

**SANPETE COUNTY COMMISSION MEETING**

**January 20, 2009, 1:00 P.M.**

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

Present are: Commission Chair Claudia Jarrett, Commissioners Spencer Cox and Steve Frischknecht, County Attorney Ross Blackham, and County Clerk Sandy Neill. Present from the media is C.R. Truitt.

Meeting is called to order by Commission Chair Claudia Jarrett.

**CLAIMS**

Deputy Auditor Suzau Richardson is present. Commissioner Cox makes a motion to approve payment of claims #318854 through #318983. Commissioner Frischknecht seconds the motion, and the motion passes.

**APPROVAL TO PAY OKLAND CONSTRUCTION FOR WORK DONE ON NEW JAIL FACILITY**

Motion is made by Commissioner Frischknecht to approve the payment of \$1,474,769.00 to Okland Construction for work done on the new jail facility. The motion is seconded by Commissioner Cox, and the motion passes.

**APPROVAL TO PAY CACHE VALLEY ELECTRIC CO. FOR WORK DONE ON THE NEW JAIL FACILITY**

Motion is made by Commissioner Cox to approve the payment of \$3,764.00 to Cache Valley Electric Company for work done on the new jail facility. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**APPROVAL TO PAY LOGAN SIMPSON DESIGN INC. FOR WORK DONE ON THE SANPETE COUNTY GENERAL PLAN**

Motion is made by Commissioner Cox to approve the payment of \$5,165.39 to Logan Simpson Design Inc. for work done on the general plan. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**CHERYL SEARLE WITH THE STATE OF UTAH: APPROVAL OF LEASE CONTRACTS FOR ADULT PROBATION AND PAROLE AND HIGHWAY PATROL NEW JAIL**

Cheryl Searle is present. Motion is made by Commissioner Cox to approve the signature of the chair on the 10 year lease contract for the Highway Patrol in the amount of \$4,960.00 per year. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Cox to approve the signature of the chair on the 10 year lease contract for Adult Probation and Parole in the amount of \$9,976.00 per year. The motion is seconded by Commissioner Frischknecht, and the motion passes. The rate is \$15.00 per square foot for both contracts.

Motion is made by Commissioner Cox to go into executive session to discuss personnel. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**EXECUTIVE SESSION REQUESTED BY LAMAR KJAR FOR A 401 K LOAN**

Motion is made by Commissioner Cox to go out of executive session and back into regular session. The motion is seconded by Commissioner Frischknecht, and the motion passes.

Motion is made by Commissioner Cox to approve a 401 K loan for Lamar Kjar. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**APPROVAL OF FIRE CONTRACTS**

This matter is tabled today. The contract amounts may change based on more training that is scheduled. This matter will be placed on the next agenda for consideration.

**APPROVAL OF QUIT CLAIM DEED FOR PROPERTY OWNED BY CENTRAL UTAH PIONEERS HERITAGE ASSOCIATION**

Judith Gubler is present. A new deed has been prepared to correct the legal description of property that was involved in a land swap between the Central Utah Pioneers Heritage Association (CUPA), the LDS Church, Manti City, and Sanpete County. Motion is made by Commissioner Cox to approve the quit claim deed for property owned by CUPA. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**SHERIFF KEVIN HOLMAN: APPROVAL TO HIRE THE FOLLOWING FULL-TIME EMPLOYEES: TRACY BRAITHWAITE IN DISPATCH, AND STEPHEN J KENNEDY AND STEPHEN HERBERT IN THE CONTROL ROOM**

Sheriff Kevin Holman is present. Motion is made by Commissioner Cox to approve the hiring of the following full-time employees: Tracy Braithwaite as a dispatcher, and Stephen J Kennedy as a control room operator at the rate of \$12.71 per hour. The motion is seconded by Commissioner Frischknecht, and the motion passes. (Stephen Herbert was approved at a prior Commission Meeting.)

