

SANPETE COUNTY COMMISSION MEETING

March 3, 2009, 10:00 A.M.

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

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

Meeting is called to order by Commission Chair Claudia Jarrett.

CLAIMS

Auditor Ilene Roth is present. Commissioner Frischknecht makes a motion to approve payment of claims #319276 through #319418. The motion is seconded by Commissioner Jarrett, and the motion passes. Motion is made by Commissioner Frischknecht to approve claim #319419. The motion is seconded by Commissioner Jarrett, and the motion passes.

ACCEPTANCE OF QUIT CLAIM DEED(S) FOR THE AXTELL BRIDGE PROJECT

Motion is made by Commissioner Frischknecht to approve the signature of the chair on quit claim deeds giving back mineral rights on property that was deeded to the county to be used for the Axtell Bridge project. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL TO PAY JOSEPH LINTON ARCHITECT FOR WORK DONE ON THE SHERIFF'S COMPLEX

Motion is made by Commissioner Frischknecht to approve the payment of \$14,125.00 to Joseph Linton Architect for work done on the Sheriff's Complex. The motion is seconded by Commissioner Jarrett, and the motion passes. A new motion was made later in the meeting after an amended bill was received from Mr. Linton. Motion is made by Commissioner Frischknecht to approve the payment of \$7,125.00 (instead of the amount stated earlier) to Joseph Linton Architect for work done on the Sheriff's Complex. The motion is seconded by Commissioner Jarrett, and the motion passes. This is the final payment to the architect. The payment reflects a \$7,000.00 deduction from the bid price as a refund for the architect's one third portion of the cost to install cuff ports.

APPROVAL TO PAY UTAH STATE DATS FOR RADIO SHOP PARTS

Motion is made by Commissioner Frischknecht to approve the payment of \$1,923.11 to Utah State Dats for radio shop parts for the communications department. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPOINTMENT OF BOARD OF TRUSTEE MEMBERS FOR JOHN HANCOCK ACCOUNTS

Motion is made by Commissioner Frischknecht to appoint Ilene Roth, Claudia Jarrett, and Steve Frischknecht as board of trustee members for the John Hancock Accounts. The motion is seconded by Commissioner Jarrett, and the motion passes.

SANDY NEILL: APPROVAL OF STEP RAISE FOR SELMA JORGENSEN

County Clerk Sandy Neill is present. Motion is made by Commissioner Frischknecht to approve a step raise for Selma Jorgensen to \$15.21 per hour to become effective March 8, 2009. The motion is seconded by Commissioner Jarrett, and the motion passes.

UTAH PREPARATORY ACADEMY: APPEAL OF DENIAL OF CONDITIONAL USE PERMIT TO RELOCATE YOUTH HOME

Lee Holmstead, Diana Robbins, Tanya Davis, Emily Bolger, Holly Daknis, Tyler Lee, Aaron Nicolaides, Jim Cheney, and Nevin Alderman are present. Aaron Nicolaides updates the Commission on their request to move their youth home to another existing home. Their request was denied based on concerns of the Spring City Fire Chief for fire protection to this existing home. The facility will have fire drills and meet all requirements to protect the youth in this home. Mr Nicolaides states that the state licensing agency is aware of the issues with fire protection. County Attorney Ross Blackham wants to be sure that the state licensing agency is fully aware of the possible hazards before their approval is given. Diana Robbins states that there was a previous fire in the home, and the road at that time was not maintained very well. Since then, the County has taken better care of the road. Tyler Lee states that there is staff on duty in the facility day and night, and in case of a fire, they would be aware right away. Conditional uses go with the property, so a new conditional use permit is being requested. Past conditions for this facility required sufficient parking, and youth not to exceed property offender levels. Nevin Alderman states the employees will be driving their cars up the road, and he doesn't believe it will be a problem accessing the home on the current road. Holly Daknis states that they have had to upgrade parking areas and road to their current facility, and would do the same at this new location if needed. Motion is made by Commissioner Frischknecht to overturn the denial of the conditional use permit to relocate the Utah Preparatory Academy Youth Home subject to the following conditions: 1. Install and maintain a full security system inside and outside of building. 2. Outdoor lighting. 3. Attend County Commissioners meeting 18 months from this date and report on condition of youth home. 4. Submit a letter from the State Licensing to the Zoning Administrator addressing fire safety and location. The motion is seconded by Commissioner Jarrett, and the motion passes.

