

## **COMMISSION WORKSESSION**

**April 28, 2025**

Minutes of a scheduled worksession of the Sevier County Commission held this twenty-eighth day of April 2025. Meeting commenced at 10:00 a.m. with Commissioners Scott Johnson, Greg Jensen, and Ralph Brown in the Conference Room, Room 116, of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Executive Director Malcolm Nash, County Attorney Casey Jewkes, and Clerk/Auditor Steven C. Wall were also present. Others in attendance included: Dustin Christensen of Farm Bureau.

### **Review of R6 Regional Council Activities:**

Travis Kyhl, R6 Regional Council, gave the Commission an update on some of the activities that R6 Regional Council is involved in at this time. He discussed that they are in the process of putting together their budgets as they run from July 1 to June 30. They discussed how the budgeting process works with them on a fiscal year and the County on a calendar year. Further discussion followed concerning the projects they are working on including an electrical transportation plan, an agricultural/business park near Nephi, and some of the other programs they are involved in.

### **Review of County Projects:**

Micklane Farmer, Jones & DeMille Engineering, and Bob Watts and Cydne Quitter from the County Road Department reviewed with the Commission the projects that Jones & DeMille is currently working on for the County at this time. This included several road projects, ordinance updates, bike path development, etc.

### **Discussion on possible amendments to County Fencing Ordinance:**

Zoning Administrator Jason Mackelprang, and Deputy County Attorney Josh Christner then reviewed with the Commission possible updates to the County fencing ordinance. Attorney Christner said that some of the updates would clarify the language for trespass and notice requirements in both the fence in and fence out areas which would allow him to prosecute willful negligence if needed. Discussion followed concerning giving proper notice of trespassing, that they would like to avoid altercations and heated exchanges, that the language in the ordinance needed to be clarified regarding intent, the difference between intent and inadvertent wandering livestock, and that open range is different than intentionally herding animals on property they should not be on. Attorney Christner said that if the ordinance can clarify intent, then the County would be able to give notice and take appropriate action after notice has been given allowing violations to be prosecuted and not thrown out on technicalities. Dustin Christensen asked whether this change would affect the mountain or valley areas and indicated that he is concerned with the grey area of establishing intent. Mr. Christensen said that he doesn't want to see farmers or ranchers end up in Court because of a gate inadvertently left open, or someone driving through their herd breaking it up. He then asked for a copy of the current ordinance. Further discussion followed concerning how to establish intent, that the changes will need to address both the fence in (valley) and fence out (mountain) areas, that law enforcement will need the authority to request that animals or herds be moved, that the County does not want to require landowners on the mountain to fence their properties, and ensuring that the County ordinance did not contradict the State Code. Attorney Christner suggested that there be additional discussion prior to making changes to the ordinance. Commissioner Brown then expressed his concerns that we are looking at changing an ordinance that he believes is a good ordinance for the personal benefit of a Commissioner to not have to fence his property while others have. Commissioner Jensen explained that in the meetings he has been involved with for

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this fencing ordinance on the fence in/fence out issue, that he has stated he does have a personal interest in it and has expressed his opinions as a personal land owner and even recused himself from voting as a Commissioner.

There being no further business to come before the Board, meeting adjourned at 11:05 a.m.