

**GARFIELD COUNTY COMMISSION MEETING
JANUARY 14, 2019 AT 11:00 A.M.**

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 December 17, 2018 meeting. Seconded by Commissioner Taylor. MOTION carried. Voting unanimous.

SWEARING IN OF ELECTED OFFICIALS

Clerk Camille Moore administered the Oath of Office to Commissioner Leland Pollock, Commissioner David Tebbs, Sheriff James D. Perkins, and Attorney Barry Huntington. Clerk/Auditor Moore was sworn in earlier.

BOARD REPORTS

Commissioner Tebbs reported on the career fair for high school seniors in Garfield and Piute Counties. The prevention coalitions are in place in the communities through the county. He is working on refining legislation on sales tax collection.

Commissioner Taylor reported that the first draft of the feasibility study for the Escalante Heritage Center.

Commission Pollock reported on a meeting with Governor Herbert regarding the Online Initiative and current Forest Service restoration projects.

PUBLIC WORKS BUSINESS

Road Dedication: Ryan White has contacted the County and wants to dedicate the right-of-way to roads in the proposed subdivision to Garfield County. Brian Bremner, County Engineer, has reviewed the request and recommends accepting the roads. After discussion, Commissioner Taylor made a MOTION to accept the dedication. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

Antimony Town: Mayor Shannon Allen, Antimony Town, has requested assistance with preparation and chipsealing town roads. After discussion, Commissioner Tebbs made a MOTION to give Brain authority to work with Antimony Town on their roads. Seconded by Commissioner Taylor. Motion carried. Voting unanimous.

Interagency Meeting: The first interagency meeting will be Monday, February 11th at 2:00 pm.

Turning Lane - Highway 12 to the Burr Trail: Mayor Steve Cox, Boulder, and Robert Dowell, Utah Department of Transportation, presented two proposals for a turning lane at the junction of Highway 12 and the Burr Trail. The proposal provides a southbound turning lane. After discussion, Brian, Mayor Cox and Robert will work together to develop a proposal for the project.

PLANNING DEPARTMENT BUSINESS

Hotel Development: Devang Amin and Rick Hafen, were present to discuss a proposed hotel development project. Mr. Amin explained the proposed projects. Mr. Hafen stated that he is an attorney representing Cavalier Lodging. He gave an overview of the history of his client's involvement with the Bristlecone Water District. The point of diversion for the water right for the proposed project is in the Bristlecone well. Mr. Amin expressed his concern with regard to the authority to provide water.

2019 HOSPITAL BUDGET

Alberto Vasques, Hospital Administrator, presented the 2019 Capital Improvement Budget. The requested budget is \$717,302. After discussion, Commissioner Tebbs made a MOTION to approve the 2019 Capital Improvement Budget. Seconded by Commissioner Taylor. Motion carried. Voting unanimous.

Commissioner Taylor made a MOTION to enter Public Hearing. Seconded by Commissioner Tebbs. Motion carried. Voting: Pollock - Aye, Taylor - Aye, Tebbs - Aye.

PUBLIC HEARING - BUSINESS LICENSE ORDINANCE AMENDMENT

Present: Tina Karlsson, Peg Smith, Louise Eutropius, Byron Ellis, Julie Brugger, Smith, Devang Amin, Rick Hafen, Drew Parkin, Alberto Vasques, Scout Holm, Jeff Bunker, Joe Orman, Dave Mitchley, John Jacob, Diane Jacob, Cookie Schaus, Pete Schaus, Jean Bramble, Steve Cox, Robert Dowell, Josh Peterson.

Commissioner Tebbs gave a overview of the reason for the amendment of the ordinance. The new ordinance will require proof of tax filing with the State Tax Commission before a license can be renewed.

Tina Carlson asked if the taxes go into the general fund.

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

After discussion, Commissioner Tebbs made a MOTION to adopt Garfield County Ordinance No. 2018-3. Seconded by Commissioner Taylor. Motion carried. Voting unanimous.

GARFIELD COUNTY ORDINANCE NO. 2018-3

AN ORDINANCE AMENDING GARFIELD COUNTY ORDINANCE NO. 1979-03 WITHIN GARFIELD COUNTY, STATE OF UTAH.

WHEREAS, the Garfield County Commissioners, as the governing body of Garfield County, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the County of Garfield, to amend Business License Ordinance Number 1979-03.

1. It shall be a Class B Misdemeanor for any person to transact, engage in or carry on any business without first receiving a business license from the County. Each day of operation without a business license shall be a separate offense.

2. Applications for a business license shall include the following information:

(1) The name of the business of firm desiring the license.

- (2) The nature of the business to be licensed.
- (3) The place where such business is to be carried on.
- (4) Applicable sales tax license numbers acquired from the Utah State Sales Tax Commission: Sales Tax, Restaurant Tax, and/or Transient Room Tax.
- (5) Prior twelve (12) month Utah Sales Tax Filing Confirmations for applicable sales tax license numbers: TC-62S, TC-62F, and/or TC-62R.

