

COMMISSION MINUTES

May 13, 2024

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this thirteenth day of May 2024. Meeting commenced at 1:30 p.m. with Commissioners Scott Johnson, Greg Jensen, and Ralph Brown in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. County Attorney Casey Jewkes and Clerk/Auditor Steven C. Wall were also present.

Commission Business:

Commissioner Brown reported that the Art Show went well, and there is a lot of activity throughout the County in the Arts. He also reported that the bucking chutes had arrived, and they are preparing to install the chutes. He said that the Fair Board would be meeting soon and making plans for this year's County Fair.

Minutes of April 22nd and May 6th Commission Meeting and Worksessions approved:

Minutes of the April 22nd Worksession and Commission Meeting, and the May 6th Worksession were reviewed and approved on a motion by Commissioner Brown, second Commissioner Jensen, unanimous.

Payment Approval Report for April approved:

The Payment Approval Report for the month of April was reviewed and approved on a motion by Commissioner Jensen, second Commissioner Brown, unanimous.

Items declared surplus, authorized for disposal:

The Commission then reviewed a list of surplus personal property items that are broken, obsolete, or no longer being used with a proposed method of disposition. After discussion, Commissioner Brown moved to declare the items as surplus and authorize their disposal as indicated, second Commissioner Jensen, unanimous.

Funds for Michael Martinez indigent burial approved:

The Commission then reviewed a request for payment of an indigent burial for Michael Martinez. Discussion followed concerning the process to determine if the individual is indigent, that the Sheriff's Office does conduct an investigation, and that this request had been investigated. After discussion, Commissioner Jensen moved to approve the payment of \$1,100 towards the burial of Mr. Martinez, second Commissioner Brown, unanimous.

Digital Marketing Services Contract with Soren Digital LLC approved:

The Commission then reviewed the agreement with Soren Digital LLC for marketing services to help the County promote recreation and tourism in the County. Commissioner Brown reported that they had met with several firms and determined that this is the best avenue for the County at this time. He said that the agreement had already been signed due to time constraints. After discussion, Commissioner Brown moved to ratify the agreement with Soren Digital LLC, second Commissioner Jensen, unanimous.

Communications Lease Agreement with Forest Service approved:

The Commission then reviewed a Communications Lease Agreement with the US Department of Agriculture, Forest Service for leasing property on Monroe Peak for the communications site.

After discussion, Commissioner Jensen moved to approve the Communications Lease Agreement with the Forest Service, second Commissioner Brown, unanimous.

Utah Weed Supervisor Grant Application approved:

The Commission then reviewed a grant agreement from the Utah Weed Supervisors for \$10,000 for weed control projects. The Commission expressed their appreciation to Weed Supervisor Dave Sorenson for the work that he does. After discussion, Commissioner Brown moved to approve the grant agreement with the Utah Weed Supervisors, second Commissioner Jensen, unanimous.

Public Hearing to Consider Zone Change for Sigurd Storage Acquisitions LLC:

At 1:45 p.m., Commissioner Jensen then moved to recess the regular Commission meeting for an advertised public hearing, second Commissioner Brown, unanimous.

At 1:45 p.m., Commissioner Johnson convened a public hearing to consider a zone change from A-1 Agriculture to Industrial for Sigurd Storage Acquisitions LLC on parcels 4-187-19, 4-187-14, 4-126-6, and 4-126-5. Joelle Puritz, Project Developer, and others from DESRI explained the business plan of the project they are proposing for this area in collecting the excess power from the solar panels west of Sigurd. The proposed project area is adjacent to the solar panels and would be a facility with storage batteries that would be able to collect the electricity and could get the power to the grid as needed by Rocky Mountain Power. The proposal is to start the project later this year and be online in production in the spring of 2026. They showed a presentation that described the type of batteries and what the facility would look like. Discussion followed concerning whether the property in question is in agriculture now and whether or not they would use all of the property, and also whether there are water rights with the property now. Ms. Puritz said they would be using some of the property with some ability to expand in the future, and that water rights would stay with the prior owner. Further discussion followed concerning the waste from the facility, that it would not go to our landfill, and the life expectancy of the project is approximately 20 years. The Commission noted that the zone change had been recommended for approval by the Planning Commission. There were no comments from the public.