THERESE MEYER WITH DIVISION OF WILDLIFE RESOURCES: CONSERVATION EASEMENTS

Therese Meyer is present. Ms Meyer explains that the Division of Wildlife Resources (DWR) is working on changing the conservation easement project for the protection of the Columbia spotted frog habitat. They are shifting their focus from the Ereksen/Jessen properties to Nuttall property as the first priority. DWR will continue to pursue Jessen and Ereksen conservation easements; new appraisals are commencing. The property is appraised, and the property owner is paid for the reduction in value to the property. The Commission request that the appraisal and approval from Mr Nuttall be sent to the County to be reviewed before offering a letter in support of the project.

FUNDING OF RESOURCE OFFICERS

Motion is made by Commissioner Frischknecht to approve Sanpete County's one third share funding for the Gunnison Resource Officer in the amount of \$24,000.00 for the year 2009, and to approve the payment of \$12,000.00 for the first half of the year. The motion is seconded by Commissioner Jarrett, and the motion passes. The funds will be taken from the Commissioner Specialist Account.

APPROVAL TO SIGN CUSTOMER ACCEPTANCE LETTER FOR SERVICES PERFORMED BY HONEYWELL

Motion is made by Commissioner Frischknecht to approve the additional work performed by Honeywell in the amount of \$5,780.00, and approve the signature of the chair on the customer acceptance letter for services performed by Honeywell on the heating and cooling system at the Courthouse. The motion is seconded by Commissioner Jarrett, and the motion passes.

CHRISTINE SMITH: REQUEST FOR REFUND OF OVERPAYMENT OF TAXES ON S 40122 FOR THE YEARS 2000 - 2004

No one is present for this matter.

LANEICE STEWARD: DISCUSSION OF BACK TAXES OWED ON S 1135

Laneice Steward is present. Back taxes are owed on property that is in her deceased aunt and uncle's names. It is scheduled to be sold at the next tax sale due to taxes that are owed. Ms. Steward is advised that even if she pays the back taxes and the property is removed from the tax sale, it may not become her property based on other heirs that may have the legal right to the property. The Commissioners advise her to check with the family about the past taxes and the legal ownership of the home, and see if a probate needs to be filed.

RESOLUTION APPOINTING A BOARD OF EQUALIZATION AND REVIEW FOR THE SANPETE COUNTY, UTAH SPECIAL ASSESSMENT AREA NO. 1 (INDIANOLA VALLEY FIRE STATION SAA); SETTING THE PLACE AND DATES FOR SAID BOARD TO HEAR ARGUMENTS RELATING TO THE PROPOSED ASSESSMENT; PROVIDING FOR PUBLICATION OF NOTICE OF THE MEETINGS OF SUCH BOARD AND PROVIDING FOR RELATED MATTERS

Motion is made by Commissioner Frischknecht to approve Resolution 03-03-09, appointing Spencer Cox, Steven Frischknecht, and Claudia Jarrett as the board of equalization and review for the Sanpete County, Utah Special Assessment Area No. 1 (Indianola Valley Fire Station SAA); and setting the place and dates for said board to hear arguments relating to the proposed assessments as follows: Monday, April 6, 2009 between 7:00 P.M. to 8:00 P.M., Tuesday, April 7, 2009 between 5:00 P.M. and 6:00 P.M. and on Wednesday, April 8, 2009 between 5:00 P.M. and 6:00 P.M. at the Sanpete County Courthouse in Room 303; authorizing the County Clerk to publish and mail a notice of meeting of said board; and related matters. The motion is seconded by Commissioner Jarrett, and the motion passes.

