Present: Commissioner Leland Pollock, Commissioner Jerry Taylor, Commissioner David Tebbs, County Clerk Camille Moore, and Attorney Barry Huntington.

Commissioner Leland Pollock called the meeting to order.

Commissioner Taylor made a MOTION to adopt the agenda. Seconded by Commissioner Tebbs. MOTION carried. Voting unanimous.

Commissioner Tebbs made a MOTION to approve the minutes of the May 13, 2019 meeting. Seconded by Commissioner Taylor. MOTION carried. Voting unanimous.

BOARD REPORTS

Commissioner Tebbs reported on the work being done on the business license ordinance. He reported on a meeting with the East Zion Initiative. He attended the County LEPC Meeting and complimented the sheriff’s officers and county search & rescue volunteers on the amazing work they do. He is working with Congressman Stewart’s staff on the proposed reservation system in Zion National Park.

Commissioner Taylor reported on the CDBG Board meeting. He attended the Five County Association of Governments and the Human Services Meetings. He is looking at options for the old county road shop. He added his praise for the sheriff’s office, the search and rescue volunteers and the Utah Highway Patrol.

Commissioner Pollock reported on a conversation with Troy Pearson, BARCO about their efforts using undesirable forest products. They are located north of Panguitch. He will be meeting with the attorney general’s office regarding the Burr Trail Lawsuit and attend a Joint Jail Committee Meeting in Salt Lake in the next few weeks.

PANGUITCH BOOSTER CLUB

Greg Excell explained the plans for the youth basketball program and requested $1,500.00 in funding for the program. Commissioner Tebbs made a MOTION to fund the Panguitch Youth Basketball Program $1,500.00. Seconded by Commissioner Taylor. Motion carried. Voting unanimous.
PUBLIC WORKS BUSINESS

Acceptable Use Policy: Brian Bremner, County Engineer, presented a draft policy for acceptable personal use of county property. After review, the Commission directed Brian and Clerk Moore to schedule and advertise a public hearing on the policy.

Personnel: Russell Miller is retiring from the Public Works Department. The position has been advertised and eleven applications were received. Brian asked for authorization to hire Cody Ward as a public works employee, currently assigned to the sanitation department. Commissioner Tebbs made a MOTION to make a conditional offer of employment to Cody Ward. Seconded by Commissioner Taylor. Motion carried. Voting unanimous.

PLANNING DEPARTMENT BUSINESS

Conditional Use Permits: Kaden Figgins, County Planner, explained the proposed conditional use permits. Tom Caldwell, Panguitch Lake Falls Subdivision has requested a conditional use permit for a power hookup on his property. Jim McPhie, Clear Creek, has requested a conditional use permit for his home based fly fishing guide business. The applications have been reviewed and approved by the Planning Commission. After review, Commissioner Taylor made a MOTION to issue conditional use permits to Tom Caldwell and Jim McPhie. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

Board of Adjustment General Rules of Procedure: Kaden present a proposed Board of Adjustment General Rule of Procedure. After review, Commissioner Taylor made a MOTION to adopt the rules of procedure for the County Board of Adjustment. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

Water Concurrency Ordinance: Kaden gave a overview of the ordinance and the recommended changes by the Planning Commission.

Commissioner Taylor made a MOTION to enter Public Hearing. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

PUBLIC HEARING - WATER CONCURRENCY ORDINANCE
Present: Commissioner Pollock, Commissioner Taylor, Commissioner Tebbs, Attorney Huntington, Clerk Moore, Kaden Figgins, Brian Brenner, Cookie Schous, Jennifer Geerlings, Peg Smith, John Jacob, Robert Driedonks, Landon Holm, Scout Holm, B. Hartman, S. Wilder, Craig Smith, Jay Springer, Ben Smith, Devang Amin, Evan Perkins, David Francis, Joshua Nilsen, Ron Harris.

Craig Smith, Attorney for Garfield County, stated that the goal of this ordinance to verify the water supply for new growth in the Bryce Canyon area. He reported a conversation he had with a representative of the Utah State Division of Water Rights regarding the study that is currently being performed. The goal is to determine the paper rights, wet water, the facilities for storage and delivery, and the wastewater facilities are adequate for a proposed development.

Peg Smith asked that the Commission consider extending the ordinance to the full county and well as perform aquifer studies.

Ben Smith, representing Devang Amin, stated that are grateful for the efforts of the County. He requested that after the ordinance is adopted, that when the criteria is met, approval will be issued. He asked if the application will be acted upon before the final study is complete.

Josh Nielson, working with Devang Amin, presented written comments regarding the ordinance.