At 2:02 p.m., the regular meeting resumed.

After discussion of the information received, Commissioner Brown moved to approve the zone change as requested from A-1 Agricultural to Industrial on parcels 4-187-19, 4-187-14, 4-126-6, and 4-126-5, second Commissioner Jensen, unanimous.

Property Tax deferment request approved on parcels 3-192C-7 and 3-192C-3:

Mr. William McElroy then met with the Commissioners concerning two parcels he owns, parcel 3-192C-7 and 3-192C-3, that are on the tax sale for 2024. He reported that when he bought the property, he knew there were some prior charges and was told it would be at least 5 years before

the taxes would need to be paid. He said he has only owned the property for 3 years. He said that he could pay \$3,500 cash tomorrow and start a payment plan at the first of June of \$125 per month until the taxes could be brought current if the Commission would agree to defer the sale and allow him more time. Commissioner Brown asked if Mr. McElroy had looked to other outside sources for the funds to redeem the property. Mr. McElroy said he had no other sources. After discussion, Commissioner Jensen moved to defer the sale of the property if Mr. McElroy would pay \$3,500 on May 14th and make payments of \$125 per month beginning in June, second Commissioner Brown, unanimous.

Property Tax Deferment approved for parcel 3-192D-17:

The Commission then reviewed a request from Lorraine Roberts to defer the sale on parcel 3-192D-17, which is her home. She has no means to redeem the property at this time, but is willing to make payments of \$50 per month beginning in June if the Commission will defer the sale on that property. After discussion, Commissioner Jensen moved to defer the tax sale on parcel 3-192D-17 and accept payments of \$50 per month until the taxes are cleared or it will go to the next tax sale, second Commissioner Brown, unanimous.

Public Hearing to consider amendments to Title 13, Title 14, APA, and Fencing:

At 2:16 p.m., Commissioner Jensen then moved to recess the regular meeting for a public hearing to consider amendments to Title 13, Title 14, the Agriculture Protection Area Ordinance, and the Livestock Fencing Ordinance, second Commissioner Brown, unanimous.

Commissioner Johnson then opened the public hearing to consider amendments to Title 13 Subdivision, Title 14 Land Use, Agriculture Protection Area, and Livestock Fencing Ordinances. Devan Fowles, Sunrise Engineering, then reviewed with the Commission the process that had been followed to update the Title 13 and Title 14 ordinances due to legislation from the State of Utah, as well as the Agricultural Protection Area. He said that the proposed drafts had been reviewed by the Planning Commission, and they are recommending approval of the changes. Discussion followed concerning the wording of the Utah State Code in our ordinance, noting that if the Utah Code was changed it would necessitate a change in our ordinances as well. Mr. Fowles indicated he would make the appropriate changes to reference State Code, but not repeat it in the ordinances. Further discussion followed concerning the updates to the Agricultural Protection Area that have been recommended by the Planning Commission to bring them up to date as well.

County Attorney Jewkes and Zoning Administrator Jason Mackelprang then updated the Commission on the Livestock Fencing Ordinance, also recommended for approval by the Planning Commission. They noted that they had met with the Forest Service, BLM, Landowners, Grazers, Livestock Producers, other ordinances of surrounding states and counties, etc. They reviewed the areas through the valley that would be proposed as fenced in areas, with the rest of the County being fenced out areas. Mr. Mackelprang noted that even if it was a fenced out area, they would not allow livestock owners to put their livestock onto other people's property without permission. Commissioner Jensen expressed his concern with some of the requirements in the ordinance of new subdivisions, etc. as well as the cost to the landowners to put up fences in the fence out areas. Discussion followed that even in the mountain land, it

would not be required to build a fence, but livestock owners could not intentionally push their livestock onto other people's property that they did not have an agreement with, that there would be rules to make them responsible for their own livestock. There were no comments from the public.

