

SANPETE COUNTY COMMISSION MEETING

October 7, 2008, 10:00 A.M.

Sanpete County Courthouse, 160 North Main, Room 303, Manti, Utah

Present are: Commission Chair Claudia Jarrett, Commissioners Mark Anderson and Dwight Inouye, County Attorney Ross Blackham, and County Clerk Sandy Neill. Present from the media is C.R. Truitt. Also present are Gary VanHorn and Kaye Crane.

Meeting is called to order by Commission Chair Claudia Jarrett.

CLAIMS

Auditor Ilene Roth is present. Commissioner Anderson makes a motion to approve payment of claims #317711 through #317890. The auditor will review 2 of the claims to Jones and DeMille before payment is made. Commissioner Inouye seconds the motion, and the motion passes.

APPROVAL TO PAY ROTH PUMP COMPANY

The steam unit for the courthouse is run by a pump, with a second pump in place as a back-up. One of the pumps failed. Motion is made by Commissioner Anderson to approve the payment of \$923.01 to Roth Pump Company for a replacement pump to run the steam unit for the courthouse. The motion is seconded by Commissioner Inouye, and the motion passes.

APPROVAL TO PAY APPLIED GEOTECHNICAL FOR CONCRETE TESTING DONE AT THE NEW SHERIFF'S COMPLEX

Motion is made by Commissioner Inouye to approve the payment of \$2,469.00 to Applied Geotechnical for concrete testing done at the new sheriff's complex. The motion is seconded by Commissioner Anderson, and the motion passes.

APPROVAL TO PAY JONES & DEMILLE FOR WORK DONE ON THE US HIGHWAY 89 MANTI 400 N TO 800 N PROJECT; AND FOR WORK DONE ON THE SANPITCH RIVER STREAM ALTERATION PROJECT SOUTH OF FAIRVIEW

These bills were discussed when claims were being reviewed, and Auditor Ilene Roth reviewed them. Both bills are ready for payment. Motion is made by Commissioner Anderson to approve the payment of \$3,462.50 to Jones and Demille for the Sanpete county/UDOT - US 89 Manti 400 N to 800 N project. UDOT will be reimbursing part of this money back to Sanpete County. The motion is seconded by Commissioner Inouye, and the motion passes. Motion is made by Commissioner Anderson to approve the payment of \$2,965.00 to Jones & DeMille for work done on the Sanpitch River Stream Alteration project (South of Fairview). The motion is seconded by Commissioner Inouye, and the motion passes.

APPROVAL TO PAY TESSCO FOR THE ANTENNA FOR THE NEW SHERIFF'S FACILITY

Motion is made by Commissioner Inouye to approve the payment of \$2,751.37 to TESSCO Incorporated for antennas for the new jail. The motion is seconded by Commissioner Anderson, and the motion passes.

APPROVAL TO PAY CENTRAL UTAH TITLE FOR TITLE WORK DONE FOR THE NEW SANPETE COUNTY JAIL PROJECT

Motion is made by Commissioner Inouye to approve the payment of \$19,833.00 to Central Utah Title for title insurance fees for the new jail. The motion is seconded by Commissioner Jarrett, and the motion passes. Commissioner Anderson abstains from voting on this matter.

APPROVAL TO PAY OKLAND CONSTRUCTION FOR WORK DONE ON THE NEW SHERIFF'S COMPLEX

Motion is made by Commissioner Inouye to approve the payment of \$1,085,036.00 to Okland Construction for work done on the new sheriff's complex. The motion is seconded by Commissioner Anderson, and the motion passes.

