

COMMISSION MINUTES

June 11, 2018

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this eleventh day of June, 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. Clerk/Auditor Steven C. Wall and Executive Administrator Malcolm Nash were also present.

Commission business:

Commissioner Ogden reported on the turnout to the Firewise Plan Meetings they held at Fishlake. There was a good turnout of the cabin owners, and that they are being more aware of fire dangers around their cabins.

Commissioner May reported on the meetings he had attended with the Seven County Infrastructure Coalition. They are working on railroads in the Uintah Basin area and discussing the possibility of including Colorado in that discussion. He also reported on a program the Fish and Game is doing to educate children.

Commissioner Brown reviewed some projects he is working with the Mayor of Monroe. The projects include programs and filming on the trails in the area.

Executive Director Malcolm Nash gave an update on the CIB application to improve the parking lots at the Fairgrounds and the Road Shed.

Clerk/Auditor Steven Wall then reported that the County had received a dividend check from Workers Compensation Fund (WCF) Insurance in the amount of \$4,711.84, which was approximately 8% of our premiums.

Minutes of May 29th approved:

Minutes of the May 29th Commission meeting were reviewed and approved on a motion by Commissioner May, second Commissioner Brown, unanimous.

Payment approval report approved:

Commissioner Brown moved to approve the Payment Approval Report for the month of May, second Commissioner May, unanimous.

Indigent Burial request approved:

The Commission reviewed a request from Springer Turner Funeral Home for an indigent burial for Aurora Day. After discussion, noting it had been investigated by the Sevier County Attorney, Commissioner May moved to approve the indigent burial request at a fee of \$1,100, second Commissioner Brown, unanimous.

Public Hearing to consider opening the current budget:

Commissioner May then moved to recess Commission Meeting and open the meeting for a public hearing to consider opening the current budget to provide funds in excess of those provided in the 2018 budget, second Commissioner Brown, unanimous.

At 1:45 p.m., Commissioner Ogden opened the meeting for a Public Hearing to consider opening the current budget to provide funds in excess of those provided in the 2018 budget concerning a grant. The request was a result of a grant the County had received to update section corners and do surveying in the

amount of approximately \$21,500. Discussion followed concerning when the grant was received, that the work was recently completed, what the funds were to be used for, and that the funds were not put into the 2018 budget.

There were no comments from the public.

At 1:45 p.m. the Commission closed the public hearing.

Regular meeting then resumed.

Resolution approved to increase the General Fund budget for 2018:

The Commissioners then discussed the results of the budget hearing, noting there were no adverse comments on the request to open and increase the general fund budget. After discussion, Commissioner Brown moved to increase the General Fund budget for 2018 by \$21,500 for the surveying grant, second Commissioner May, unanimous.

Bailiff and Court Security agreement with Sixth District Court approved:

Sheriff Nate Curtis then reviewed with the Commissioners the annual contract for Bailiff duties and security at the Sixth District Courts in the amount of \$74,635 and renewal of the contract. Sheriff Curtis said the new contract is down approximately \$7,000 from the previous years. They also discussed that the funding from the State has been decreasing a little bit, and they are still working on trying to get all of the contracts with the State to be fully funded, as well as issues with liability in carrying out the agreements. After discussion, Commissioner May moved to approve the agreement with the State of Utah for Bailiff and Security services, second Commissioner Brown, unanimous.

Approval given to abate nuisance properties:

Zoning Administrator Jason Mackelprang and Charles Billingsley reviewed some of the issues they had had with Ralph Pederson Jr and Ralph Pederson Sr. They noted that they have been working with them on complaints beginning November 5, 2017, noting that the property was basically turning into a junk yard with inoperable vehicles, parts, etc. around the property. He said they have been given a request to remedy the situation, clean it up. There was a little clean-up done, but not much. Mr. Pederson Jr. did get a business license for a farm and home shop, but he was required to keep the property cleaned up which was not happening. Mr. Billingsley met with Mr. Pederson again on January 3rd to remind him that his business license was not for a junk salvage yard, but that it was for a repair shop. Mr. Billingsley said that no corrective action had been taken, and the Pederson's had been warned that the County could pursue further action. After discussion, Commissioner Brown moved to start the criminal complaint on parcel # 3-192B-17 and begin the process of getting it cleaned up and abate the nuisance, second Commissioner May, unanimous.

Mr. Billingsley then discussed six adjoining parcels that were also filled with junk vehicles. Mr. Pederson Sr. claims that vehicles are his son's, and has moved the vehicles around, but has not removed them or cleaned the property up. The County Code does discuss entering private property to impound vehicles. Sheriff Curtis indicated that if the vehicles are on the roadway, they can be impounded, but if they are on private property it is more difficult. Several of the vehicles are hanging out into the roadway. Mr. Billingsley indicated that the process had been started in November of 2017, and that a lot of time and taxpayer money is being spent trying to get the property owners to clean-up their parcels, and recommenced that we move forward in the process to abate the nuisance. After discussion, Commissioner Brown moved to start the criminal complaint on parcel #'s 3-192C-3, 3-192C-4, 3-192C-5,

3-192C-6, 3-192C-7 and 3-192C-8 and start a nuisance abatement on them as well, second Commissioner May, unanimous.

