

COMMISSION MINUTES

March 25, 2019

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this twenty-fifth day of March, 2019. Meeting commenced at 1:30 p.m. with Commissioners Garth ‘Tooter’ Ogden, Scott Johnson, and Ralph Brown 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 Executive Administrator Malcolm Nash were also present.

Correspondence and Business:

Commissioner Brown reported that the Commissioners had attended the BMX Trails being held at the Blackhawk Arena last weekend, and noted that it was well attended. Several riders, as well as spectators, and the event brought a lot of people into the County for the weekend.

Commissioner Johnson stated that the Blackhawk was a good facility for that type of an activity, and he was amazed at how many youth are involved in BMX in this area.

Commissioner Ogden then reported on a trip to Washington DC, meeting Senator Romney’s Staff, and Senator Lee’s Staff, and he invited legislators to visit the Western half of the United States to see the area, ride ATV’s, etc.

Executive Administrator Malcolm Nash then reviewed a letter drafted to Senator Lee and Senator Romney asking for their support of the nomination of David Bernhardt for Secretary of the Interior. The letter discussed the importance of public managed lands in Sevier County, and its affect on our economic and agricultural activities. The Commission reviewed the letter and agreed to sign it, and have it sent.

Minutes of March 11th Commission meeting approved:

The Commission reviewed and approved the minutes of the March 11th Commission meeting on a motion by Commissioner Johnson, second Commissioner Brown, unanimous.

Business license for Sevier Fire Power approved:

A business license for Jaron Maynes for Sevier Fire Power was reviewed, noting that it had been approved by the Zoning Administrator for a small home federal firearm repair business. After review and discussion, Commissioner Brown moved to approve the license at a fee of \$25 per year, second Commissioner Johnson, unanimous.

Board of Equalization convened:

At 1:40 p.m., Commissioner Brown moved to recess the regular meeting and go into a Board of Equalization, second Commissioner Johnson, unanimous.

Deputy Clerk/Auditor Barbara Crowther reviewed a new application for Property Tax Exemption from the Paiute Indian Tribe of Utah on parcel 1-16-13 where the new health clinic they are constructing in Richfield is located. She noted that the application was received on March 12, 2019, which was after the March 1st deadline. After discussion, Boardmember Ogden moved to deny the exemption because of the late filing, second Boardmember Johnson, unanimous.

At 1:42 p.m. regular meeting then resumed.

Item declared surplus, authorized for disposal:

The Commission then reviewed a surplus item, a chair that is broken. After discussion, Commissioner Brown moved to approve the item on the list as surplus and authorize its disposal, second Commissioner Johnson, unanimous.

Agreement with Simplifile approved:

Deputy Recorder Gina Ogden then reviewed with the Commissioners an agreement for Electronic Recording Procedures between Sevier County and Simplifile. She stated that the other Recorders throughout the State are using this same type of Company to work with them to do electronic Recording, and the issues that are involved with that. She stated that it has not yet been reviewed by the County Attorney. She said that this would provide a way for title companies to e-file and not have to be here in person, or bring in physical documents. After discussion, Commissioner Johnson moved to approve the agreement subject to the final review and approval of the County Attorney, second Commissioner Brown, unanimous.

Fee Schedule updated for Recorder Office approved:

Ms. Ogden then reviewed with the Commissioners the new Recording fees approved by the State Legislature that would be effective May 14, 2019. She said the bill is waiting for the Governor's signature. This would increase the recording fees from what we currently have in our fee schedule. After discussion, Commissioner Brown moved to approve the new fee schedule for Recorder's Office subject to the Governor's signature on the bill, second Commissioner Johnson, unanimous.

Travel Council recommendations approved:

Tourism Director Chad McWilliams met with the Commission to review the recommended Travel Council expenditures from their last meeting. After reviewing the recommendations, Commissioner Brown stated, for those attending the meeting, that these funds were expended out of the Transient Room Tax Monies and not out of the General Fund, along with a brief explanation of how the Transient Room Tax works. Commissioner Brown then moved to approve the expenditures as recommended by the Travel Council, second Commissioner Johnson, unanimous.

RFP for Mobile mapping app to be released:

Director McWilliams then discussed with the Commission an RFP he is working on for a mobile app that would have online mapping of all of the trails in the County. After discussion, Commissioner Johnson moved to authorize Director McWilliams to send the RFP out and work on getting a vendor to assist with the mobile application, second Commissioner Brown, unanimous.

Contracts for Broken Heart Rodeo and Matt Durham Magic Show approved:

Director McWilliams then discussed an agreement with the Broken Heart Rodeo Company, and an agreement with Matt Durham for a Magic Show. After discussion, Commissioner Brown moved to approve the agreements for services during the County Fair, second Commissioner Johnson, unanimous.

