

COMMISSION MINUTES

December 10, 2018

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this tenth day of December, 2018. Meeting commenced at 1:30 p.m. with Commissioners Garth ‘Tooter’ Ogden, Ken May, and Ralph Brown in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Commissioner Elect Scott Johnson, Clerk/Auditor Steven C. Wall, and Executive Administrator Malcolm Nash were also present.

Commission business:

Chairman Ogden expressed appreciation to Commissioner May for his service to the County, noting that this was Commissioner May’s last public meeting. He then extended a welcome to Commissioner Elect Scott Johnson from Aurora.

Chairman Ogden then reported on touring Inland Port Authority Board facility near the Amazon facility in the Salt Lake area. He said that the area is focused on smaller industrial business, but noted that the airport has a large capacity for packages.

Chairman Ogden also reported on the Catastrophic Fire Meeting he attended with the Forest Service, Bureau of Land Management, and the State of Utah. Plans were made to work together more closely on those fires, and coordinating together. He said the agencies are paying closer attention to fire management since the Utah County fire this past summer.

Commissioner May reported on the Sevier Valley Center meeting he attended with Commissioner Elect Scott Johnson. He said the financial reports look good and they are running ‘in the black’. He noted that they had attended the Hospital Board Meeting on Friday as well.

Commissioner Brown said that he had attended three different health meetings with the Hospital Board, Counseling Center, and Health Department. All three meetings had addressed suicide prevention.

Re-appointments to Special Service Districts 1 and 2:

The Commission then discussed re-appointments to Special Service Districts 1 and 2. After discussion, Commissioner May moved to re-appoint Dennis Larson to Special Service District #1 for a 4-year term, and to re-appoint Kinley Peterson and Jody Gale to Special Service District #2 both for 4-year terms, second Commissioner Brown, unanimous.

Minutes of November 26th Commission meeting approved:

Minutes of the November 26th Commission Meeting were reviewed and approved on a motion by Commissioner Brown, second Commissioner Brown, unanimous.

November Payment Approval Report approved:

The Payment Approval Report from the month of November was reviewed and approved on a motion Commissioner Brown, second Commissioner May, unanimous.

Resolution 2018-12-1 setting 2019 budget adopted:

The Commissioner then reported they had looked through the budget, and presented a budget for 2019 with recommended changes. After discussion, Commissioner Brown moved to adopt the Resolution 2018-12-1 setting the 2019 budget with a note to thank all of the Departments for their help throughout the year, and their good work in watching the expenditures and maintaining good fiscal policies, second Commissioner May, unanimous.

Public Hearing to consider opening 2018 budget:

Commissioner Brown then moved to recess the regular meeting and open a public hearing as advertised to provide funds in excess of those provided in the 2018 current budget, second Commissioner May, unanimous.

At 1:50 p.m. the Commission opened the public hearing to consider opening the current 2018 budget to include funds in excess of those provided in the 2018 budget. Auditor Steven Wall reported that the General Fund was expected to be under budget, but noted that there would need to be a few changes moving funds within departments without increasing the total budget. Mr. Wall did recommend that the Transient Room Tax Budget be increased by \$40,000 for excess expenditures in that fund for unanticipated costs for some of the events, and an increase in some of the events that were promoted. The Commissioners asked for any questions or discussion from the public. There were no comments. The Public Hearing was closed at 1:53 p.m.

The regular meeting resumed.

Adjustments to 2018 budget approved:

The Commission then noted there were no comments during the public hearing considering opening the 2018 budget. Commissioner May then moved to increase the Transient Room Tax Fund by \$40,000, and authorize the Auditor to make internal adjustments to the other funds without increasing the total budget in those other funds, second Commissioner Brown, unanimous.

Refunds for tax overpayments approved:

Deputy Treasurer Lindsey Hansen then reviewed with the Commissioners a list that had been prepared of overpayments on several tax accounts, and requested authorization to make refunds to the owners on those accounts. The total amount of refunds was \$56,175.08. After discussion, Commissioner May moved to approve the refunds as recommended noting this also included a refund to Questar for some taxes paid to Sevier County that should have been paid to Sanpete County, second Commissioner Brown, unanimous.

Wildland Fire Budget request and Fire Suppression and Preservation Fund documents approved:

Fire Warden Fred Johnson, Department of Natural Resources, discussed with the Commissioners the Wildland Fire Program, and the current vacancy in the County Fire Warden program. He noted that Matt Christensen had taken another position with the State, and was no longer the County's Fire Warden. He discussed with the Commissioners the request for some additional help in the Fire Warden Department because of all of the programs that had been implemented during the last several years. The Commissioners noted that due to funding at this time, and the lack of support from the surrounding counties for the additional Warden, that Sevier County had not budgeted additional money in the 2019 program for a full-time assistant warden. They noted that they adopted the lower requested budget from the State. After discussion, Commissioner Brown moved to approve the Wildland Fire Budget request at the lower amount of \$28,533 under the Warden Program with an additional \$33,534 for the Fire Suppression and Preservation Fund to help mitigate possible fire hazard, second Commissioner May, unanimous.