**BARRY BRADLEY: APPROVAL TO PURCHASE A RECORDER CARD FOR THE TELEPHONE SYSTEM AT THE NEW JAIL AND TO PURCHASE UPS/PLANT FOR 9-11**

Barry Bradley is present. He explains that a digital card will be needed in order to be able to record using our current phone system at the new jail. Some of the funds needed for this can come out of the communication budget by cutting on some future projects. Motion is made by Commissioner Frischknecht to approve the purchase of a recorder card for the telephone system at the new jail at a cost of \$5,803.25, and an additional fee of \$2,250.00 for the installation and set up contingent upon identification of source of funding. The motion is seconded by Commissioner Cox, and the motion passes. (The purchase of the UPS/Plant for 9-11 was resolved by Mr Bradley earlier. The cost was less than first expected, and no longer required approval in Commission Meeting.)

**GARY ANDERSON WITH UTAH STATE UNIVERSITY EXTENSION: APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR 2009**

Gary Anderson is present. He explains that with budget cuts coming from the state, positions are being left open as employees leave employment. As far as the contract with the County goes, Mr Anderson doesn't believe that the three employees' jobs are at risk at this time. Motion is made by Commissioner Frischknecht to approve the Standard Cooperative Agreement for 2009 for Utah State University. The motion is seconded by Commissioner Cox, and the motion passes.

**REVIEW OF COURTHOUSE HOURS**

Reed Hatch and Tracy Christensen are present. The Commissioners discuss the courthouse hours. They have received a few complaints about some offices being closed on Fridays. The main concerns expressed have been due to money lost when closing a loan if they need to wait from Thursday to Monday to record the documents. In the past, complaints were received about not being able to come to the courthouse before 8:00 A.M. or after 5:00 P.M. A survey was taken from the employees, and it appeared that only two objected to the four ten hour days; seven were neutral, and thirty eight preferred the four ten hour days. The Commissioners want to assure that we are serving the public, and are giving them access to the courthouse when they need it. Motion is made by Commissioner Cox to continue on the current schedule with a review to be held on July 7, 2009. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**APPROVAL OF MINUTES**

Motion is made by Commissioner Frischknecht to approve the minutes from January 6, 2009 with minor corrections. The motion is seconded by Commissioner Cox, and the motion passes. Motion is made by Commissioner Frischknecht to approve the minutes from January 9, 2009 with minor corrections. The motion is seconded by Commissioner Cox, and the motion passes.

**APPROVAL TO HIRE CALVIN PETERSEN AS PART-TIME CUSTODIAL HELP**

Calvin Petersen has helped out the custodian on a temporary basis in the past, and has done a good job. Motion is made by Commissioner Frischknecht to approve the hiring of Calvin Petersen as part-time custodial and road department help at \$8.15 per hour effective January 21, 2009. The motion is seconded by Commissioner Cox, and the motion passes.

**KEVIN CHRISTENSEN WITH ECONOMIC DEVELOPMENT: APPROVAL OF TRAVEL ADVERTISING EXPENSES**

Shauna Sargent is present. Motion is made by Commissioner Cox to approve the printing of 20,000 Sanpete map brochures at a cost of \$3,300.00, the distribution of the certified folder displays at a cost of \$5,658.00, assisting with the set up of Willow Creek Inn on the discount travel sites at a cost of \$2,500.00, and the approval to print 15,000 Arapeen maps at a cost of \$6,600.00. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**PUBLIC HEARING TO CONSIDER ALL PROTESTS AND OBJECTIONS TO THE PROPOSED DESIGNATION OF THE SANPETE COUNTY, UTAH SPECIAL ASSESSMENT AREA NO. 1 (INDIANOLA VALLEY FIRE STATION SAA) FOR THE PURPOSE OF FINANCING THE ACQUISITION AND CONSTRUCTION OF A NEW FIRE STATION**