AMENDED NOTICE OF INTENTION TO ESTABLISH THE MINERAL LEASE SPECIAL SERVICE DISTRICT TO RECEIVE MINERAL LEASE FUNDS UNDER TITLE 59, CHAPTER 21, UTAH CODE ANNOTATED AND EXPENDING THOSE FUNDS TO PROVIDE CONSTRUCTION AND MAINTENANCE OF PUBLIC FACILITIES, TRADITIONAL GOVERNMENTAL SERVICES AND PLANNING AS A MEANS FOR MITIGATING IMPACTS FROM EXTRACTIVE MINERAL INDUSTRIES

The intention to establish the SSD was passed earlier, but was not correctly published. Motion is made by Commissioner Frischknecht to approve the Amended Notice of Intention to Establish the Mineral Lease Special Service District to Receive Mineral Lease Funds under Title 59, Chapter 21, Utah Code Annotated and Expending Those Funds to Provide Construction and Maintenance of Public Facilities, Traditional Governmental Services and Planning as a Means for Mitigating Impacts from Extractive Mineral Industries. The motion is seconded by Commissioner Jarrett, and the motion passes.

SHERIFF KEVIN HOLMAN: APPROVAL TO OPEN A FULL-TIME EMPLOYEE POSITION FOR TRANSPORTATION IN THE PATROL; APPROVAL OF A STEP RAISE FOR DELBERT LLOYD; APPROVAL OF A STEP RAISE FOR RYAN EVANS; APPROVAL TO SIGN QUESTAR GAS AGREEMENT; APPROVAL OF CELL PHONE STIPEND AND CAR WASH ALLOWANCE FOR RANDY LEE; APPROVAL OF CELL PHONE STIPEND, CAR WASH ALLOWANCE AND CREDIT CARD FOR BRADY ELLIS; APPROVAL OF GARBAGE COLLECTION SERVICE WITH NORTH SANPETE DISPOSAL; APPROVAL TO HIRE CHRISTOPHER ROBERT ROGERS AND SHARISE BRINGHURST AS PART-TIME DISPATCHERS; APPROVAL TO CLOSE FULL-TIME EMPLOYEE CONTROL POSITION

Sergeant Greg Peterson is present in behalf of Sheriff Holman. Sgt Peterson explains that the jail is in need of a transportation officer to be in charge of the transporting of the inmates. This person could also be used for other officer duties as needed. The jail and patrol deputy positions are separate, and require separate rosters for hiring. This position was opened in the control roster, and was not filled. Motion is made by Commissioner Frischknecht to approve opening a full-time employee position for transportation in the patrol. The motion is seconded by Commissioner Jarrett, and the motion passes.

Motion is made by Commissioner Frischknecht to approve a 3 step increase for Delbert Lloyd in the amount of 54 cents per hour to become effective January 29, 2009. The motion is seconded by Commissioner Jarrett, and the motion passes. The Sheriff is instructed to contact the cities to see about increasing the money that is contributed by the cities for this position.

Motion is made by Commissioner Frischknecht to approve a 2 step increase for Ryan Evan in the amount of 36 cents per hour to become effective February 5, 2009. The motion is seconded by Commissioner Jarrett, and the motion passes.

Motion is made by Commissioner Frischknecht to approve the Questar Gas agreement for the new jail facility. The motion is seconded by Commissioner Jarrett, and the motion passes.

Motion is made by Commissioner Frischknecht to approve a cell phone stipend of \$38.00, and a \$10.00 car wash allowance for Randy Lee. The motion is seconded by Commissioner Jarrett, and the motion passes.

Motion is made by Commissioner Frischknecht to approve a cell phone stipend of \$38.00, a \$10.00 car wash allowance, and credit card with a limit of \$1,000.00 for Brady Ellis. The motion is seconded by Commissioner Jarrett, and the motion passes.

