

COMMISSION MINUTES
October 24, 2016

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this twenty-fourth day of October, 2016. 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 Administrator Malcolm Nash were also present.

Commissioner Gary Mason was excused.

Commission business:

Commissioner Topham reported there has been a personnel issue with the Director at the Public Health Department, and that he would be forwarding additional information to Commissioners Ogden and Mason. He stated that the Public Health Board had tried to dismiss the Director, but it had to be done by the Commissioners in their meeting according to a new law that was passed recently.

Commissioner Ogden reported that the bids for the Willow Creek project for the flooding mitigation would be going out later this week. He also reported that Harward & Reese Construction of Wayne County had been awarded the bid for the Quitcupah portion of the flood mitigation work they are doing on the border between Sevier and Emery Counties.

Minutes of October 11th Meeting approved:

Minutes of the October 11th meeting were then reviewed and approved on a motion by Commissioner Ogden, second Commissioner Topham. Motion passed.

Public Hearing to consider Ordinance 2016-10-1:

At 1:45 p.m., Commissioner Ogden moved to suspend the regular Commission Meeting and open the meeting for a Public Hearing on an Ordinance granting to Garkane Energy Cooperative Inc. an electric light, heat, and power franchise, second Commissioner Topham. Motion passed.

There were no comments from the public.

At 1:47 p.m. the public hearing was closed and regular Commission Meeting resumed.

Ordinance 2016-10-1 granting Garkane Energy Cooperative a Franchise approved:

After discussion, Commissioner Ogden moved to adopt Ordinance 2016-10-1 granting Garkane Energy Cooperative Inc. an electric, light, heat and power franchise, second Commissioner Topham. Motion passed.

Fierce Arms Minor Subdivision approved:

John Mogle, Fierce Arms, and Building Inspector/Zoning Administrator Jason Mackelprang met with the Commission concerning the Fierce Arms Minor Subdivision. Mr. Mackelprang said that the request had been considered by the Planning Commission and they recommend its approval. He also reported that Fierce FireArms also received a Conditional Use Permit to operate their business at that location which would include a shooting range. After discussion, Commissioner Ogden moved to approve the Fierce Arms Minor Subdivision, second Commissioner Topham. Motion passed.

Business license for Overson's Farm Center approved:

A business license was then reviewed for Overson's Farm Center located north of Richfield at the old Equipment Center farm equipment dealership. Mr. Mackelprang reported that it had been reviewed and approved for zoning. After discussion, Commissioner Ogden moved to approve the business license for Overson's Farm Center at a fee of \$50 per year, second Commissioner Topham. Motion passed.

Board of Equalization convened:

At 2:00 p.m., Commissioner Ogden moved to recess regular Commission Meeting and open the Board of Equalization, second Commissioner Topham. Motion passed.

Gary Zeluff discussed with the Commissioners a greenbelt rollback tax notice he had received for parcel 2-C13-2. Mr. Zeluff reported he had purchased the property in August of 2014 through a foreclosure by the Internal Revenue Service, that the property had previously been taxed under the greenbelt program. His intention was to put horses and other animals on the property. He said that after purchase, they realized that the home needed more remodeling and fix-up than they had anticipated, and in the meantime, he had some medical problems that precluded the work on the house being done. He said that they are still not living at the property, and had not placed animals on the land. Discussion followed concerning the law, that the property needs to be continually used for greenbelt, that it has not been used for greenbelt, and that the Assessor's Office was following the law in doing audits on the property throughout the County, and had picked up several parcels that were not being used for agricultural purposes. Mr. Zeluff stated that he did not feel he should be required the greenbelt for the entire five years because he had not been the owner of the property for that long. Further discussion followed concerning the law, that it was written that the rollback goes for five years and that does not change with ownership changes. Mr. Zeluff said he felt the Commission had the latitude to make some adjustments. The Commissioners said that they needed to follow the law and follow the recommendation of the Assessor. They said they understood where he was coming from, but did not feel there was any way to reduce the amount. After discussion, Commissioner Ogden moved to deny the appeal of the greenbelt rollback taxes, second Commissioner Topham. Motion passed.

The Commissioners then reviewed the recommendation of an adjustment on parcel 2-R1C-61 owned by Jalene Davis. The parcel was processed as non-primary, but Ms. Davis had filled out the Primary Residential Application and it was not processed correctly. Assessor Garren-Clark reported that it does qualify for the primary residential exemption, and should be processed at that value. After discussion, Commissioner Ogden moved to approve the adjustment to parcel 2-R1C-61 moving it to Primary Improved Property, second Commissioner Topham. Motion passed.

The Commission then revisited the request of the Arno Jensen Family and their appeal of greenbelt rollback taxes on parcels: 5-126-22, 5-127-5, 5-127-6, 5-127-9, 5-128-1, 5-130-20, 5-131-22, 5-132-2, 5-132-5. The Commissioners said they had taken time to gather additional information on the appeal, including meeting with the State Tax Commission to learn about the requirements governing greenbelt. Commissioner Ogden reported he had called and spoken with the logging company that did the logging on that property, and they reported to him that they did not cut any logs on the Jensen property in 2014 but had done all their work on that property in 2015. Both Commissioners reported they had spoken with Mr. Nielsen regarding the contract with the sheep grazing there; and Mr. Nielsen indicated that the Jensen's had in previous years not wanted them on the property, and required them to keep their sheep on the road if they moved them through the property. Mr. Nielsen indicated he does have a contract now, but it has only been in place a short while, and not in previous years for grazing that property. After further discussion, noting that the reports from the logging company indicated there was no greenbelt activity in the 2014 year, Commissioner Ogden moved to deny the appeal, second Commissioner Topham. Motion passed.

Commissioner Ogden moved to close the Board of Equalization and reconvene the regular Commission Meeting, second Commissioner Topham. Motion passed.

There being no further business to come before the Board, meeting adjourned at 3:27 p.m.