The following are present: John Hales with the Messenger, Craig E Thompson, Julie Thompson, Douglas Hunter, Edna Wilde, Janice Taylor, Brian Baker, Thomas R. Meyers, Martin C Duitz, Annette Grant, Graciela Meyers, Kent Higgins, Michael A. Hutchings, Harry and MaryAnn Cockrell, Bill and Jill Boggs. Letters of protest are read. The Commission opens the meeting for protests. Craig Thompson states he represents a group of people from Panorama Woods and their biggest concern is that the lots are not accessible for approximately four months each year. They feel that they should be assessed by value of their property, not the same amount for each lot. Mike Hutchings asks how the proposition for a new fire department began. Commissioner Jarrett explains that about four to five years ago a home burned to the ground, and they had to just sit and watch it burn because the nearest fire station was 45 minutes away. There was concern from some in the area who wanted to protect their property. They were given access to a truck with funds from the Department of Forestry, Fire and State Lands. The fire fighters were trained, so they could at least handle the wildland fires. The interest grew, a volunteer fire department was formed, additional equipment was acquired, and now a fire station is being requested. USDA has committed to giving a \$100,000 grant. Funds have been approved from the CIB, \$340,000.00 in a grant, and \$340,000.00 in a 0% interest loan. The County is proposing forming this SAA to repay the 20 year loan for a fire station. This SAA would only be formed to pay off the loan, and cannot be used for the operating costs of the fire department. The proposed assessment method was chosen because it would be a simpler, cleaner method of determining the cost per lot rather than using assessed values. Brian Baker explains the next steps will be to adopt a resolution to set up the SAA. Then a board of equalization will set the final number of lots, and the final assessment will be determined at that time. Many of those who read the letter misunderstood, and thought that the assessment was \$125.37 per year. That assessment is a total for the entire 20 year period, or about \$6.27 per year per lot. Mike Hutchings asks about the number of fire trucks and equipment that will be used in this area. Thomas Meyers comments that the fire department consists of all volunteers, none are paid for their services. Mike Hutchings is concerned that people will be unable to find a 911 address if asked to respond. The County maintains roads up to the County line, and Sanpete does not maintain the roads that cross over to Utah County. Mike Hutchings asks if the County would cross Utah County roads to get to a fire in Sanpete County. Kent Higgins responds that yes, they would do what is required to get to a fire in Sanpete, and they also are willing to assist other Counties if the fire is outside of Sanpete. The fire department has engines that have the capability of traveling over much of the mountain. Graciela Meyers states it is important to try to control fires before they reach the harder to reach properties if possible. This fire department is trained and will be first responders to accidents in the area, also. Access to the areas is a concern, and keys to gates are discussed. Mike Hutchings withdraws his protest based on a misunderstanding of the proposed fee.

Only 26 letters of protest were received representing 45 lots. Commissioner Jarrett explains the next step will be to consider a resolution. This will be put on the next Commission agenda on February 3, 2009.

**PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 14.80 (YOUTH HOMES), CHAPTER 14.84 (RESIDENTIAL FACILITIES FOR ELDERLY PERSONS), CHAPTER 14.86 (RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY), APPENDIX A (LAND USE MATRIX) AND APPENDIX B (DEFINITIONS) OF THE SANPETE COUNTY LAND USE ORDINANCE**

The following are present: Lee Holmstead, Scott Olsen, John Hales from the Messenger, Bill Peterson, Kaye Crane, Jim Gause, Steven Despain, Irell Despain, Josh Wilkey, Syndi Wilkey, Alice B Sperry, Todd Pay, Dan Sperry, Stephen Frazee, and Paul Bailey.

The Planning and Zoning Commission at the request of the Commission have made proposed recommendations for amending Sanpete County's current ordinance as it deals with group homes and residential facilities. The following are the recommended changes. Youth homes would be allowed a density of 12 youth, with a 5 mile distance between homes. Residential facilities for disabled persons would allow a density of 6 people, with a radius of 2,000 feet. Facilities for elderly people would remain unchanged, allowing a density of 8. The purpose of this public hearing today is to take comment on the recommended changes. After the comments have been made, the Commission can accept the recommendations made by the Planning Commission, and pass the ordinance; amend, and then pass the ordinance; deny the proposed changes, and leave the ordinance as is; or table for now, and deliberate.