Robert Driedonks stated that a lawsuit has been filed against Bristlecone Water District.

Commissioner Taylor made a MOTION to return to General Session. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

REVIEW AND ACTION ON ORDINANCE RECOMMENDATION FROM PLANNING COMMISSION

Commissioner Taylor made a MOTION to adopt Ordinance 2019-5 as advertised, including the redlined amendments, the last page of the advertisement are the Planning Commission’s recommendations and will not be included. Seconded by Commissioner Pollock. Motion carried. Voting: Pollock - Aye, Taylor - Aye, Tebbs - Abstained.

Commissioner Taylor made a MOTION to enter Public Hearing. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.
PUBLIC HEARING - ZONE CHANGE AND MINOR LOT SUBDIVISION - SHERRIL ENGLAND

Present: Commissioner Pollock, Commissioner Taylor, Commissioner Tebbs, Attorney Huntington, Clerk Moore, Kaden Figgins, Brian Bremner, Cookie Schous, Jennifer Geerlings, Peg Smith, John Jacob, Robert Driedonks, Landon Holm, Scout Holm, B. Hartman, S. Wilder, Craig Smith, Jay Springer, Ben Smith, Devang Amin, Evan Perkins, David Francis, Joshua Nilsen, Ron Harris.

Kaden Figgins, County Planner, explained the proposed minor lot subdivision and zone change on property owned by Sherril England. She owns an 10-acre parcel to be divided into one 9-acre parcel and a 1-acre parcel. The current parcel is zoned agricultural. The new 1-acre parcel will be zoned residential and the 9-acre parcel will remain agricultural. The Planning Commission recommends approving the proposed minor lot subdivision and zone change.

Commissioner Taylor made a MOTION to return to General Session. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

Commissioner Taylor made a MOTION to approve the Sherril England Minor Lot Subdivision and Zone Change. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.


PUBLIC HEARING - COUNTY ZONING ORDINANCE

Present: Commissioner Pollock, Commissioner Taylor, Commissioner Tebbs, Attorney Huntington, Clerk Moore, Kaden Figgins, Brian Bremner, Cookie Schous, Jennifer Geerlings, Peg Smith, John Jacob, Robert Driedonks, Landon Holm, Scout Holm, B. Hartman, S. Wilder, Craig Smith, Jay Springer, Ben Smith, Devang Amin, Evan Perkins, David Francis, Joshua Nilsen, Ron Harris.

Kaden Figgins explained that he, Les Barker, County Recorder, Brian Bremner, County Engineer, and Jared Woolsey have been working together for the last several month updating and correcting the current zoning ordinance. A redlined copy have been available to the Commission and the public. He reviewed some of the changes.

There we no public comments.
Commissioner Taylor made a MOTION to return to General Session. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.


AFFIDAVIT REGARDING CLOSED MEETING

STATE OF UTAH

COUNTY OF GARFIELD

The undersigned, as presiding officer of the Board of County Commissioners of Garfield County, State of Utah, after being duly sworn, hereby states, swears and affirms as follows:

1. That on the 28th day of May, 2019, during a regular meeting of the Board of Commissioners of Garfield County, State of Utah, the board, upon the affirmative vote of two-thirds or more of the members present at the meeting for which notice was given pursuant to Section 52-4-6, voted to close the meeting to discuss the character, professional competence, or physical or mental health of an individual under Subsection 52-4-5 (1)(a)(I), Utah Code Annotated and litigation.

2. That a quorum was present.

3. That I do hereby affirm that the sole purpose for closing the meeting was to discuss the character, professional competence, or physical or mental health of an individual and pending litigation.

DATED this 28th day of May, 2019.
Commission Chairman

SUBSCRIBED and SWORN to before me this day of , 2019.

NOTARY PUBLIC


BRISTLECONE WATER IMPROVEMENT DISTRICT BOARD OF TRUSTEES APPOINTMENTS

Commissioner Pollock stated that interviews will be conducted for the applicants that are present.

Commissioner Tebbs made a MOTION to enter Executive Session for discussion of personnel issues, interview of potential candidates for the Bristlecone Water Improvement District Board. Seconded by Commissioner Taylor. Motion carried. Voting: Pollock - Yea, Taylor -Yea, Tebbs - Yea. Present: Craig Smith, Jay Springer, Devang Amin, David Francis, Landon Holm, Scout Holm, John Jacob, Travis Holm (by telephone), Levi Holm (by telephone), Ardelle Johnson (by telephone).