Motion is made by Commissioner Frischknecht to approve a garbage collection contract with North Sanpete Disposal for the new jail facility. The motion is seconded by Commissioner Jarrett, and the motion passes.

After a review of the personnel policy, the part-time positions should be posted, and procedures for hiring non merited employees should be followed. The Commission needs clarification as to whether these part-time employees will be scheduled on a regular basis, or will only be used occasionally on an as needed basis. The hiring of part-time dispatchers will be rescheduled.

Motion is made by Commissioner Frischknecht to approve closing the full-time employee control position. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL OF MINUTES

Motion is made by Commissioner Frischknecht to approve the minutes from February 17, 2009 with minor corrections. The motion is seconded by Commissioner Jarrett, and the motion passes. Motion is made by Commissioner Frischknecht to approve the minutes from the February 25, 2009 work meeting with no corrections. The motion is seconded by Commissioner Jarrett, and the motion passes.

CDBG PUBLIC HEARING

Commissioner Jarrett opened the second public hearing for the CDBG program at 2:35 P.M. and stated that this hearing was called to allow all citizens to provide input concerning the project that was awarded under the 2009 Community Development Block Grant Program. Sanpete County has amended its capital investment plan and decided to apply for funds on behalf of Sanpete County Economic Development. Commissioner Jarrett explained that the application was successful in the regional rating and ranking process and Sanpete County Economic Development was awarded \$30,000.00. (After the review and ranking of the applications for CDBG funding, a balance of \$25,000.00 was still available. The minimum funding level was \$30,000.00 and noting that Sanpete's application was the next in rank order to be funded, Sanpete County agreed to the following: 1. Manti's full funding CDBG request would be decreased by \$5,000.00 to free up \$5,000.00 CDBG funds needed to bring Sanpete's application to the required \$30,000.00 level. 2. Sanpete County will, in turn, replace the \$5,000.00 directly to Manti City thereby making Manti's request fully funded. 3. Sanpete County will then be funded from CDBG funds in the amount of \$30,000.00.) Commissioner Jarrett asked for questions, comments and concerns from the audience. No comments were heard. The hearing was adjourned at 2:38 P.M.

EXECUTIVE SESSION

No executive session is needed at this time.

REVIEW OF PLANS FOR THE INDIANOLA VALLEY FIRE STATION

The plans are not yet available. This matter will be rescheduled.

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

The meeting is adjourned at 5:00 P.M.

ATTEST:


Sandy Neill
Sanpete County Clerk

APPROVED:


Claudia Jarrett
Commission Chair

RESOLUTION NO. 03-03-09

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SANPETE COUNTY, UTAH APPOINTING A BOARD OF EQUALIZATION AND REVIEW FOR THE SANPETE COUNTY, UTAH SPECIAL ASSESSMENT AREA NO. 1 (INDIANOLA VALLEY FIRE STATION SAA); SETTING THE PLACE AND DATES FOR SAID BOARD TO HEAR ARGUMENTS RELATING TO THE PROPOSED ASSESSMENTS; AUTHORIZING THE COUNTY CLERK TO PUBLISH AND MAIL A NOTICE OF MEETING OF SAID BOARD; AND RELATED MATTERS.

WHEREAS, on December 2, 2008, the Board of County Commissioners of Sanpete County, Utah (the "*Board*") adopted a resolution declaring the intention of the Board to designate the Sanpete County, Utah Special Assessment Area No. 1 (Indianola Valley Fire Station SAA) (the "*Area*") and providing for a Notice of Intention to Designate Special Assessment Area (the "*Notice*") to designate the Area;

WHEREAS, the Notice was published on December 11, 2008, December 18, 2008, December 25, 2008, and January 1, 2009, in *The Pyramid*, a newspaper having general circulation in Sanpete County, Utah (the "*County*");

WHEREAS, not later than 10 days after the first publication of the Notice, the Notice was mailed, addressed to each owner of record of property to be assessed within the Area and addressed to "owner" at the street number of each piece of improved property to be assessed, in satisfaction of the requirements of the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "*Act*"), particularly Section 11-42-202 thereof;

