

## COMMISSION MINUTES

April 28, 2014

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this twenty-eighth day of April, 2014. Meeting commenced at 1:30 p.m. with Commissioners Gary Mason, 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.

### **Commission business:**

Commissioner Topham reminded the Commissioners of Snow College Commencement at 1:00 p.m. on Friday, and for the open house for Carl Albrecht at 4:30 p.m. on Thursday.

Commissioner Topham then read a letter from the owners of the Clarion Valley Estates Subdivision to the Special Service District #1 thanking them for taking care of the road. He also noted he had received a request for comments on the Teeple Springs Vegetation Treatment Project from the Forest Service.

Commissioner Topham then discussed with the Commissioners deciding on the Community Clean-up dates and changing the Landfill Ordinance to reflect that. No action was taken at this time. He then said they need to determine whether or not they wanted to respond to the new definition of US Waters that has been proposed by the Federal Government. Commissioner Ogden stated he had received a letter from the Bureau of Land Management concerning sage grouse indicating that the comment period was over on the sage grouse question to determine whether or not to make it an endangered species. He said the next step would be for the BLM to assemble the comments and schedule a meeting on May 9<sup>th</sup> with all of the cooperating agencies.

Commissioner Mason reported on the public hearing held last Thursday with the Forest Service on the ATV Trails. He indicated there were approximately 55 present and, from the comments that had been left, it was split about 50/50 as to whether or not to widen the trails to accommodate UTV's. No action was taken at this time. Commissioner Mason said he would give copies of the comments to the other Commissioners for consideration at a later time.

### **Minutes of April 14<sup>th</sup> approved:**

Minutes of the April 14<sup>th</sup> Commission Meeting were reviewed and approved on a motion by Commissioner Ogden, second Commissioner Mason, unanimous.

### **Mark McIff recommended as new Justice Court Judge:**

Commissioner Topham then reviewed the selection process to appoint a new Justice Court Judge. He stated they had assembled a committee, as per the instructions and process established by the Judicial Council of the State Courts. The Committee had followed the process and had recommended three names, which are: Cordell Pearson, who has been involved in law enforcement throughout his life; Mark McIff, who is an attorney involved in prosecution; and Larry Hunt, who has been a defense attorney. The Commissioners had met and interviewed the three that had been recommended, and was now ready to make their recommendation. Commissioner Topham said that procedure reads that the Chairman would make the

appointment, but they were all involved in the decision in recommending Mark McIff to the Judicial Council to fill the vacancy created by the retirement of Judge Kent Nielsen. It was discussed that the new Judge would need to attend an orientation that starts on May 5<sup>th</sup>, then he will start the actual position after the retirement of Judge Nielsen on June 1<sup>st</sup>. After discussion, Commissioner Mason moved to recommend Mark McIff to the State Judicial Council to fill the position of Justice Court Judge for Sevier County, second Commissioner Ogden, unanimous.

**Travel Council recommendations approved:**

Tourism/Events Director Kevin Arrington reviewed with the Commission the Travel Council recommendations from the April meeting. After review and discussion, Commissioner Ogden moved to approve the expenditures as recommended, second Commissioner Mason, unanimous.

**Letter to be sent in support of money used for the Motorized Trail Maintenance Program:**

Mr. Arrington then reported that he had been talking with Brian Carter of the Fishlake National Forest Trail Committee about the possibility of using some of the Secure Rural Schools Money that is given to the Forest Service to assist the Motorized Trail Maintenance Program by purchasing a new trail dozer. He had drafted a letter to the Forest Service supporting the use of these monies to purchase the dozer. After discussion and noting that this dozer would give them two dozers and allow them to manage and maintain more trails, Commissioner Ogden moved to support the request and authorize the letter to be sent to the Fishlake National Forest Secure Rural Schools Advisory Committee, second Commissioner Mason, unanimous.