BRENT GARDNER WITH UTAH ASSOCIATION OF COUNTIES: DISCUSSION OF PUBLIC LANDS, MENTAL HEALTH, AND SUBSTANCE ABUSE

Brent Gardner, Executive Director for Utah Association of Counties (UAC) and Mark Ward, UAC Senior Planning Coordinator and Policy Analyst are present. Mr. Gardner explains that full funding was approved by the legislature for Payment in Lieu of Taxes (PILT), which should be an increase over what has been funded in the past. Mr. Gardner understands that the state is looking at options for phasing out contracting for prisoners at county jails. Mr. Gardner advises that counties need to build jails for their future growth, and not count on revenue to house state prisoners. UAC is checking to see what other states would pay to have counties in Utah house their prisoners. A contract would need to be made that would state under what conditions prisoners would be accepted. Utah Behavioral Healthcare Network (UBHN) and UAC are have recently merged. Mark Ward gives an update of the Resource Management Plan (RMP). Mr. Ward suggests that the counties come to decisions as to which roads are important to them by the end of the year because the federal agency issues Title Fives (the BLM gives an administrative permit to use your road and maintain it) on roads. The Commissioners state that the county does not have any road issues with the forest service at this time. Mr. Ward asks if there are issues in the county with the size of DWR herds encroaching on grazing property. He states that there is some support out there for a legislature bill to provide for issuance of extra hunting tags in areas where the wildlife population exceeds acceptable numbers. Those tags would be issued in the names of grazing associations to sell on the open market. The money from those tags would be used by the grazing associations to use in range restoration. The Commissioners are in support of those tags.

JASON VERNON WITH DIVISION OF WILDLIFE: LETTER OF SUPPORT FOR DIVISION OF WILDLIFE RESOURCES TO PURCHASE LAND IN EPHRAIM

Jason Vernon is present. He is asking for a letter of support for the Division of Wildlife to purchase 4 acres of property in Ephraim. The current facility is not large enough to store their equipment and seed. The plan is to add on to the back of their current building. Motion is made by Commissioner Anderson to write a letter of support to the Governor for the purchase of this property. The motion is seconded by Commissioner Inouye, and the motion passes.

APPROVAL OF CENTRAL UTAH COUNSELING CENTER CONTRACT

Motion is made by Commissioner Inouye to approve the signature of the chair on a letter authorizing Julie George, Esquire to represent the residents of Sanpete County in mental health courts taking place in Salt Lake City. The motion is seconded by Commissioner Anderson, and the motion passes.

COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING

Kevin Christensen is present. Also present from the public are the following: Brian Neilson, Kaye Crane, Gary VanHorn, and C.R. Truitt. Commissioner Jarrett opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2009 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefitting primarily low and moderate-income persons. The Six County AOG in which Sanpete County is a member, is expecting to receive approximately \$570,000.00 in this new program year. Approximately \$500,000.00 will be available for grants. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. Commissioner Jarrett read several of the eligible activities listed including fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. Commissioner Jarrett indicated that in the past Sanpete County has received grants for economic development technical assistance and property acquisition for land around the fairgrounds. The County will be working with the 6 county AOG, on the its capital investment plan as part of the regional "Consolidated Plan". It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include names in the minutes and the Commission would like to specifically respond to your questions and suggestions during the hearing. Mrs. Kaye Crane asked if she can review applications. Kevin Christensen responds that these can be reviewed in the economic development office. Ephraim, Sterling and Fayette have been placed on a pre-approved list based on the census. Others not on the list would need to do a survey first. Sanpete County is putting an application in for technical assistance for economic development funding. Commissioner Jarrett then opened the meeting up to further suggestions from the audience. Brian Neilson asks what qualifies as low income. Low income is based on the number of family members and family income. Motion by Commissioner Inouye to adjourn this public hearing. The motion is seconded by Commissioner Anderson, and the motion passes. The public hearing was adjourned at 12:12 P.M.

DENNIS LUDINGTON WITH PETRO HUNT LLC: DISCUSSION OF BONDING FOR DAMAGE TO PUBLIC PROPERTY

Mr. Ludington is not present.

CENTRACOM: BOND REQUIREMENT FOR RIGHT OF WAY AGREEMENT TO INSTALL CONDUIT ALONG CHRISTIANBURG ROAD INTO MAYFIELD

Motion is made by Commissioner Anderson to approve the right of way agreement subject to posting a \$5,000.00 bond for each bore. The bond is to remain in place for at least two years after the project is complete. The motion is seconded by Commissioner Inouye, and the motion passes.