WHEREAS, in accordance with the Notice and after giving notice as required by the Act, a public hearing was conducted by the Board on January 20, 2009, to consider all protests filed and hear all objections relating to the proposed Area;

WHEREAS, prior to and at the hearing, persons owning property in the Area were allowed to protest the designation thereof;

WHEREAS, the percentage of protests filed by the owners of the property to be assessed in the Area was less than the percentage specified in the Notice that would require the Board to abandon the designation of the Area;

WHEREAS, after protests against the designation of the Area were considered and objections relating to the Area were heard, the Board adopted a resolution on February 3, 2009, designating the Area as described in the Notice;

WHEREAS, within fifteen days after the designation of the Area, the Board filed in the County Recorder's office a copy of the Notice and the resolution designating the Area, along with a list of properties proposed to be assessed described by the tax identification number and legal description; and

WHEREAS, the County Clerk has prepared the proposed assessment list for the Area, and the Board desires to establish a board of equalization and review for the purpose of hearing arguments from any person who believes himself or herself to be aggrieved;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of County Commissioners of Sanpete County, Utah as follows:

Section 1. As required by law, a Board of Equalization for the Area (the “*Equalization Board*”) is hereby appointed to hear arguments relating to the proposed assessment in the Area from any person who believes himself or herself to be aggrieved, including arguments relating to any direct or indirect benefits accruing to any tract, block, lot or parcel of property in the Area or relating to the amount of the proposed assessment against any tract, block, lot or parcel. The Equalization Board consists of the following:

Spencer Cox, Commissioner
Steven Frischknecht, Commissioner
Claudia Jarrett, Commissioner

Section 2. The Equalization Board shall convene at 160 North Main Street, Room 303, Manti, Utah on Monday, April 6, 2009, between the hours of 7:00 p.m. and 8:00 p.m., on Tuesday, April 7, 2009, between the hours of 5:00 p.m. and 6:00 p.m. and on Wednesday, April 8, 2009 between the hours of 5:00 p.m. and 6:00 p.m. to hear and consider any arguments from any person who believes himself or herself to be aggrieved and make corrections of any proposed assessments as the Equalization Board may consider just and equitable.

Section 3. The County Clerk is hereby authorized and directed to publish and mail, as provided by law, a notice of meeting of the Equalization Board, said notice to be in substantially the following form:

**NOTICE OF MEETING
OF BOARD OF EQUALIZATION AND REVIEW**

NOTICE IS HEREBY GIVEN that the assessment list for the Sanpete County, Utah Special Assessment Area No. 1 (Indianola Valley Fire Station SAA) (the "Area") has now been completed and is available for examination at the County Clerk's Office.

The Area was created on February 3, 2009, by the Board of County Commissioners of Sanpete County, Utah as contemplated by a notice of intention to designate special assessment area (the "Prior Notice") heretofore published in *The Pyramid* and mailed to each owner of record of property to be assessed within the Area and to "owner" at the street number of each piece of improved property to be assessed.

Spencer Cox (Commissioner), Steven Frischknecht (Commissioner) and Claudia Jarrett (Commissioner) have been duly appointed to act as the Board of Equalization (the "Board") to hear arguments relating to the proposed assessment in the Area from any person who believes himself or herself to be aggrieved, including arguments relating to any direct or indirect benefits accruing to any tract, block, lot or parcel of property in the Area or relating to the amount of the proposed assessment against any tract, block, lot or parcel. The Board will meet for such purpose at 160 North Main Street, Manti, Utah on Monday, April 6, 2009, between the hours of 7:00 p.m. and 8:00 p.m., on Tuesday, April 7, 2009, between the hours of 5:00 p.m. and 6:00 p.m. and on Wednesday, April 8, 2009, between the hours of 5:00 p.m. and 6:00 p.m. and will make any corrections of any proposed assessments which the Board may consider just and equitable.