The meeting is opened up for public comments. Jim Gause states he attended the Planning Commission meetings, and feels that the Planning Commission did a good job as they determined numbers. Lee Holmstead asks about the residential facilities for elderly and disabled persons. Permission for these facilities will be given by the Zoning Administrator, and will not need conditional use permits in most zones. Paul Bailey is concerned about going down to 6 residents. He states it will run all the facilities out of business. He explains that these youth are supervised 24 hours a day. He asks that the Commissioners visit the youth homes in the County and see how they are run before a decision is made to change the ordinance. County Attorney Ross Blackham explains that some agencies have tried to propose that only certain areas of communities be allowed to have group homes, thus causing the "Ghetto" effect. Syndi Wilkey gives the Commission a copy of the research that she has done on youth homes. Steven Despain is troubled by the numbers that have been proposed for these homes. After his research, they came up with the number 24 for the size of youth homes. They are required to have a 4 to 1 ratio of youth to staff. With lower numbers, when staff is needed to take a youth out of the home, the staff to youth ratio goes down considerably. Bill Peterson states his home considered opening with a 12, and had to move to more youth to be able to meet their schooling needs. Mr Peterson states that transportation is an issue, and the homes will need to stay as close to the cities as possible. If the county changes their ordinance, the cities will probably follow suit. He is also concerned about staff handling the physical needs of the disabled if they have a very small staff. Kaye Crane attended this meeting because she feels the public should attend public meetings. She is concerned that each of the problems being dealt with in these homes can cause problems in the community. She states that you can use numbers to prove a point, but it's the impact on the community that needs to be considered. Sanpete is sparsely populated, so we should have less of these homes in our County. Paul Bailey states that they don't go into business to lose money. The youth are not

institutionalized. They deal with youth from the age of 13 - 20. They have contributed to the economy of Sanpete by shopping for groceries, purchasing appliances, and hiring local workers. Mr Bailey states they purchased 25 acres so that they could have a lot of homes on the property to save on costs. Syndi Wilkey feels that the proposed changes have been one sided up until this meeting today. Jim Gause states other counties have larger distances between facilities because of their larger number of total population. Syndi Wilkey states that just because something is an ordinance, it doesn't mean it's right. The state is only working with a certain number of youth who need to be put in homes. Each home contracts with the State of Utah for 5 years at a time, and the contracts are based on need for beds. Each home specializes in certain disabilities.

The public hearing portion of the meeting concludes. The Commissioners explain that they held a work meeting to study the federal laws on homes. They deliberate as to whether to take more time to study, or make a decision today. They want to be sure that Sanpete County remains a great place to live. There is a concern that we may lose the very thing that is so attractive about Sanpete County if we have too many homes, too close together. We need to set some restrictions to help keep a balance between the economic benefits, rights of those with disabilities, and the country living that we now enjoy. The Commissioners discuss the safety regulations, and note that the rules change depending on the number of residents in homes, and want to be sure that the homes being built will be required to meet those regulations.

Commissioner Cox makes a motion to amend the ordinance for youth homes and facilities for persons with a disability to include a density limitation of 20, and impose a geographic limitation of 2 miles for both facilities. The married couple requirement recommended by the Planning Commission will not be adopted. The motion is seconded by Commissioner Frischknecht, and the motion passes.

Motion is made by Commissioner Cox to go into executive session to discuss personnel. The motion is seconded by Commissioner Frischknecht, and the motion passes.

#### EXECUTIVE SESSION

No action is necessary due to this executive session.

Motion is made by Commissioner Cox to adjourn. The motion is seconded by Commissioner Frischknecht, and the motion passes.

The meeting is adjourned at 6:21 P.M.

ATTEST: *Sandy Neill*  
Sandy Neill  
Sanpete County Clerk

APPROVED: *Claudia Jarrett*  
Claudia Jarrett  
Commission Chair