AFFIDAVIT REGARDING CLOSED MEETING

STATE OF UTAH

COUNTY OF GARFIELD
The undersigned, as presiding officer of the Board of County Commissioners of Garfield County, State of Utah, after being duly sworn, hereby states, swears and affirms as follows:

1. That on the 28th day of May, 2019, during a regular meeting of the Board of Commissioners of Garfield County, State of Utah, the board, upon the affirmative vote of two-thirds or more of the members present at the meeting for which notice was given pursuant to Section 52-4-6, voted to close the meeting to discuss the character, professional competence, or physical or mental health of an individual under Subsection 52-4-5 (1)(a)(I), Utah Code Annotated.

2. That a quorum was present.

3. That I do hereby affirm that the sole purpose for closing the meeting was to discuss the character, professional competence, or physical or mental health of an individual.

DATED this 28th day of May, 2019.

____________________________________
Commission Chairman

SUBSCRIBED and SWORN to before me this day of , 2019.

____________________________________
NOTARY PUBLIC


**APPOINTMENT OF BOARD MEMBERS**

GARFIELD COUNTY RESOLUTION NO. 2019-6

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, UTAH, RECONSTITUTING THE BOARD OF THE BRISTLECONE WATER IMPROVEMENT DISTRICT AND APPOINTING TRUSTEES

WHEREAS Garfield County, Utah (the “County”), is a body corporate and politic of the State of Utah, the legislative body of which is a duly constituted Board of County Commissioners (the “County Commissioners”).

WHEREAS the Bristlecone Water Improvement District (the “District”) is an improvement district solely within the area of the County, created and operating under the Utah Code Title 17B, Limited Purposes Local Government Entities—Local District, as amended, since its incorporation on August 26, 1998; and

WHEREAS the County Commissioners by Resolution No. 1998-8 on November 23, 1998 (the “Creation Resolution”), appointed the initial three-member board of trustees for the District (the “District’s Board”); and

WHEREAS the District’s Board is not duly constituted by appointment or election; and

WHEREAS Utah Code Annotated (“UCA”) §17B-2a-404(3)(a) provides that the County Commissioners may “adopt at any a time a resolution providing for . . . the appointment of board of trustees members;” and

WHEREAS the County Commissioners have determined that the interests of the District would be best served by the appointment of a board of trustees; and

WHEREAS a duly and properly noticed public meeting was held to discuss applicants; and

WHEREAS the County has complied with the requirements of UCA §17B-1-301 et seq; and

WHEREAS UCA §17B-1-302 provides that a County Commissioner may be appointed to the board of a local district when the board is reconstituted; and

WHEREAS the County has selected qualified candidates for three vacancies as follows;

1) Jerry Taylor, County Commissioner, for a two-year term, replacing Mr. Neil Foster as Trustee;
2) John Jacob, for a four-year term;

3) Devang Amin, for a four-year term.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Garfield County, Utah, acting as the initiating county of the District, as follows:

1. The District’s Board shall be reconstituted and Trustees appointed as follows:

   a. Jerry Taylor, County Commissioner, for a two-year term, replacing Mr. Neil Foster as Trustee;

   b. John Jacob, for a four-year term;

   c. Devang Amin, for a four-year term.

2. This resolution shall take effect upon its adoption.

Approved and Adopted by the Board of Commissioners of Garfield County, Utah, on this 28 day of May, 2019.

__________________________
Leland F. Pollock, Commission Chair
Board of County Commissioners of Garfield County, Utah

Attest:

__________________________
Camille A. Moore
Garfield County Clerk/Auditor

UTAH LOCAL GOVERNMENT’S TRUST PRESENTATION

Josh Makell and Ryan Hatch made a presentation regarding the history of the Trust and a proposal for insurance coverage for the County.
UTAH COUNTIES INDEMNITY POOL

Johnny Miller, UCIP, made a presentation regarding the Open Meetings Act.

FIVE COUNTY HUMAN RESOURCE BOARD

After discussion, Commissioner Taylor made a MOTION to appoint Jeannie Henrie to the Five County Human Resource Board representing Garfield County. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

2019 FINAL TAX SALE

Clerk/Auditor Moore presented the minutes from the final tax sale held May 23, 2019. After review, Commissioner Taylor made a MOTION to accept the Final Tax Sale. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

GARFIELD COUNTY TAX SALE
MAY 23, 2019

PARCEL 1. Brian K. Johnson
PO Box 1101
Panguitch, UT 84759

HU-3-3
14-0053-0065

All of Lot 3, Block 3, Hercules Subdivision.