DAN BETHEL: REQUEST TO USE TRAILER AS A DWELLING FOR FARM EMPLOYEES

Dan Bethel and Lee Holmstead are present. Mr. Holmstead reviews letter sent to Mr. Bethel denying the use of a trailer for a dwelling. Mr. Bethel explains that his neighbor brought the trailer in with the intent of tearing down a home, and using the trailer. The home has since been renovated instead. Mr. Bethel would like to use this trailer as a dwelling. It would need to be put on a foundation, meet the minimum size requirements for a dwelling, and meet the snow load requirement for the area. Motion is made by Commissioner Anderson to allow the trailer to remain on the property for 6 months while Mr. Bethel obtains a building permit to make this into a legal dwelling. The motion is seconded by Commissioner Inouye, and the motion passes.

WADE HALL: APPEAL PLANNING COMMISSION DECISION FOR A CONDITIONAL USE PERMIT

Wade Hall, Scott Olsen and Lee Holmstead are present. Mr. Hall states that the County Attorney's office gave him 2 weeks to remove the cars and automobile parts from his property. He states that all have been removed except for the ones he uses now. Mr. Hall questions whether he still has to abide by county ordinances if he is in a subdivision. Mr. Holmstead states that the subdivision association should take care of matters like this, but there does not seem to be an active association in place. County Attorney Ross Blackham states that this matter came before the Planning Commission on August 13th for a conditional use permit for a salvage yard. The appeal period is 15 days, and that time was past before this appeal was made on September 17th. Mr. Hall may go back to the planning commission to request a conditional use permit to operate a mobile repair business. Motion is made by Commissioner Anderson to deny the appeal for a salvage yard based on timeliness for filing the appeal. The motion is seconded by Commissioner Inouye, and the motion passes. Mr Hall is advised to get a copy of the CC&R's for the subdivision. The planning commission will review the CC&R's if Mr. Hall requests a conditional use permit.

LEE HOLMSTEAD: DISCUSS ZONING MAP REGARDING THE LOCATION OF THE MANTI-EPHRAIM AIRPORT

Lee Holmstead is present. He states that an error was made on the zoning map when the zone was changed on property near Ephraim City. The company made a mistake and extended the buffer zone around Ephraim when property was annexed into the city. Mr. Holmstead asks what can be done to fix the zoning map to reflect the correct zoning. The County now has the mapping information, and can make those corrections rather than sending this out to be done. Some property owners may believe that they are in the buffer zone, when they are not. Mr. Holmstead is directed to have the map fixed. No hearings need to be held to make this correction. The Commissioners want the record to show that the County does not operate nor participate in the airport. The airport is run by a board under the operation of Manti and Ephraim. The only participation that the county has with the airport is in the zoning of the property it is located on.

SHERIFF KEVIN HOLMAN: APPROVAL TO OPEN A DEPUTY SHERIFF POSITION; PROMOTION OF LT. BRAITHWAITE TO CAPTAIN; PERMISSION TO FILL THE LT. POSITION VACATED BY ROBERT BRAITHWAITE; APPROVAL TO PURCHASE 3 CHAIRS FOR DISPATCH

Sheriff Holman is present. Motion is made by Commissioner Anderson to approve the opening of a deputy sheriff position in the road department. The motion is seconded by Commissioner Inouye, and the motion passes. Motion is made by Commissioner Anderson to approve the promotion of Lt Braithwaite to Captain effective October 5, 2008. The motion is seconded by Commissioner Inouye, and the motion passes. Motion is made by Commissioner Anderson to approve the posting of a Lieutenant position to replace Lt Braithwaite. The motion is seconded by Commissioner Inouye, and the motion passes. Joe Bennett explains that dispatch uses their chairs 24 hours a day, seven days a week. In the past, the chairs have needed to be replaced very often because they are used by different sized dispatchers, and are adjusted all the time. These new chairs will be very durable, and are guaranteed to last for at least five years. Motion is made by Commissioner Inouye to approve the purchase of three chairs for \$3,461.25. The motion is seconded by Commissioner Anderson, and the motion passes. Incomplete bids have been received for video visitation, and Captain Braithwaite will follow up with this. Deputy merit pay is discussed. The sheriff would like to explain why this is important. With that volume of employees, the accountability is given to the supervisors of the employees. The pay range set up last year is different than the pay range that they are at now with the county. He'd like time to discuss this with the commission and his staff. A work meeting is scheduled for October 13, 2008 at Noon to discuss merit pay.