The assessment list is complete and the assessment list and plats and amounts of the proposed assessment against each parcel of property are available for public examination continuously from 7:00 a.m. to 6:00 p.m., Monday through Thursday, at the Sanpete County Recorder's Office, 160 North Main Street, Room 303, Manti, Utah 84642; telephone: (435) 835-2181; and on the County's website at sanpetecounty.org/pages/commissioners.

The Area consists of all lots in the following subdivisions in northern Sanpete County, namely: Hideaway Valley, Blackhawk and Blackhawk Amended, Fairview Ranchos, Indian Ridge, Elk Ridge, Oaker Hills, Big Hollow and Big Hollow Amended; plus all parcels located in the following sections and townships which are outside of the named subdivisions: Sections 1 thru 12, Township 12 South Range 4 East; Sections 14 thru 23, Township 12 South Range 4 East; Sections 27 thru 34, Township 12 South Range 4 East; SW quarter of Section 7, Township 12 South Range 5 East; Section 3 thru 6 Township 13 South, Range 4 East, and Sections 1 thru 3, 10 thru 15 and 22 thru 26, Township 12 South Range 3 East. There are available for review at the Sanpete County Recorder's Office and on the County's website:

1. A map showing the boundaries of the Area;
2. A list of all property owners to be assessed; and
3. The assessment list and amounts of the proposed assessment against each parcel of property.

The Area has been created and the assessments will be levied for the purpose of acquiring and constructing a new fire station (the "*Improvements*") to provide fire protection for all properties located within the boundaries of the Area. Please note that the location of the fire

station will be on the northeastern corner of the intersection of Meadow View Drive and Highway 89 and not on the southwestern corner as was identified in the Prior Notice.

The total cost of the improvements in the Area are estimated to be \$723,000 (which includes various contingencies), together with other overhead costs estimated to be approximately \$57,000, for a total of approximately \$780,000. Costs of the Improvements will be paid from a \$100,000 grant from the United States of America acting through the United States Department of Agriculture, Rural Housing Services and the remaining \$680,000 will be paid from grant and loan monies provided by the State of Utah, Permanent Community Impact Fund Board (the "State"). The monies from the State will, subject to prepayments, if any, be allocated proportionately between a grant and a zero percent loan (the "Loan"). Loan payments will be assessed to property owners within the Area. Such Loan payments will be assessed by lot, which for purposes of the Area means a lot or a parcel as identified by a separate tax identification number. For purposes of calculating the assessments shown on the assessment list, the assessment cost per lot is \$126.44. The assessment cost per lot was determined by dividing the maximum amount of the Loan (\$340,000) by the total number of lots in the Area (2,689).

Each piece of property within the Area will be benefited in an amount not less than the assessment to be levied against the property and no piece of property in the Area will bear more than its proportionate share of the cost of the improvement.

BY ORDER OF the Board of County Commissioners of Sanpete County, Utah.


County Clerk

Published in *The Pyramid*.

Section 4. The County Clerk is hereby directed to cause notice to be published in one issue of *The Pyramid*, a newspaper having general circulation in Sanpete County, the publication to be at least twenty (20) but not more than thirty-five (35) days before the first hearing of the Equalization Board on April 6, 2009.

A copy of the notice set forth in Section 3 above shall be mailed, postage prepaid, within ten (10) days after the publication of such notice, to each owner of property to be assessed within the Area at the last-known address of such owner using for such purpose the names and addresses appearing on the last completed real property assessment rolls of the County, and in addition, a copy of such notice shall be addressed to "*Owner*" and shall be so mailed, addressed to the street number of each of improved property to be affected by the assessment. If a street number has not been assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the notice.

Section 5. Immediately after its passage, this Resolution shall be signed by the Chair and attested by the County Clerk and shall be recorded in a book kept by the County Clerk for that purpose. A copy of this Resolution shall be forthwith filed in the office of the County Clerk.

Section 6. It is hereby declared that all parts of this Resolution are severable, and if any section, paragraph, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining provisions of this Resolution.