Memorandum of Agreement signed with Brett & Cindy Gurney and CentraCom:

Commissioner May then reported on a problem the county had had when they allowed CentraCom to do some work in what was assumed to be a County right-of-way near the Gurney property. It was later found that where the work was done was not in the County right-of-way. There had been some misinformation received between the County Recorder's Office and the Road Department. Therefore, the County had created a Memorandum of Understanding with the property owners after discussing the issue with them. The agreement is that the County will provide some gravel, as well as some financial assistance to the property owners for the disruption in their property. After discussion, Commissioner May moved to approve the Memorandum of understanding with the Gurney's, second Commissioner Brown, unanimous.

Business licenses approved:

Business licenses were reviewed for Dale Wilkerson for Hillside Miniature Golf, and one for Leslie Gordon for the Granary. After discussion, Commissioner May moved to approve the business license for Hillside Miniature Golf at a fee of \$25 per year, second Commissioner Brown, unanimous. Commissioner May then moved to approve the business license for the Granary for online sales of handmade items at a fee of \$25 per year, second Commissioner Brown, unanimous.

Employee Policies updated:

Human Resources LeighAnn Wheeler then gave the Commissioners updates to Employee Policies number 10A, 10B, and 10C. The policies have been through several committees including the County Attorney and Department Heads, who have recommended changes to the policies. After discussion, Commissioner May moved to approve the new policies as recommended, second Commissioner Brown, unanimous.

Resolution adopting final tax rates approved:

Clerk/Auditor Steven Wall then discussed with the Commissioners the Resolution adopting the final tax rates for 2018 with proposed rate of 0.004073 for the County and 0.000486 for the Local County Assessing and Collecting levy. Clerk/Auditor Wall noted that the proposed tax rates would generate the dollars needed for the 2018 budget. After discussion, Commissioner Brown moved to approve the tax rates as recommended, second Commissioner May, unanimous. The Clerk/Auditor stated that the State would be assessing the rates for the Multi-County Assessing and Collecting Levy, which would be in addition to the two rates.

Sevier County Reinvestment Agency convened:

At 2:30 p.m., Commissioner May moved to recess the County Commission meeting and convene as the Sevier County Reinvestment Agency, second Commissioner Brown, unanimous.

Executive Director Malcolm Nash then discussed the status on the proposed Sigurd Solar Community project, noting the actions that had taken place during the past couple of years on the project, as well as the public hearing that had taken place in August of 2017 on the proposed project.

The Board then reviewed a Resolution approving the project area plan and budget. Mr. Adam Long then reviewed what the agency could do in looking over the project area, the plan, the budget, the process of getting to this point, and that there would be an interlocal agreement between the taxing entities and the agency so that the tax revenues could be collected from the project, before splitting the revenues between

the developer and the taxing entities involved. Mr. Malcolm Nash said that the current plan would give up to 70% of the revenues back for the first 15 years. Mr. Brown stated that he is in favor of the project, but he is concerned that the project will not create any new permanent jobs in the County. Mr. Brown felt that additional jobs in the County are needed for the future. Mr. Ogden reported that he is supportive of the project as well. Sam Sours, Sigurd Solar, reviewed the issues that they have with the project, noting that it is a three-legged permitting process because they need to get the interconnection or ability to get the power generated to the electrical grid system, that they also need to have a power purchase agreement with someone to buy the power so they know that the power will be sold and utilized, and the third leg would be the finance of the project which would include tax incentives from the Federal, State, and local governments to make everything come together. The School District Business Administrator indicated that at this time the School District is neutral but would follow the lead of the County. He reported that there has been no in-depth study with all of the Board, but the Administration does have some concerns with the housing requirements of the plan. The plan would require that we send money to the Housing Authority up north because we do not have a housing authority here. One of the property owners of the proposed plan area, Angie Anderson, reported that there would be very little impact on the County, but it would be beneficial to the property owners in the area. Commissioner May then discussed with Mr. Sours that Sigurd Solar would not actually work directly with the individual customers of the power, but it would be sold directly to Rocky Mountain Power. He noted that Solar Power is generally sold at a higher rate than other power sources, but that would be a concern of Rocky Mountain Power and not Sigurd Solar. After further discussion, Mr. Brown moved to approve Resolution 2018-6-1 adopting the Community Project Area Plan for the Sigurd Solar Community Project, second Mr. May, unanimous.

The Board then discussed the proposed resolution approving and adopting the Community Investment Area Budget. They stated that they are very supportive of the project, but not in favor of the incentives. Mr. May feels like the business should be done under free enterprise, and that there should not be tax incentives to particular business or firms, noting there are several other businesses in the County and the County could not give incentives to all. After further discussion, Mr. May moved to not participate financially with an incentive towards this project, and to deny the resolution for the budget, second Mr. Brown, unanimous. Adam Long noted that approving the budget does not commit the County to the project until a participation agreement is signed. The Board then discussed that at this point, they have no desire to approve the budget or give the incentive.

The agency meeting then closed, and the regular meeting resumed at 2:55 p.m.

No action taken on Sigurd Solar Community Reinvestment Project Area ordinance:

The Commissioners then discussed that due to the action of the Reinvestment Agency to not participate in the financial incentives, that there was no need to approve any ordinances for the Sigurd Solar project at this time. Commissioner May moved to take no action on the proposed ordinance, second Commissioner Brown, unanimous. Mr. Sours stated that with no incentives, the project would not be able to move forward. He said that the Commission could still treat all of the businesses the same and make decisions on an individual basis. Commissioner Brown then discussed that without providing the incentive, it would give the residents of the County a small tax break with the increase in personal property through the certified tax rate process, and with the incentive there would be no break to the taxpayers and the rate would not change. The Commission also discussed that part of the funds would need to go to the Olene Walker Housing Fund and would not stay in the County.

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