Public Hearing to consider establishing a Sevier County Public Land Corner Preservation Fund:

Commissioner May then moved to recess the regular meeting for a public hearing that had been scheduled, second Commissioner Brown, unanimous.

At 2:10 p.m., the Commission opened a public hearing as advertised to consider an ordinance establishing a Sevier County Public Land Corner Preservation Fund. Recorder Carolyn Bagley reported that to request funds from the State to help establish and re-establish survey corners, according to State Code the County should have a Public Land Corner Preservation Fund to collect monies from surveys, as well as being able to receive grant money from the State to help establish and maintain these section corners. She said the monies would be kept and maintained separately to be used for those items. Discussion followed that there would be a fee of \$20 for filing maps for subdivisions, road dedications, and other property survey plats. The Commission called for comments from the public. There were none.

At 2:14 p.m. the public hearing was closed, and regular meeting resumed.

Sevier County Public Land Corner Preservation Fund established:

After discussion, the Commissioners then reviewed Ordinance 2018-12-1 establishing a Sevier County Public Land Corner Preservation Fund. Commissioner May moved to adopt the ordinance, second Commissioner Brown, unanimous.

Memorandum of Agreement with Rural Public Lands County Council approved:

The Commission then reviewed a Memorandum of Agreement between Sevier County and the Rural Public Lands County Council. This is an agreement for the services of Bob Weidner, a lobbyist in Washington DC, who had helped maintain the PILT monies as well as several public land issues. The Commissioners have worked with him for several years, and feel he is doing a good job in that area. After discussion, Commissioner Brown moved to approve the Memorandum of Agreement, second Commissioner May, unanimous.

CIB list change for Central Valley Town approved:

Commissioner Ogden then reported that he had received a request from Central Valley Town requesting that they move the priority of their road project from a medium priority to high priority on the CIB List, as they have an opportunity to apply for additional grant monies at this time from other locations. The money from CIB would help move that project along a lot quicker to upgrade their streets. After discussion, Commissioner May moved to approve the adjustment to the CIB list to raise the project to the high priority and allow them to move forward, second Commissioner Brown, unanimous.

Board of Equalization convened:

At 2:24 pm, Commissioner Brown then moved to recess the regular Commission meeting and move into a Board of Equalization to review issues dealing with the Board of Equalization, second Commissioner May, unanimous.

Assessor Amy Garren-Clark and Bill Hales, representing his wife Vicky Hales on property she owns, reviewed with the Commission some issues in Vicky not receiving information from the Assessor's Office in a timely fashion to keep her residence in the primary status. It was noted they had done some re-financing, and that in the recording of the re-finance the address had been changed so that all notices were going to the mortgage company and not to her. Therefore, when the Assessor had sent out a letter asking if it was still a primary residence, it had not been returned by the mortgage company and she was unaware that the status had been changed. Assessor Garren-Clark noted that because the notices had not been returned either by the owner or through the mail, etc. that the only option she had was to change it to a non-primary which taxed it at 100% instead of reducing it by 45% for the primary exemption. Mr. Hales reported that they understand that there was a mistake there, and they were requesting that the home be assessed as a primary residence. Assessor Garren-Clark noted that because she had not received any information prior to this time, she was unable to make any changes. She said that the Commission did

have the ability to make the adjustment, and noted that the Hales' had paid their property taxes and if the request was approved, they would also need to authorize a refund for that amount. After discussion, Commissioner May moved to approve the request and change the property back to a primary residence status for 2018 and authorize a refund be made for the exemption amount.

Assessor Amy Garren-Clark, Lead Deputy Clerk/Auditor Barbara Crowther, and Ryan Shaddix of the Calvery Chapel of Sevier Valley, met with the Commission requesting a religious exemption on property they had purchased for their religious worship. It was noted that in the Code, they have 30 days after purchase of the property to request exemption. Mr. Shaddix said he was aware of the time frame to make the application, but he had been busy doing other work and had set it aside and had forgotten to get it done. He said it was after the 30 days, but was asking if there was any way the Commission could offer assistance because they do not have much money. He noted they needed to put a lot of money into the property they had purchased to remodel it so it can be used for services. Assessor Garren-Clark noted that it does qualify because they are doing the remodel to make it useable for services, but that he did miss the deadline. The Commissioners stated they recognized the 30-day deadline, and they could not change the deadline. The owner did say that the owner did receive pro-rated taxes on closing documents, but noted that some taxes would still need to be paid. After discussion, Commissioner May moved to authorize to abate taxes for four months, and authorize the 2018 taxes be adjusted to reflect that reduction amount, second Commissioner Brown, unanimous.