Total Fees and Taxes Due: $514.43
Purchase Price: $800.00
PARCEL 2.  Gaitlan Knudson  
PO Box 3046  
Colorado City, AZ 86021  

HU-14-56  
14-0053-0492  

All of Lot 56, Block 14, Hercules Subdivision.  

Total Fees and Taxes Due: $484.71  
Purchase Price: $1,100.00  

PARCEL 3.  James Barlow  
PO Box 537  
Hatch, UT 84735  

PC-51-C-2  
14-0064-0755  

The Southwest quarter of the Southwest quarter of Section 26, Township 33 South, Range 5 West Salt Lake Base and Meridian.  

Total Fees and Taxes Due: $3,998.34  
Purchase Price: $7,200.00  

PARCEL 4.  Hyrum M. Steed  
PO Box 155  
Glendale, AZ 84729  

PC-85-C-3  
14-0064-0810  

The Northwest quarter of the Northwest quarter of Section 35, Township 33 South, Range 5 West Salt Lake Base and Meridian.  

Total Fees and Taxes Due: $3,998.34  
Purchase Price: $8,700.00
PARCEL 5.  Rex N. And Donna J. Dungan
713 South 1850 West
Cedar City, UT 84720

SRE-120
14-0072-0120

All of Lot 120 Sevier River Estates Amended.

Total Fees and Taxes Due: $521.50
Purchase Price: $2,800.00

PARCEL 6.  Gregory Guth
662 Tamarron Drive
Grand Junction, CO 81506-4911

NO SALE - COUNTY

ERTS2-104
20-0031-0104

All of Lot 104 Ticaboo Subdivision Plat II, Second Amended.

Total Fees and Taxes Due: $13,053.69

PARCEL 7.  Mary J. Anderson
1083 East 1465 North
Shelley, ID 83274

NO SALE - COUNTY

ERTS3-45
20-0032-0045

All of Lot 45 Ticaboo Subdivision Platt III, Fourth Amended.
Total Fees and Taxes Due: $13,169.17

PARCEL 8. Ever Carrillo
251 Sunlight Drive
Dillon, CO 80435

NO SALE - COUNTY
ERTS4-52
20-0033-0052

All of lot 52 Ticaboo Subdivision Plat IV Amended.

Total Fees and Taxes Due: $13,065.98

PARCEL 9. Kenneth Sargent and Melvin Sargent
1394 Kanab Circle
St. George, UT 84790-7629

NO SALE - COUNTY
WR-170-B-8-2
23-0081-0865

Beginning at the Southeast corner of Lot 25 Clear Creek Estates Unit One, Second Amended. Said Southeast corner being South 59E56'30" East 1,128.99 feet from the center of Section 31, Township 35 South, Range 7 West Salt Lake Base and Meridian and running thence North 78E29'45" West 151.72 feet; thence South 41E56'48" West 20.95 feet more or less to a point on the Easterly right of way line on Deer Trail Lane said point being on a 34.83 foot radius curve whose center bears South 69E19'48" West; thence along said Easterly right of way line as follows: Northwesterly along the arc of said curve to the left 32.66 feet through a central angle of 53E43'50"; thence North 74E24'02" West 101.73 feet to the point of curvature of an 17.69 foot radius curve; thence Northwesterly along the arc of said curve to the right 4.53 feet through a central angle 14E39'23"; thence leaving sail Easterly right of way line South 89E57'47" East 301.24 feet; thence South 11E30'15" West 66.18 feet to the point of beginning.

Total Fees and Taxes Due: $663.76
PARCEL 10.  Marilyn E. Bruner
            PO Box 134
            Santa Rosa, CA 95402

REDEEMED

RFE-25
25-0069-0025

All of lot 25 River Forrest Estates.

Total Fees and Taxes Due: $1,721.02

PARCEL 11.  Lloyd K. and Marianne Long
            205 Boynton Road
            Layton, UT 84040

REDEEMED

TC1-124
25-0074-0124

All of Lot 124 Mammoth Creek Ranchettes, Tommy Creek Unit I.

Total Fees and Taxes Due: $1,925.12

PARCEL 12.  Lloyd K. and Marianne Long
            205 Boynton Road
            Layton, UT 84040

REDEEMED

TC1-125
25-0074-0125

All of Lot 125 Mammoth Creek Ranchettes, Tommy Creek Unit I.

Total Fees and Taxes Due: $9,061.54
ACCOUNTS PAYABLE

The accounts payable list was reviewed and signed by the Commission.

The meeting was adjourned at 3:45 p.m.

_________________________________________  ______________________________
Commission Chair                        Clerk/Auditor