**Beer License for Sevier Hospitality Service renewed:**

A beer license renewal for Sevier Hospitality Service at the Big Rock Candy Mountain Resort was reviewed. Commissioner Topham noted it had been reviewed and approved by the Sheriff. After discussion, Commissioner Mason moved to approve the beer license renewal, second Commissioner Ogden, unanimous.

**Business License approved:**

The Commissioners then reviewed a request from Steve King for a business license for Black Diamond Concrete LLC. Zoning Administrator Larry Hanson reported that the business was located on the Fred Mortensen property where there was a home and an outbuilding, and that Mr. King would operate the business from his father-in-law's outbuilding. After discussion, Commissioner Ogden moved to approve the business license at a fee of \$50 per year, second Commissioner Mason, unanimous.

**Discussion concerning zoning violations in Elsinore Addition:**

Zoning Administrator Larry Hanson then reviewed with the Commissioners a draft of a letter concerning violations of County Zoning and Building ordinances in the Elsinore Addition area to be sent to owners in that area. The Commission discussed the fact that part of the Elsinore Addition is in the Central Valley LDS Ward boundaries and the Bishop is willing to help pay for some of the clean-up and landfill fees to help clean up that area. The Commission also discussed speaking with the Bishop of the other ward which covers the other part of the Elsinore Addition to see if he will also work with them in cleaning up the area. Mr. Hanson discussed the possibility of changing the zoning in that area back to RA, as it had been in the past, which

would give more control over some of these matters. Mr. Hanson noted that there are more restrictions in the RA zone than in the current agricultural zone. No action was taken at this time.

The Commission also discussed with Mr. Hanson the dumping of cement and garbage on the property along the Richfield Canal south of Elsinore. The Commission asked him to find out which property it has been dumped on and work with the property owners to see what needs to be done to clean up the area and stop the dumping.

**Contract approved for performance at Fair:**

Events Coordinator Paula Martin then reviewed with the Commissioners a contract with VanLadyLove for a concert performance during the Fair at a fee of \$2,500. After discussion, Commissioner Ogden moved to approve the contract as recommended, second Commissioner Mason, unanimous.

**Fairgrounds Advisory Board supports Alcohol Use Policy at Fairgrounds:**

Rebecca Mills, representing the Fairgrounds Advisory Board, met with the Commission to give an update on the alcohol use policy at the Fairgrounds. She stated that when the policy was implemented a year ago, it was intended to be for a trial period, and that since that time the alcohol policy had only been used twice and there had been no issues. Ms. Mills said the Advisory Board recommends that the policy be continued, as it has been a positive change for the facility. The Commissioners thanked her for the information, and noted that the policy would continue unless action was taken to change it. No action was taken at this time.

**New Hires approved for Landfill and Weed Departments:**

Human Resources Director LeighAnn Wheeler reviewed with the Commissioners the open positions she has been working on filling. For the position at the Landfill after Kirk Payne resigned, she recommended DeLoy Johnson be hired at \$14.44 per hour beginning April 21<sup>st</sup> as a Landfill Operator. For the Weed Sprayer Position to replace Colton Shepherd, she recommended Greg Southwick at \$11.57 per hour (because he was already certified) beginning April 7<sup>th</sup>. She then recommended using grant funds from Jody Gale to hire Justus Clark and Taylor Serrine to begin May 4<sup>th</sup> at \$11 per hour until they are certified with pesticide licenses and then they will move up to \$11.57. After discussion, Commissioner Ogden moved to approve the new hires as recommended, second Commissioner Mason, unanimous.

Ms. Wheeler then discussed with the Commissioners some issues at the Jail, due to some injuries and some health issues, with the nurses being out for a while and their being short-handed. She said they have hired Aspen Johnson as a temporary nurse to cover the Jail until the other nurses are able to return to work. After discussion, Commissioner Mason moved to approve the hire of Aspen Johnson as a temporary nurse in the Jail at \$15 per hour, second Commissioner Ogden, unanimous.

There being no further business to come before the Board, meeting adjourned at 2:30 p.m.