

**GARFIELD COUNTY COMMISSION MEETING
JUNE 26, 2017 AT 10:40 A.M.**

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

Commissioner Leland Pollock called the meeting to order.

Commissioner Jerry Taylor made a MOTION to adopt the agenda. Seconded by Commissioner Leland Pollock. Motion carried. Voting unanimous.

Commissioner Jerry Taylor made a MOTION to approve the minutes of the June 12, 2017 meeting. Seconded by Commissioner Leland Pollock. Motion carried. Voting unanimous.

PUBLIC WORKS BUSINESS

Bryce Canyon Airport Project: Brian Bremner, County Engineer, reported that the parking pavement project for the property lease with Bryce Canyon Towing is complete.

PLANNING DEPARTMENT BUSINESS

Commissioner Taylor made a MOTION to go to Executive Session to discuss personnel. Seconded by Commissioner Pollock. Motion carried. Voting: Pollock - Aye, Taylor - Aye.

AFFIDAVIT REGARDING CLOSED MEETING

STATE OF UTAH)
 :SS
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 26th day of June, 2017 during a regular meeting of the Board of Commissioners of Garfield County, State of Utah, the board, upon the affirmative vote of two-

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thirds or more of the member 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 26th day June, 2017.

Commission Chair

SUBSCRIBED and SWORN to before me this day of , 2015.

NOTARY PUBLIC

Commissioner Taylor made a MOTION to return to General Session. Seconded by Commissioner Pollock. Motion carried. Voting: Pollock - Aye, Taylor - Aye.

PUBLIC HEARING - MINOR LOT SUBDIVISION - SCOTT WALTER

Justin Fischer, County Planner, gave the Commission a summary of the proposed minor lot subdivision. He is proposing to divide one lot into two separate lots. The Planning Commission has reviewed the proposal and recommends that the request be approved.

There were no public comments.

Commissioner Taylor made a MOTION to approve the proposed minor lot subdivision. Seconded by Commissioner Pollock. Motion carried. Voting unanimous.

TICABOO OUTDOOR RECREATIONAL GRANT

Ray Golden, Lake Powell Adventures at Ticaboo Resort, explained a proposal for a grant to construct a mountain bike trail in the Ticaboo Area. The grant would be \$100,000.00 with a \$10,000.00 in-kind match. There would be no financial commitment from the County. Mr. Golden is asking the County to be the sponsor for the grant application. After discussion, Commissioner Taylor made a MOTION to partner with Lake Powell Adventures at Ticaboo Resort to apply for an Outdoor Recreation Grant with no monetary contribution from the County. Seconded by Commissioner Pollock. Motion carried. Voting unanimous.

PUBLIC HEARING - GARFIELD COUNTY ORDINANCE 2017-1

There were no public comments.

Commissioner Taylor made a MOTION to adopt Garfield County Ordinance 2017-1. Seconded by Commissioner Pollock. Motion carried. Voting unanimous.

**GARFIELD COUNTY ORDINANCE No. 2017-1
AN ORDINANCE AMENDING GARFIELD COUNTY LAND USE
ORDINANCE TO PROHIBIT SMOKE SHOPS**

WHEREAS the Garfield County Land Use Ordinance sets forth provisions and restrictions for the use of land in Garfield County; and

WHEREAS Garfield County has an interest in promoting a tobacco-free lifestyle to citizens and especially youth of the community; and

WHEREAS Utah Code §17-50-333 gives counties the power to deny business licenses to retail tobacco specialty business; and

WHEREAS Garfield County has concern that retail tobacco specialty businesses may use business licenses as a way to subvert the law and sell illegal drug paraphernalia.

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF GARFIELD COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:

Retail Tobacco Specialty Businesses Prohibited

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Definitions

A. “Retail tobacco specialty business” has the same meaning as defined in Utah Code Ann. §17-50-333 (1)(b), as amended: a commercial establishment in which

1. The sale of tobacco products amounts for more than 35% of the total annual gross receipts for the establishment;
2. Food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
3. The establishment is not a licensed pharmacy under Utah Code.

B. “Tobacco product” is defined in Utah Code §17-50-333c , as amended, to mean any cigar, cigarette, or electronic cigarette, as well as any product made of or containing tobacco, including chewing tobacco or any substitute for a tobacco product, including flavor or additives to tobacco. “Tobacco product” also includes tobacco paraphernalia.

C. “Tobacco paraphernalia” is defined in Utah Code §76-10-104.1 as amended, means any equipment, product, or material of any kind which is used, intended for use, or designed for use to package, repack, store, contain, conceal, ingest, inhale, or otherwise introduce a cigar, cigarette, or tobacco in any form into the human body, excluding matches or lighters but including,

1. metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screen, hashish heads, or punctured metal bowls;
2. water pipes;
3. carburetion tubes and devices;
4. smoking and carburetion masks;
5. roach clips; meaning objects used to hold burning material, such as a cigarette that has become too small or too short to be held in the hand;
6. chamber pipes;
7. carburetor pipes
8. electric pipes;
9. air-driven pipes;
10. chillums;
11. bong; and
12. ice pipes or chillers.

Prohibition

1) The establishment and/or operation of a retail tobacco specialty business is prohibited in all of Panguitch City.

2) Panguitch City shall not issue a business license to any retail specialty business for use in any zone.

3) The use of a properly obtained business license for the operation of a retail tobacco specialty business in any zone in Panguitch City is prohibited.

All former codes or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the Code shall be severable, and, if any provisions thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This Ordinance shall be effective upon the required posting.

This Ordinance shall take effect on _____, _____, 2017.

The County Clerk is ordered to publish this ordinance in accordance with Utah State law.

ADOPTED this _____ day of _____, 2017.

ATTEST:
Commissioners,

LELAND POLLOCK, Chair
Board of

Garfield County

CAMILLE MOORE
Garfield County Clerk/Auditor

Commissioner Pollock voted ___
Commissioner Tebbs voted ___
Commissioner Taylor voted ___

B.L.M RICHFIELD FIELD OFFICE

Joelle McCarthy, Richfield B.L.M Field Manager, and Cindy Ledbetter, Assistant Manager introduced themselves and asked the Commission to share their concerns. Joelle shared that the a settlement has been reached on the Travel Management Plan. Their was discussion regarding obtaining a right-of-way for the access road to the Bromide Mine.

TROPIC FIRE DEPARTMENT

Kerry Alvey, Tropic Fire Department, explained that their extrication equipment is old enough it can no longer be repaired without a very expensive retro-fit. They are asking for assistance in completing the retrofit and a new pump and ram. The cost will be approximately \$18,000.00. After discussion, Commissioner Taylor made a MOTION to cover the cost of the equipment retro-fit and replacement equipment in the amount of \$18,000.00. Seconded by Commissioner Pollock. Motion carried. Voting unanimous.

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ACCOUNTS PAYABLE

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

The meeting was adjourned at 2:00 pm.

Commission Chair

Clerk/Auditor