APPROVAL OF MINUTES

Motion is made by Commissioner Inouye to approve the minutes from September 16, 2008 with minor corrections. The motion is seconded by Commissioner Anderson, and the motion passes. Motion is made by Commissioner Inouye to approve the minutes from September 30, 2008 with minor corrections. The motion is seconded by Commissioner Anderson, and the motion passes.

ADOPTION OF RESOLUTION REGARDING THE PETITION FOR TWIN OAKS LOCAL DISTRICT

David Asay, Drew Briney and Mike Bowles are present. The proposed resolution is read. (The resolution is attached to these minutes.) The Commissioners contacted Jason Hatch with the public health office in Mt Pleasant, and showed him a document relative to a hydrology study in the area of this proposed district. It was his opinion that the aquifer that those streams support is a protected aquifer, meaning the aquifer is protected by the land surrounding it. Based on that information, he would not have any objections to a septic system being put in place. Motion is made by Commissioner Inouye to adopt Resolution #10-07-08. The motion is seconded by Commissioner Anderson, and the motion passes.

ASPEN GROVE ASSETS: TEMPORARY CONDITIONAL USE PERMIT TO INSTALL WATER TANK IN PINE CREEK RANCHOS SUBDIVISION

David Asay, Drew Briney and Mike Bowles are present. Mike Bowles explains that this is not a new water system, but a replacement tank for an older tank that is in need of repair. This tank will be larger, and is needed to provide fire suppression. The tank is scheduled to arrive in November. The Commissioners ask that they get on the agenda for Planning Commission in November for a conditional use permit. Motion is made by Commissioner Anderson to approve a temporary conditional use permit to install a water tank in the Pine Creek Ranchos Subdivision. The motion is seconded by Commissioner Inouye, and the motion passes.

KENT HIGGINS WITH INDIANOLA VALLEY FIRE DEPARTMENT: APPROVAL TO PURCHASE RADIO EQUIPMENT; APPROVAL OF REPLACEMENT VEHICLE

Motion is made by Commissioner Inouye to approve the purchase of radio equipment for \$4,000.00 with the funds to come from the 2008 fire department assistance grant. The motion is seconded by Commissioner Anderson, and the motion passes. Kent Higgins appears by phone at this time. The Commission ask Mr. Higgins about the tents and equipment that was purchased. Mr. Higgins explains that this equipment will be used when the engine crew is called out to help with fires out of the area. This saves travel time. Motion is made by Commissioner Inouye to approve the purchase of a replacement truck from Larson Fire Apparatus Company for \$20,465.00, with \$15,000.00 to come from a grant, and \$5,465.00 to come from the reserve account. The motion is seconded by Commissioner Anderson, and the motion passes. Motion by Commissioner Anderson to approve the claim for the tents and air mattresses previously submitted. The motion is seconded by Commissioner Inouye, and the motion passed.

Motion is made by Commissioner Anderson to go into executive session to discuss land acquisition and personnel. The motion is seconded by Commissioner Inouye, and the motion passes.

EXECUTIVE SESSION

Motion is made by Commissioner Anderson to go out of executive session. The motion is seconded by Commissioner Inouye, and the motion passes.

DISCUSSION OF PROPOSED LAND ACQUISITION

Commissioner Anderson makes a motion for the acquisition of property for a new county road for the new county jail up to \$30,000.00. The motion is seconded by Commissioner Inouye, and the motion passes.

Motion is made by Commissioner Inouye to adjourn. The motion is seconded by Commissioner Anderson, and the motion passes.

The meeting is adjourned at 5:23 P.M.

ATTEST: Sandy Neill
Sandy Neill
Sanpete County Clerk

APPROVED: Claudia Jarrett
Claudia Jarrett
Commission Chair