Regular meeting resumed at 2:53 p.m.

After discussion, Commissioner Jensen moved to approve the updates on Title 13 Subdivision Ordinance, Title 14 Land Use Ordinance, and Agriculture Protection Area Ordinance with the change on the State Code portions to be removed with the State Code referenced as amended as needed, second Commissioner Brown, unanimous. The Commission indicated they would look at the fencing ordinance in the near future for approval. The Commission thanked everyone for their help in updating those ordinances.

New Hires, Job Descriptions approved as recommended:

HR Director Craig Blake met with the Commission reporting that they had recommended new hires. He noted that they were for one new position in the Sheriff's Office and three vacant positions. He recommended hiring Matthew Allgaier as a Deputy Sheriff Recruit full-time in the Jail at Grade 15.2 for \$24.01 per hour beginning April 22, 2024; Oscar Gonzalez as a Deputy Sheriff Recruit full-time in the Jail at Grade 15.2 for \$24.01 per hour beginning May 6, 2024; and both Doug Aitken and Gavin Olsen as part-time Mosquito Abatement Sprayers at Grade 9 for \$17.26 per hour beginning April 29, 2024 and May 6, 2024 respectively. After discussion, Commissioner Brown moved to approve the new hires as recommended, second Commissioner Jensen, unanimous.

Mr. Blake then reviewed with the Commission job descriptions for the Senior Nutrition Program which the County will be taking over from R6 Regional Council on July 1, 2024. The job descriptions include the supervisors, cooks, drivers, etc. and are similar to the job descriptions for the R6. After discussion, Commissioner Jensen moved to approve the job descriptions for the Senior Nutrition program, second Commissioner Brown, unanimous.

Assignment Orders with Jones & DeMille approved for Bear Valley and Elsinore Addition: The Commission then reviewed some Assignment Orders with Jones & DeMille Engineering for the Sevier County Bear Valley Road Reroute and the Scope of Work and boundaries of the Elsinore Additional Culinary Water Improvement Special Service District. Discussion followed concerning the need to reroute the Bear Valley Road to provide access to public lands, and Commissioner Brown reviewed the proposal to provide culinary water and fire hydrants to the Elsinore Addition area. After discussion, Commissioner Jensen moved to approve the Assignment Order with Jones & DeMille for the Bear Valley Road ReRoute, second Commissioner Brown, unanimous.

Commissioner Jensen then moved to approve the Assignment order with Jones & DeMille for the Elsinore Addition Culinary Water Improvement Project, second Commissioner Brown, unanimous.

Updated Joint Use Agreement for Sevier Valley Center approved:

Commissioner Johnson then reviewed with the Commission a Joint Use Agreement for the Sevier Valley Center between Snow College, Sevier County, Sevier School District and Richfield City. He said Snow College had requested a few changes to the Joint Use Agreement and to the Board responsibilities, noting that the purpose of the Board was to ensure continued use of the facility to the public, and to Snow College. The changes would make the Board more of an advisory board. After discussion, Commissioner Brown moved to approve the changes and authorize Commissioner Johnson to sign the updated Joint Use Agreement when the final document is available, second Commissioner Jensen, unanimous.

Closed Session to discuss land acquisition:

At 3:16, the Commission closed the meeting to discuss pending purchase, exchange, or lease of Real Property. Those attending included: Commissioner Jensen, Commissioner Johnson, Commissioner Brown, Clerk/Auditor Steven Wall, and County Attorney Casey Jewkes.

At 3:37 p.m. the regular meeting resumed.

Commissioner Johnson then moved to pursue the purchase of the property discussed in the closed session at a fee of up to \$24,000, second Commissioner Brown. Commissioner Johnson and Commissioner Brown voting aye, and Commissioner Jensen voting nay. Motion passed.

There being no further business to come before the Board, meeting adjourned at 3:39 p.m.