3. Upon receipt of an application for a business license, the County Clerk shall set the matter on the agenda for the next regularly scheduled meeting of the County Commission.

4. The County Commission shall consider each application individually. If the Commission rejects any application, it must state its reason for doing so with particularity in a letter to the applicant. If the Commission accepts any application, the County Clerk may issue a business license to the applicant upon receipt of the business license fee.

5. The cost of a business license shall be \$40.00.

6. Every license issued shall contain the following information:

- (1) The name of the business.
- (2) The place where such business is to be carried on.
- (3) The term of the license, including both the date the license commences and the date it expires.
- (4) The nature of the business to be carried on.

7. Every business required to be licensed shall display the business license in a conspicuous place upon the wall of the building, room or office of the place where the business is carried on.

8. Business licenses are not transferable.

9. A business license may be revoked or denied by the County Commission because of:

- (1) The failure of the licensee or applicant to comply with the requirements of this or any other County Ordinance, or with the requirements of any State law.
- (2) Unlawful activities conducted or permitted on the premises where the business is conducted.
- (3) Unwillingness to remit applicable sales taxes: TC62S, TC62F, and/or TC-62R.

10. Prior to the revocation of a license, and prior to the denial of an application for renewal of a license, the licensee-applicant shall be given notice that the County Commission intends to revoke or deny the business license and the reasons for that intention. A hearing shall be held between ten and thirty days from the time of the notice, either at a regular or special meeting of the County Commission, to consider the matter. The licensee-applicant shall have the right to hear the evidence, present his own evidence, cross-examine those present, and be represented by counsel. These provisions do not apply to the denial of an application for a business from a business which has not been previously licensed by the County.

11. A separate license must be obtained for each separate place of business in the County. A warehouse is not considered a separate place of business.

12. Wherever any person is engaged in two or more business' within the same location in the County, such person shall not be required to obtain a separate license for conducting each of such businesses, but shall be issued one license which shall specify on its face all of such businesses.

- (1) If individual businesses require separate sales tax license numbers and filings, the required information in Section 2 will be required for all businesses on this application.

13. Where two or more persons conduct separate businesses at the same location, each shall obtain a license for his business.

14. No license fee shall be required of a business paying a license fee elsewhere in the State of Utah if that business does not maintain a place of business within this county.

15. "Business" means and includes all activities engaged in within this County carried on for the purpose of gain or economic profit, except farming and ranching operations. Wholesale operations are also excluded if no place of business is maintained in the County.

16. "Place of Business" means each separate location maintained or operated within this County from which business activity is conducted or transacted.

17. Business licenses shall be valid for a period of one year from the date of issuance.

18. Any business operating with an expired business license shall be considered as operating with no license at all.

19. Temporary business licenses may be issued by the County Clerk at the cost of \$15.00 for one day or \$25.00 for one week. No approval is required by the County Commission. Persons operating temporary businesses must have a temporary license at the location of their business.

20. All businesses currently operating in the unincorporated areas of Garfield County must be licensed according to the terms of this act by February 1, 2019.

(1) If operating a temporary business that requires sales tax, said business will be required to provide all applicable information in Section 2.

21. In the opinion of the Board of County Commissioners, it is necessary to the peace, health and welfare of the inhabitants of the unincorporated areas of Garfield County that this ordinance become effective immediately.

PASSED, ADOPTED, AND APPROVED by the Board of Garfield County Commissioners this 14th day of January, 2019, by the following vote:

Those voting aye: Pollock, Taylor, Tebbs

Board of Garfield County Commissioners

Leland Pollock, Chairman

ATTEST to the signing of Ordinance No. 2018-3:

Camille Moore, County Clerk/Auditor

COUNTY BOARD APPOINTMENTS

After discussion, Commissioner Taylor made a MOTION to accept the following County Boards. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

GARFIELD COUNTY TRAVEL COUNCIL:

Thirteen Members/Two Year Terms

Lance Syrett, Chair	12/31/19
Garrett Cottam, Vice-Chair	12/31/19
Tracy Armstrong	12/31/20
Brandon Hanks	12/31/19
Eric Houston	12/31/19
Dana Waggoner	12/31/19
Merrilee Mecham	12/31/20
Gladys LeFevre	12/31/20
Cary Deccio	12/31/19
Stacy VanTassel	12/31/20
Sam Marshall	12/31/19
Scott Roundy	12/31/20

PANGUITCH LAKE FIRE PROTECTION SPECIAL DISTRICT

4 Year Term

Burdell Henrie	12/31/19
Ross Miller	12/31/19
Clair Veater	12/31/19
Joe Worthen	12/31/20
Evan Excell	12/31/22
J. Arthur Clark	12/31/19