Public Hearing to consider Planned Unit Development Application for RV Park in Sevier area:

Commissioner Brown then moved to recess the regular Commission Meeting for a public hearing as advertised at 2:00 p.m., second Commissioner Johnson, unanimous.

At 2:00 p.m., Commission Chairman Ogden opened a public hearing to consider a Planned Unit Development Application from Danny Levie to construct and operate an RV Park in the Sevier area of Sevier County. The application has been through the Planning Commission and received both concept and preliminary approval upon the condition that additional information was submitted prior to being

recommended to the County Commission. The Commission is now following the next step in the process by taking comments from the public prior to final approval by the County Commission. Chairman Ogden noted that there were several people at the meeting who wished to speak and set a time limit of 2 minutes per person.

Ryan Savage, Savage Albrecht Engineering, and Danny Levie explained that the final piece the Planning Commission requested was that they provide documentation that they would be able to get the water they needed from the Cove Special Service District, and they are also working with the Health Department on an issue that needed to be done for the proposed facility, which would be an RV Park along the river in the Sevier area. They also noted that in the lower portion of the park, which is in the flood plain, there would be no sewer in that area; and it would be strictly overnight type camping in that area. They also stated that the park would have no effect on the wetlands in that area, they are working around those and leaving those areas alone. And, that there would be access off of the Sevier Highway sufficient enough to handle the trailers and trucks that would be accessing the park. Their purpose in developing the park is to bring people to the County and to the area, to come ride the ATV Trails we have in the area, and there would be no hunting in the area around the park including the wildlife preserve near the park.

Danny's brother, Joseph, spoke in favor of the park stating it would be a boon to the County, and he would like to see some growth and improvement in that area.

Dave White, reported he has a small ranch up the river, and is a friend to both of the parties (those who are in favor of the project, and those who oppose it), and feels that if Danny Levie has done everything he has to legally and gone through the process, they he ought to be able to use his property as he has proposed which would help the economy.

Gerald Dastrup, Sigurd, stated Mr. Levie has put a lot of work and money into this project already and he feels it would be a benefit to the County, and that property ownership provides allows individuals to do whatever they want with their properties as long as they follow zoning regulations.

Madaleen Bingham, Sevier, expressed her concerns of the amount of dust, and the problems that the increased traffic would cause in the area and asked if we are following EPA regulations and solving for dust and noise problems. She is concerned about security because if the park was full, it would be three times as big as the town of Sevier. She was concerned about all of the people coming into that area. One of her main concerns was that the proposed access was a blind spot on a curve on the road.

Dustin Dean, an off-grid U-Tube family, felt that this would help the area grow, and also help the farmer's market in the area to be able to sell and trade goods.

Dennis Stock, Sevier, on the Board of the Irrigation Canal Company, said he could see things on both sides of the issue, but called on the canal company to protect their water sources and transfers of the water. He expressed concern with the kids playing on the roadway in that area, and along the bike path, with the extra traffic, that there could be safety concerns and danger there. He also asked if there had been an environmental impact study done been done, or has it even been required.

Commissioner Brown asked him if the developer had repaired the culvert he had damaged. It was noted that the culvert had been repaired satisfactorily.

Josh Grant spoke in support of the project. He said he the park would provide economic growth for the area, and would support larger families, and would support the stores in the County.

Mark Avain, reported he had done a lot of work on the park, and there are ATV trails all around, and that we advertise to bring people in, and this would bring more people to the trails. He stated that he is trying to comply with all of the regulations he has been requested to.

Joelle Parker spoke in favor of the park, noting that her family goes camping regularly and had even stayed at the park in Marysvale, and felt that from her perspective that people go to these campsites in the area and they are very special. She says they bring their children and others to the area, and would provide respect and safety to the area. She said a park like this will keep people in our County and not in other parts of the State, and it would allow for more ATV rentals, which could be done at this park as well.

Allison Gledhill spoke in favor of the park. She owns a small business, and she feels like it would bring more people to this area to help a small business.

Laramie Jones said he grew up in the area, and the park is close to homes and the access is close to homes. He is concerned about trespassers, theft, and stray dogs, and would like a 10 foot wall built around the park to protect the neighboring properties from trespassers, etc. He is also concerned about noise, with the music and concerts that folks may want to do at the park, and he asked about a noise ordinance.

Ms. Cook said that people in Sevier are trying to organize and become a Community, they are trying to incorporate, and she is concerned about the issue that the park would be three times larger than the community, that it is way to large, and that it does affect the wetlands and the river with all of the traffic, noise, etc. She said the speed limit on the highway is 65 mph and it would be hard for people turning on and off the Sevier Road for access to the park. She said that the Sevier River Road is 45 mph, and the County should look at reducing the speed limits in that area, providing good access in and out.

