

**COMMISSION MINUTES**  
**September 8, 2014**

Minutes of the regularly scheduled meeting of the Sevier County Commissioners held this eighth day of September, 2014. Meeting commenced at 1:30 p.m. with Commissioners Gary Mason, Gordon Topham, and Garth 'Tooter' Ogden in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Clerk/Auditor Steven C. Wall and Executive Director Malcolm Nash were also present.

**Commission business:**

Commissioner Ogden reported on the Out of Darkness Suicide Walk Program that was held recently. He said there were approximately 178 registered for the event, and it seemed to go well in bringing awareness to suicide in the area. He also updated the Commission on information received during his meeting with the Utah Wildlife Board, and discussed the prescribed burns they are doing on Monroe Mountain at this time.

The Commissioners then discussed the Proclamation that designated September as Childhood Cancer Awareness Month and their request for donations. The Commissioners asked Mr. Nash to check with other counties to see what types of policies they may have in regards to the requests for donations for the different causes. After discussion, the Commissioners noted that although there is a lot of cancer and diabetes in the area, the main focus recently has been on suicides and they did not take any action at this time on other requests.

**Minutes of August 25<sup>th</sup> Commission meeting approved:**

Minutes of the August 25<sup>th</sup> meeting were reviewed and approved on a motion by Commissioner Ogden, second Commissioner Mason, unanimous.

**Claims approved:**

Commissioner Mason then moved to approve the claims for the month of August, second Commissioner Ogden, unanimous.

**Business license approved for Hillside Miniature Golf & Recreation:**

The Commissioners then reviewed the business license application from Sonia Winegar for Hillside Miniature Golf & Recreation. After discussion, noting that it had been in place prior to this time and that the Winegar's were previous owners, Commissioner Mason moved to approve the business license at a fee of \$25 per year, second Commissioner Ogden, unanimous.

**Refunds approved:**

Assessor Amy Garren-Clark then met with the Commission requesting refunds for Walter and Audrey Barger in the amount of \$110 for a vehicle they registered early and then traded within the same month. She reported they had requested and received a refund from the State of Utah. She also recommended a refund to Nower's Chevron Station in the amount of \$42.82 due to an audit. After discussion, Commissioner Ogden moved to approve the refunds as recommended, second Commissioner Mason, unanimous.

**County support given for Municipal Building Authority to sponsor treatment facility:**

Farrel Marx, Richard Anderson, and Chad Williams, Central Utah Counseling, discussed with the Commissioners their proposal to purchase some property in Richfield near their current facility and other property they own, and build a residential treatment facility for mentally ill adults that are indigent and homeless. Their proposal would be to approach the CIB for a grant to help with the financing of the facility which would provide services to at least Wayne, Piute, and Sevier Counties. The project is estimated to cost \$81.5 million, and they are asking for the Sevier County Municipal Building Authority to be the sponsor and request the funds. Mr. Marx showed a map of the location of the proposed building, as well as plans for the site. After discussion, it was noted that this was a Commission Meeting and not a meeting of the Municipal Building Authority so prior to approval their would need to be a meeting of the Municipal Building Authority, as well as public hearings as required on the request. After discussion, Commissioner Mason moved to support the proposal, and request that the Municipal Building Authority schedule a meeting to review the matter with a public hearing scheduled on September 29<sup>th</sup>, second Commissioner Ogden, unanimous.

**County to move 401K:**

Human Resource Director LeighAnn Wheeler discussed with the Commissioners the process we have been going through in looking at moving our 401K program from the current provider, Security Benefit, to Nationwide. She said they had worked with our brokers Randy Composanto and Hal Harrison in preparing an RFP and interviewing several companies, and their recommendation was to move to Nationwide along with an agreement with Iron Financial to assume the fiduciary responsibilities for the investments, but that the County is ultimately responsible because it is our plan. Both Ms. Wheeler and Mr. Nash reported there has been some issues with Security Benefit not maintaining the service expected, and the move would benefit the County and the employees. After discussion, Commissioner Ogden moved to approve the necessary contracts pending some minor wording changes by the County Attorney with Nationwide and Iron Financial, and the third party negotiator to begin the process of transferring 401K to Nationwide, second Commissioner Mason, unanimous.

**Amendment to Department of Corrections agreement approved:**

Sheriff Nathan Curtis discussed with the Commissioners Amendment #1 to Contract #140853 with the Utah Department of Corrections which included minor changes to the minimum jail standards. Sheriff Curtis said that the Contract period and amount remain the same. After discussion, Commissioner Mason moved to approve the amended contract as recommended, second Commissioner Ogden, unanimous.

**Resolution 2014-9-1 Requesting Re-certification of Justice Court adopted:**

Judge Mark McIff and Clerk Shelly Issa met with the Commission concerning the recertification required of every court every four years. Judge McIff reported that our court is a Class 2 court, and there is a need for the recommendation from the County Attorney as to the need for the Court, as well as from the County Commission for the recertification process. After discussion, Commissioner Ogden moved to adopt resolution 2014-9-1 Requesting Recertification of the Sevier County Justice Court, second Commissioner Mason, unanimous.

**Kent Nielsen to serve as pro-tem Judge on conflict cases:**

Judge McIff and Ms. Issa also requested at this time approval for Kent Nielsen to return as a pro-tem Judge for the next three months to work on conflict cases that Judge McIff had worked on as an attorney prior to being appointed as a Judge. After discussion, Commissioner Mason moved to approve the appointment of Kent Nielsen as a pro-tem Judge to handle cases of conflict, second Commissioner Ogden, unanimous.

**Payment for relocation of power pole approved:**

Commissioner Mason then reported that Special Service District #1 was in the process of upgrading and rebuilding 1500 South from Highway 118 to the Airport Road, just south of Richfield City limits. There is a requirement to move the power line along most of that route. All power lines will be moved by Rocky Mountain Power at no cost except for one pole, which the County will be required to pay for at a cost of approximately \$36,856. This cost will be reimbursed to the County by Special Service District #1. After discussion, Commissioner Mason moved to approve the agreement with Rocky Mountain Power to move the power pole with the understanding that Special Service District #1 will reimburse the County, second Commissioner Ogden, unanimous.

**Coyote Fire Cost Share Agreement approved:**

Commissioner Ogden then reported to the Commission that there was a Cost-Share agreement on the Coyote Fire between the BLM, the State of Utah, and Sevier County because of the area covered which included private property as well as state and federal property. The Sevier County portion would be paid by the Fire Suppression Fund. After discussion, Commissioner Ogden moved to ratify the Cost-Share Agreement noting that the funds would be paid from the Fire Suppression Fund, second Commissioner Mason, unanimous.

**Comments for both Clean Water Act Rule Change and Groundwater Directive approved:**

Commissioner Topham then discussed with the Commission the responses that he had prepared concerning the Groundwater Resource Management and the Forest Service, as well as comments on the rules defining the scope of the waters protected under the Clean Water Act. The Commissioners reported they had read through his comments and agreed to them. After discussion, Commissioner Mason moved to approve the response to both of those issues, second Commissioner Ogden, unanimous.

There being no further business to come before the Board, meeting adjourned at 3:00 p.m.