

COMMISSION MINUTES

August 27, 2018

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this twenty-seventh day of August, 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 Deputy Attorney Mandy Larsen were also present.

Commission business:

Commissioner Ogden reported that the Trail Days Weekend was very successful. Several people came to the area, and there were a lot of activities going on. It was reported that the activities were very successful.

Commissioner May also reported that he felt the Trail Days went well, especially the County portion of the combined effort. He reported that there were 99 registered riders in the bike activity, and 15 in the ATV activity. He felt that it was very well liked as several participants said they would be back next year.

Commissioner Brown reported on a meeting he had with the Health Department, and discussions they had had with possible developments of the Monroe Hot Springs. He said they are still moving forward with that project. He then gave an update on the parking area and the cement work being done at the Fairgrounds, and that he had been in discussion with the BLM in getting grants to help improve campsites, and areas around campsites as they are very interested in improving and maintaining their campsites. He also reported that he felt the Trail Days had gone very well, and that there were attendees from Argentina and several from out of state.

Clerk/Auditor Steven Wall then reported we had received final figures on the 2016 and 2017 refund to AT&T Mobility, which totaled \$3,904.85, which is less than what had been approved in an earlier meeting.

Minutes of August 13th Commission meeting approved:

Minutes of the August 13th Commission meeting were then reviewed and approved on a motion by Commissioner May, second Commissioner Brown, unanimous.

Board of Equalization convened:

At 1:40 p.m., Commissioner May moved to recess the regular Commission meeting to hold a Board of Equalization to consider the Arno F and Rane Jensen greenbelt eligibility appeal, second Commissioner Brown, unanimous.

Jared Peterson, Attorney representing the Jensen's, noted that the greenbelt application filed by the Jensen's for 2018 had been denied, and they are appealing that decision. Mr. Peterson noted that the 2017 and 2018 qualifications had been met for the 2019 year, but they are trying to qualify the 2016 year so that they would be eligible for the 2018 greenbelt designation. Mr. Peterson explained that there had been several individuals that had been allowed to run their livestock on the property, and reviewed the requirements that needed to be met including the amount of livestock that had been on the property during the 2016 year which more than satisfied the requirements. Discussion followed concerning incidental grazing, whether there were contracts available or not, and whether or not there were agreements in place, or whether the individuals had just run their livestock through there. They then discussed that the application had been filed, but that all of the information had not been supplied to the Assessor prior to the deadline, therefore the application had been denied. Commissioner Brown asked if the application

had been filed timely, and it was reported that the application had been filed timely, but the background information had not been. Mr. Peterson then reported that the Assessor had requested additional information, and the proof had been provided to the Board of Equalization. Mr. Peterson noted that the livestock had been there and the property had been used, and it did meet the qualifications. He also reported that the code does not require signed leases, but could include oral agreements. Commissioner May reported that several in the legislature, especially in urban areas, are trying to do away with the greenbelt designations, but that the rural areas are working to protect the greenbelt laws and keep them in place to help the rural areas. Mr. Peterson then reported that when they had appealed for the 2016 and 2017 years, they agree that the rule had been applied correctly and they did not qualify, but he feels they do qualify now for the 2018 year and they have provided the necessary information. Assessor Amy Garren-Clark and Deputy Assessor Genette Williams expressed their concerns with the application, noting that a lot of the information he has provided the Board of Equalization was not submitted to the Assessor's Office at the time they made the determination to deny the greenbelt application for 2018. They also expressed concern that some of the individuals that were grazing their livestock there were using the same livestock on other properties. They wanted to have time to look at the information that had been provided to ensure that the livestock they are talking about had not been used on other properties to the extent that there were no animal units left to be able to use on this property as well. They also reported that when they tried to contact the grazers, they had not been given their information, and some had hung up on them. The Assessor also reported that Mr. Gleave had told her that he had been asked to remove his sheep from the property; and in fact, the Sheriff had been notified and had been asked to remove the sheep as well. The Assessor did include copies of the Sheriff Report noting that the Sheriff had been called and that the sheep had been removed from the property. Mr. Peterson noted that the person who had called the Sheriff was not an owner of the property, but one of his sons that had called without authorization to get the sheep removed. Mr. Peterson also stated that they are using statements from unknown people, and the violation of due process should not be used in their determination. Commissioner Brown, in looking at the police report, noted it did say that there were 200-300 sheep; so there were sheep on the property even though the Sheriff had been called to remove them. Mr. Peterson then reported that the cows alone from one of the three grazers (Mr. Nielsen, Mr. Gleave, and Mr. Bagley) nearly qualified the property by themselves, and the sheep were not really needed. Mr. Peterson noted that they were well over what they needed to qualify the property.

At 2:30 p.m. the regular Commission meeting resumed with no action being taken.

Straight Stripe Paint Inc an CKC Asphalt contracts approved:

The Commission reviewed the agreement with Straight Stripe Paint Inc, and CKC Asphalt for work that is being done as part of the Fairgrounds and Road Department parking lot improvement projects. After discussion, Commissioner May moved to approve the Straight Stripe Paint Inc and CKC Asphalt contracts, second Commissioner Brown, unanimous.

Predator Damage Management Contract with State of Utah renewed:

The Commission then reviewed the contract with the State of Utah for the Predator Damage Management contract for a \$2,000 grant from the State and the County matching those funds with \$2,000. Discussion followed regarding the program and contract which have been renewed for several years. After discussion, Commissioner May moved to approve the contract with the State of Utah subject to review and changes by the County Attorney, second Commissioner Brown, unanimous.

Travel Council recommendations approved:

Tourism Director Chad McWilliams then reviewed with the Commissioners the recommendations of the Travel Council. After discussion, Commissioner Brown moved to approve those recommendations, second Commissioner May, unanimous.

Board of Equalization convened:

At 2:55 p.m., Commissioner May then moved to recess the regular meeting again and convene the Board of Equalization, second Commissioner Brown, unanimous.

Commissioner May then asked the Deputy County Attorney Mandy Larsen if a signed lease is required to meet the greenbelt qualifications, and Ms. Larsen reported that she did not believe a signed lease is required due to the information that had been provided, and from her quick review of the code it does not require that it be a signed lease agreement. Assessor Amy Garren-Clark reported that the lease is required in the Standards of Practice as possible proof that the qualifications were met; and she re-iterated that the information had not been given to her prior to the meeting, but only to the Board of Equalization. Commissioner Brown asked if the regulations that we had would fit in the code, and was answered yes. Commissioner May stated that if the application was okay and was timely filed, that the lease and declaration that had been provided by the grazers, that we could use those items. It was noted by Assessor Garren-Clark that she had been following the direction from the State Tax Commission, and that they did not have all of that information which is why the request had been denied. After discussion, Commissioner May then motioned that given the current information with the declarations, noting that the Code did not require a signed lease, that the appeal be accepted and that the property in question be approved on a greenbelt status for the 2018 year, second Commissioner Brown, unanimous.

Commissioner May then stated that it is incumbent on the taxpayer to do due diligence, and timely file all information required or necessary. The Commission then expressed their appreciation to everyone through this process, noting that the Assessor's Office had done everything appropriately, that the County did follow the greenbelt requirements, and that the information had been submitted. The Commission encouraged the applicant to continue to do their due diligence.

Regular Commission then resumed at 3:13 p.m.

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