Jack Brady spoke in favor of the development. He said that he has children and grandchildren in other areas, and would like to have a place that they could come home and visit and stay. He said they could bring their ATV's etc., and noted it would be good for big families to get together. It is a good place, near the trails we have in our area. He felt that the issues could be worked out to the best for all.

Destry Jones also grew up in this area and watched the floods in areas next to the river grow quite large due to Clear Creek coming into that area, and the flooding has gone up to halfway through the proposed park. He is concerned that the septic or sewage would contaminate the area in flooding times.

Sharee Jones left some mapping information for the Commissioners to look at. She said that a park would be good, but this is in the wrong area, a dangerous area in the flood zone, with a river through the area, and possible flooding coming down the other side, she is very concerned about flooding.

Gregg Abbott said he can see both sides of the issue as he has worked for the Division of Conservation Resources, and he is concerned that the land around the river is the best riparian corridor area in Sevier County, and this would affect the wildlife and wildlife preserve, that they would be displaced because of the people and equipment coming into and out of the area, as well as the noise, and it would affect all of the hunting and fishing, etc.

Adele Clark owns property along the Sevier River. He noted that the tourists fly through there and don't respect the speed limits, etc. He said it is not the residents along that part of the highway, but the tourists are already disturbing the wetlands. He said it is a great project, but it is just in the wrong place.

Deena Jones, an RN, is concerned about the flooding in that area. If they approve the plan, they need to stay away from the flood areas. She said the developers need to understand what is in the flood area, and stay away from that area.

Pat McKnowlty is concerned about the trash, and the kids playing and throwing things in the water and the river, as well as the irrigation canals and ditches. She also expressed concern of the wind picking up trash and putting it all over the area.

Samantha Mower expressed concern that you can't say that all visitors will be respectful, but is also concerned because the river is fast moving, not slow moving like it is at the park in Marysvale that has been referred to a time or two.

Jack Kidd, Richfield, is a retired traveling RV salesman. He said that most RV travelers are very respectful. He feels it is a good idea and wished there would have been better RV parks like this to go to.

Randall Obray spoke representing the Cove Special Service District, noting he is concerned about the water and the culinary, that this would be a large park and would require a large septic system, but it is also in zone three and four of their source area. He is concerned about how that may affect their culinary water system. He reported that the Cove Special Service District has plenty of water rights, but they don't have the capacity at this time to provide more water as would be required by the park, but they are working on making improvements. He also asked that the developer of the park put in a certain amount of pipe, and they had put in some, and he was concerned about the developers not checking with them when making those improvements. Mr. Obray felt that all of this could have been handled a little differently because there are friends, neighbors, and family members on both sides of the issue, and this is putting a wedge in the families in the area. He felt that things could have been worked out in a more reasonable manner so there was not such a division among friends and family.

Iwalani Levie was concerned because Mr. Levie had done all of the things he had been asked to do, and the developers have the right to do things as long as they follow the requirements put on them by the Building Authority.

Lani Oxborrow stated her concerns about the ingress/egress to the park. She said it is on a blind curve, and is close to the driveways of the homes. She was concerned that this would bring more traffic to the area than it can support.

Holden Jones then reported that in addition to the written comments he had submitted prior, he was concerned that the developers maintain canals and ditches, as well as access to the canals and ditches for maintenance. He was concerned that if the pipes are put in, that the canal company may have to come in and tear them up to keep the water moving for the agricultural needs. He said he is not against the park, but he is concerned about the location of it, its nearness to his dairy, and the milk production of the cows. He was concerned about the noise, etc. affecting the cows.

Brandon Jones expressed his concerns about the noise and traffic affecting the cows at the dairy, as well as the calves, with the hope that it would not frighten them. When the cows run into fences, they break legs, etc.

Holly Jones was concerned about stray dogs, and felt that dogs should be banned from the parks. She also felt that there should be no campfires or smoke in the wind, as that would affect the neighbors around them.

Nola Jones was concerned about the park area. She lived there in 1983 and watched the river go out of its bank and cover most of that area. She was also concerned about the wind spreading out the garbage. She said if the park is moved closer to Joseph, there was a lot more room there, and they were ATV friendly.

Bob Tanner, President of the Cove Ditch, stated that an environmental study needs to be done. He said that water is used three times before it gets to the river, and that this may affect the flow of the water, etc.

The Commission thanked the people for their information, noting that they also had several statements that had been given to them for their review. They said they would look through all of the information that had been submitted in writing before any decision would be made. There being no further comments from the public, the hearing was closed at 2:55 p.m.

Update on Sevier County Administration Building participating in Great Shakeout:

Randy Lister, Maintenance Supervisor, gave the Commission an update on Utah's scheduled Great ShakeOut. He said he had registered our building to participate in the event on April 18th at 10:15 a.m. The Commissioners reported that the employees could participate in that shake out if they wanted to.

There being no further business to come before the Board, meeting adjourned at 3:05 p.m.