Section 7. All ordinances, resolutions, orders and regulations or parts thereof heretofore adopted or passed that are in conflict with any of the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Section 8. This Resolution shall become effective immediately upon its approval and passage.

(Signature page follows.)

APPROVED and adopted this 3rd day of March, 2009.

SANPETE COUNTY, UTAH

By *Linda Jarrett*
Chair, Board of County Commissioners



[SEAL]

ATTEST:

Sandy Neill
County Clerk

A RESOLUTION DECLARING THAT THE PUBLIC HEALTH, CONVENIENCE, AND NECESSITY REQUIRE THE CREATION OF A SPECIAL SERVICE DISTRICT, DEFINING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN, PROVIDING FOR A HEARING ON THE CREATION OF SAID SPECIAL SERVICE DISTRICT, PROVIDING FOR NOTICE OF SAID HEARING AND RELATED MATTERS.

WHEREAS, the Board of County Commissioners of Sanpete County, Utah, believes that the public health, convenience and necessity require the receiving of federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds to provide construction, and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries within a specified area of the county and therefore it is desirable to incorporate said area into a special service district pursuant to the provisions of the Utah Special Service District Act, Chapter 1, Title 17D, Utah Code Annotated, 1953, as amended and Article XI, Section 7 of the Constitution of Utah; and

WHEREAS, all property included within the boundaries of said proposed Special Service District will be benefited by the creation thereof; and

WHEREAS, none of the area to be contained within the boundaries of said proposed Special Service District is also within the boundaries of any other special service district or local district established by said county to receive federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds to provide construction, and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Sanpete County, Utah, as follows:

Section 1. The public health, convenience, and necessity require the creation within Sanpete County, Utah, of a Special Service District (the “District”) pursuant to the provisions of the Utah Special Service District Act, Chapter 1, Title 17D, Utah Code Annotated, 1953, as amended, and Article XI, Section 7 of the Constitution of Utah.

Section 2. The boundaries of the District to be so established shall be as set forth in the Notice of Hearing in Section 7 hereof.

Section 3. The District is to be created for the purpose of receiving federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds to provide construction, and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries.

Section 4. The District so created shall be known as the “Federal Mineral Lease Special Service District.”

Section 5. A public hearing on the question of the creation of the District shall be held by the Board of County Commissioners at Manti, Utah, at 2:00 p.m. on April 7, 2009 at which time and place all interested parties may appear and be heard either in support of or in opposition to the creation of the District as more fully described in the Notice of Intention set forth in Section 7 hereof.

Section 6. A Notice of the Intention to create the District shall be published at least once a week during three consecutive weeks, the first publication to be not less than twenty-one (21) days nor more than thirty-five (35) days before the hearing, in the

Pyramid, Sanpete Messenger, and the Sanpete Messenger – Gunnison Valley Edition, newspaper's having general circulation in Sanpete County.

Section 7. The Notice of Intention to be published shall be in substantially the following form:

NOTICE OF INTENTION TO ESTABLISH
THE FEDERAL MINERAL LEASE
SPECIAL SERVICE DISTRICT

NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Board of County Commissioners of Sanpete County, Utah, adopted a Resolution declaring that the public health, convenience, and necessity require the establishment of a Special Service District, to be called the "Federal Mineral Lease Special Service District" (the "District") for the purpose of receiving of federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds to provide construction, and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries. The Resolution also provides for a public hearing on the establishment of the District in the County to be held at the Sanpete County Courthouse in Manti, Utah at 2:00 p.m. on April 7, 2009.

DESCRIPTION OF THE PROPOSED DISTRICT

The District shall have the following boundaries: Same boundaries as Sanpete County except excluding the boundaries of all municipal incorporations located within Sanpete County.

PROPOSED SERVICES

The authorized purposes of the District are receiving of federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds to provide construction, and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries.

