then reviewed a contract with EPIC Engineering for help in updating the General Plan, which has not been done since 1998. After discussion, Commissioner Brown moved to approve the contract with EPIC Engineering to help the County in upgrading the General Plan, second Commissioner May, unanimous.

There being no further business to come before the Board, meeting adjourned at 3:15 p.m.