Assessor Garren-Clark then requested a 2018 adjustment on properties after tax notices had been printed for Garth Ogden and Larry and Pamela Gaye for properties that should have been on greenbelt, but were inadvertently removed. A change was also requested on a property owned by Robert Calvin to adjust from a non-primary to a primary dwelling status. The Assessor noted that these were items found after the tax notices were printed, but all of the documents were received in a timely manner. The Commission then discussed that one of the parcels was owned by Commissioner Ogden. Therefore, Commissioner Ogden recused himself from any discussion or action on these properties. After further discussion, Commissioner May moved to approve the adjustments as recommended, second Commissioner Brown. Motion passed with Commissioner Ogden abstaining.

Regular meeting resumed at 2:40 p.m.

Items declared surplus, authorized for disposal:

The Commission then reviewed a list of items that have been recommended to be declared surplus and disposed of as indicated. These included items that were broken, no longer used, etc. After discussion, Commissioner Brown moved to declare the items surplus as recommended, and authorize disposal as recommended, second Commissioner May, unanimous.

Agreements with Dental Select approved:

Human Resources LeighAnn Wheeler then reviewed with the Commissioners the Business Associate Agreement with Dental Select, which will be a new provider for our dental insurance in 2019, and an Administrative Services Agreement with Dental Select. She indicated these had been reviewed by the County Attorney, and that there were one or two adjustments that Dental Select had agreed to. After discussion, Commissioner May moved to ratify the Business Associate Agreement as it had previously been signed by Commissioner Ogden, second Commissioner Brown, unanimous. Commissioner Brown then moved to approve the Administrative Services Agreement with Dental Select, second Commissioner May, unanimous.

Nuisance abatement approved for one parcel:

Charles Billingsley then met with the Commissioners to review work he had done on parcels 3-192D-11, 3-192A-35, and 3-192A-36. He reported that he had recently talked with the owner of 3-192A-35, -36, about the issues on those parcels, which the owner had indicated he would take care of. Therefore Mr. Billingsley was requesting no action on those properties at this time. He noted it was the first he had been able to talk to the owner as he was not here locally; and after their discussion, he felt it would be fine to give him time to do the work on his own. He did say, however, on 3-192D-11 that he has been working with the owners for over a year on cleaning up the parcel, and working with the owner to clean up other parcels in the same area. He said it appears that they are cleaning the other parcels and doing the work as requested, but piling their garbage and junk on this parcel and using it as their collection location for the junk and garbage and it continues to get worse. After discussion, Commissioner Brown moved to authorize the abatement as request on parcel 3-192D-11, second Commissioner May, unanimous.

Indigent Defense Commission Grant accepted:

County Attorney Dale Eyre then reviewed with the Commissioners an Indigent Defense Commission Grant that he has been working on with the State of Utah. After several re-writes and discussions, he said the grant will be to improve the oversight and work being done with the public defender. It is something that the State has been working on, where they will hire an administrator, and that all public defenders and activity would be supervised and taken care of by this administrator. The grant is approximately \$260,510, which would pay for those expenses, with the County continuing to pay approximately \$117,800 as has been done previously toward the program to help maintain the public defenders that are in place, as well as keep the program going. He said the grant is set up in such a way that the County will not be required to provide office space or employment as this will all be done through contracts and grant funds under this new State program. After discussion, noting that the State will provide the funding for the additional expenses of this program, Commissioner Brown moved to accept the Indigent Defense Commission 2018-19 Grant which would pay for the year 2019, second Commissioner May, unanimous.

Lease agreement with Red Hills BMX Outdoor of Richfield approved:

The Commission then reviewed a lease agreement between Sevier County and Red Hills BMX Outdoor of Richfield for the property the County owns on the north end of Richfield where they currently have their BMX track. It was noted that the group had been meeting at the Fairgrounds, but had moved to this area; and we needed an agreement outlining the responsibilities of each party. After review and discussion, Commissioner May moved to approve the agreement, second Commissioner Brown, unanimous.

Quit Claim deed clearing title to private road approved:

GIS Cynthia Nielsen then reviewed with the Commission a history of a parcel's ownership, noting that at one time or another the County had some ownership through a tax sale, etc. The current owners of this property are private landowners, and the County does not retain any current ownership of the property. The owners of the property are trying to get the title cleaned up and do a quiet title action to ensure that the title is clean. Ms. Nielsen recommended the County complete a quit claim deed to verify that there is no issue with the County on ownership. The County Attorney reported he had reviewed the property, and stated that the County is not giving up anything because we had no interest in the parcel. He felt we could help the owners get their title cleared. After discussion, Commissioner May moved to authorize the quit claim deed on the property as described, second Commissioner Brown, unanimous.

There being no further business to come before the Board, meeting adjourned at 3:10 p.m.