MAMMOTH CREEK SPECIAL SERVICE DISTRICT FOR FIRE PROTECTION

Four Year Term/5 Members

Lance Griffith	12/31/22
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Dale Askew	12/31/22
Glen Barker	12/31/20
Carl A. Radomski	12/31/21
David Johnson	12/31/21
Wayne Koons	12/31/22

TICABOO UTILITY IMPROVEMENT DISTRICT

4 Year Term/3 Members

Jim Bell	12/31/20
Dan Largent	12/31/21
Tom Hill	12/31/20

LIBRARY BOARD:

4 Year Term

David Tebbs	Commission
Trudi Owens	City Council
Sandy Johnson	12/31/21
Gaye Shakespear	12/31/21
Lyle Talbot	12/31/19
Melanie Heaton	12/31/22
Kent Osborn	12/31/19
Ray Christian	12/31/21
Tyrissa Howell	12/31/21
Kathy Talbot	Librarian, Panguitch
Suzanne Dunham	Librarian, Panguitch
Lyle Talbot	Bookmobile Librarian
Kathy Peterson	Bookmobile Clerk/Secretary

PLANNING & ZONING COMMITTEE:

3 Year Term/7 Members

David Tebbs	Commission
Les Barker	Building Dept.
Lowell Mecham(Chair)	12/31/19
Art Cooper	12/31/19
Judy Drain	12/31/19

Shelia White	12/31/20
Elaine Baldwin	12/31/19
Allen Henrie	12/31/20

ALTERNATES

Gina Peterson
Kade Fullmer
Amy Dodds

BOARD OF ADJUSTMENT:

5 Year Term/5 Members

David Tebbs	Commission	
Bruce Fullmer	Panguitch	
Art Cooper	Planning Committee	
Drew Parkin	Escalante	12/31/20
Allen Henrie	Panguitch	12/31/20

ALTERNATES

Kade Fullmer- Panguitch
Brian Bremner-Panguitch
Lowell Mecham-Tropic

GARFIELD COUNTY HOSPITAL BOARD

4 Year Term

Leland Pollock	Commission	
Dr. Richard Birch	Panguitch	
Art Cooper	Panguitch	12/31/21
John Yardley	Panguitch	12/31/21
Ron Harris	Br. Valley	12/31/19
Melani Torgersen	Escalante	12/31/21
Earl Slack	Tropic	12/31/20
Brent Griffin	Escalante	12/31/22
Kim Soper	Panguitch	12/31/21
Ron Hatch	Panguitch	12/31/20
Jon Torgerson	Panguitch	12/31/20

Wendy Eyre	Panguitch	12/31/21
Sam Marshall	Panguitch	12/31/21
Scott Dalton	Piute	12/31/22

CEMETERY DISTRICTS:

ANTIMONY:

Raymond Henrie	4 Yrs.	12/31/21
Kenneth King	6 Yrs.	12/31/20
Doug Higgins	2 Yrs.	12/31/21
Kasey King	4 Yrs.	12/31/20

CANNONVILLE:

Monte Twitchell	6 Yrs.	12/31/22
Anita Fletcher	4 Yrs.	12/31/22
John Morreale	4 Yrs.	12/31/21
Quinn Willis	4 Yrs.	12/31/21

ESCALANTE:

Eugene Quilter	6 Yrs.	12/31/21
Jay Brooks	4 Yrs.	12/31/19
Marvin Porter	4 Yrs.	12/31/20

HATCH:

Debra Barnhurst	6 Yrs.	12/31/21
David Barnhurst	4 Yrs.	12/31/22
Tony Dinges	2 Yrs.	12/31/20

HENRIEVILLE:

Frank Moore	6 Yrs.	12/31/24
Scott Neilson	4 Yrs.	12/31/22
Ralph Chynoweth	2 Yrs.	12/31/20

PANGUITCH:

David Owens	6 Yrs.	12/31/22
Pat Oetting	4 Yrs.	12/31/20
Shirley Chidester	4 Yrs.	12/31/20
Lola Henrie	4 Yrs.	12/31/20
Mike Tebbs(Spry)	6 Yrs.	12/31/20

TROPIC:

Lowell Mecham	6 Yrs.	12/31/24
Rick Bybee	4 Yrs.	12/31/19
Lonnie Pollock	2 Yrs.	12/31/20
Herb Baugh	4 Yrs.	12/31/19

ABATEMENT APPEALS BOARD

Denise Olson
Denny Orton
Dan Thornton

AMBULANCE BOARD

Commissioner Tebbs
Tammy Barton
Mona Partridge
Kara Owens

3 Squad Leaders
Dr. Mooney
ER Nurse Administrator

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

NOTARY PUBLIC

Commissioner Tebbs made a MOTION to return to general session. Seconded by
Commissioner Taylor. Motion carried. Voting: Tebbs - Aye, Taylor - Aye, Pollock - Aye.

The meeting was adjourned at 3:00 p.m.

Commission Chair

Clerk/Auditor