METHODS OF FINANCING

Pursuant to the provisions of the Utah Special Service District Act, Chapter 1, Title 17D, Utah Code Annotated, 1953, as amended and Article XI, Section 7 of the Constitution of Utah, the District may annually levy taxes upon all taxable property within the District to provide the proposed services, and may issue bonds for the acquisition and/or construction of facilities or systems to provide said services, provided, however, that said levy to provide said services or to repay said bonds, must be authorized and approved by a majority of the qualified electors of the District at an election for that purpose. In addition, pursuant to the provisions of Chapter 21, Title 59 of the Trust Land Management Act, Utah Code Annotated 1953, as amended, the District may receive all or any portion of the monies to be allocated and distributed by the Utah Department of Transportation under said provisions for the purposes set forth therein.

PUBLIC HEARING ON PROPOSED ESTABLISHMENT OF SPECIAL SERVICE DISTRICT

The Board of County Commissioners will hold a public hearing on the establishment of the District for the receiving of federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds to provide construction,

and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries within the District at the Sanpete County Courthouse, Manti, Utah at 2:00 p.m. on April 7, 2009. Any interested person may protest the establishment of the District or the services to be provided by the District and each protest shall be in writing, filed with the Sanpete County Clerk, and must be filed no later than fifteen (15) days after the public hearing, and each protest shall explain why the person is protesting. A person, who submitted a written protest against the creation of the Special Service District may withdraw the protest, or having withdrawn a protest, may cancel the withdrawal until thirty (30) days after the public hearing.

Any protest signed on behalf of a corporation owning property in the District shall be sufficient if it is signed by the president, vice president, or any fully authorized agent of the corporation. Where title to any property is held in the name of more than one person, owners representing a majority ownership interest in the parcel must join in the signing of the protest or if the parcel is owned by joint tenants or tenants by the entirety, 50 % of the number of owners of that parcel.

The signature of a person signing a protest in a representative capacity on behalf of an owner is valid if the person's representative capacity and the name of the owner of the person represents or indicated on the protest with the person's signature and the person provides documentation accompanying the protest that reasonably substantiates the person's representative capacity.

At said public hearing, the Board of County Commissioners will give full consideration to all protests which shall have been filed and will hear and consider all

interested persons desiring to be heard. The Board of County Commissioners may continue the hearing from time to time. After conclusion of the hearing, the Board of County Commissioners shall adopt a resolution either establishing the Federal Mineral Lease Special Service District or determining that the establishment of the District should be abandoned, or may, in its discretion, reduce the boundaries of the District and establish the District by resolution, as modified.

If, within fifteen (15) days after the conclusion of the hearing, over thirty-three percent (33%) of the qualified voters of the territory proposed to be included within the District or the owners of over 33% of the taxable value of the taxable property included within the proposed District file written protest against the establishment of the proposed District or against the specified type of service to be provided within the District with the County Clerk, the Board is required by law, in the former instance, to abandon the proposed establishment of the District and, in the latter instance, to eliminate the type of service objected to from the resolution finally establishing the District.

A person may file an action in District Court challenging the creation of the Special Service District or a service that the Special Service District is proposed to provide if the person files a written protest and said person is a registered voter within the Special Service District and alleges in the action that the procedures used to create the Special Service District violated applicable law or the person is an owner of property included within the boundary of the Special Service District and alleges in the action that the persons property will not be benefitted by a service that the Special Service District is proposed to provide or the procedures used to create the Special Service District violated

applicable law and the action is filed within thirty (30) days after the date that the legislative body adopted a resolution or ordinance creating the Special Service District.

If an action is not filed within the time specified, a registered voter or an owner of property located within the Special Service District may not contest the creation of the Special Service District or a service that the Special Service District is proposed to provide.

GIVEN by order of the Board of County Commissioners of Sanpete County, this

day of March 2009.



Claudia Jarrett

CLAUDIA JARRETT, CHAIR

Sandy Neill

SANDY NEILL, SANPETE COUNTY CLERK