

**SANPETE COUNTY COMMISSION MEETING**

**June 2, 2009, 10:00 A.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**

Auditor Ilene Roth is present. Motion is made by Commissioner Frischknecht to approve payment of claims #320140 through #320278. The motion is seconded by Commissioner Cox, and the motion passes.

**APPROVAL OF MAY TAX SALE**

Auditor Ilene Roth is present. Six properties were sold at the tax sale. Motion is made by Commissioner Cox to approve the May Tax Sale. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**APPROVAL TO PAY LUDLOW ENGINEERING FOR WORK DONE ON THE INDIANOLA FIRE STATION**

Motion is made by Commissioner Frischknecht to approve the payment of \$3,739.65 to Ludlow Engineering for work done on the Indianola Valley Fire station. The motion is seconded by Commissioner Cox, and the motion passes.

**KENT HIGGINS WITH THE INDIANOLA VALLEY FIRE DEPARTMENT: APPROVAL TO PAY LASER AUTO BODY FOR PAINT DONE ON FIRE TRUCK (ENGINE 181)**

Kent Higgins appears by phone. This project was included in the budget for this year. Mr Higgins is applying for grant money to pay for this, because it is a funded mandate to paint these vehicles. Mr. Higgins will contact the auditor's office with the line item number to take this from until the grant money comes. The Commission reminds Mr. Higgins to follow the purchasing policy in the future. Motion is made by Commissioner Frischknecht to approve the payment of \$2,415.00 to Laser Auto Body for paint and other work done for the Indianola Valley Fire Truck Engine 181, to be paid out of the county budget for now, and repaid by the grant if obtained. The motion is seconded by Commissioner Cox, and the motion passes.

**APPROVAL TO SIGN PAYMENT REQUEST & PROGRESS REPORT ON AXTELL BRIDGE DESIGN ENGINEERING**

Motion is made by Commissioner Cox to approve the signature of the chair on payment request and progress report #3 for the Axtell Bridge project. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**CHRISTINE SMITH: REVIEW OF PROPERTY TAXES ON S 40122**

Christine Smith is not present.

**DAVID ASAY: APPROVAL OF RIGHT-OF -WAY AGREEMENT TO INSTALL A WATER LINE TO SERVICE TWIN OAKS LOCAL DISTRICT**

David Asay is present. He states there is an urgency to get water to the water tank that is now in place. The Commission expresses concern because they understand that the project was started prior to approval, and the road was cut, rather than bored. Mr Asay states they considered boring. Due to the power line being in the middle of the road, they felt it would be risky and impractical to bore. A flowable fill was used to fill the cut to guarantee compaction to 99%. Asphalt will be put in today. Motion is made by Commissioner Cox to approve the right-of-way agreement for Far West Construction. The motion is seconded by Commissioner Frischknecht, and the motion passes. The County will send a bond agreement to Mr Asay to be completed and returned.

**DICK JONES WITH QUALITY FOR ANIMAL LIFE, INC: APPEAL OF BOARD OF EQUALIZATION DECISION ON ASSESSMENT FOR INDIANOLA VALLEY FIRE DEPARTMENT SPECIAL ASSESSMENT AREA**

Dick and Melanie Jones and Kevin Dean Turner are present. They are here to appeal the decision of the board of equalization to not remove their property from the special assessment area. He also filed a lawsuit in federal court. County Attorney Ross Blackham addresses the appeal. Because the Commission is the same board as the board of equalization, the appeal is to made to the courts, and was filed timely, although it may have been filed with the incorrect court.

**KEVIN CHRISTENSEN: APPROVAL OF SUMMER RADIO CAMPAIGN FOR TRAVEL COUNCIL**

Kevin Christensen is present. Motion is made by Commissioner Cox to approve the Summer radio campaign for the travel council in the amount of \$3,000.00 for mid Utah Radio ads, and \$3,500.00 for Salt Lake ads. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**GARRY BRINGHURST: DISCUSSION OF LIGHTING AT THE INTERSECTION OF PALISADE AND HIGHWAY 89**

Garry Bringhurst, Robert Dowel, and Shon Tripp are present. Mr. Bringhurst is proposing a new light be installed on Highway 89 where the new road to Palisades is located. Robert Dowel with UDOT states that UDOT will provide the materials and installation for new lights. The County would then be responsible for the maintenance and the power which is approximately \$13.00 per month per light. The Commission ask about solar lighting. Mr. Dowel states solar lights have been used in the past, but are expensive to maintain. They avoid using solar lights in locations where power is available. Motion is made by Commissioner Cox to approve placing lighting at the intersection of Palisade and Highway 89 and also at the new jail turnoff. The motion is seconded by Commissioner Frischknecht, and the motion passes.

A request has been made to add private landfills to our land use matrix. The Commission discuss with Mr. Bringhurst the pros and cons of allowing private landfills as a conditional use in the County. The landfills are regulated by the state, and can only be used by the person who obtains the permit.

The search operation at the landfill is discussed. Mr. Bringhurst expresses his appreciation for the efforts that have been made by the County. He would like to invite those that helped to the next Mayors and Commissioners meeting.

**BARRY BRADLEY: APPROVAL TO PAY A.P.C.D. FOR RADIO LICENSING FEES FOR NARROW BAND AND CHANGE LOCATION**

Barry Bradley is taking care of an emergency outage on the mountain, and is unable to be here today. This matter will be rescheduled.

**OATHS OF OFFICE FOR THE NEWLY APPOINTED MEMBERS OF THE ADMINISTRATIVE CONTROL BOARD OF THE FEDERAL MINERAL LEASE SPECIAL SERVICE DISTRICT (FMLSSD)**

Mr. and Mrs. David Bailey, David Madsen, Boyd Beck and Mr. and Mrs. Loni Hammond are present. Discussion is held about the purpose of this SSD, and responsibilities of the board. All five members will serve a term beginning today, and ending December 31, 2009. Then 2 year terms will be served by David Bailey, Boyd Beck, and Loni Hammond, and 4 year terms for David Madsen and Steve Frischknecht. As their terms expire, all new appointments will be for 4 years. Oaths of office are given to Steve Frischknecht, David Bailey, Boyd Beck, David Madsen and Loni Hammond.

**THOMAS CARMODY: APPROVAL OF 4 LOT SUBDIVISION ON S 6117X1 AND S 6322X, LOCATED SOUTH OF EPHRAIM**

Lee Holmstead and Thomas Carmody are present. Motion is made by Commissioner Cox to approve the Carmody subdivision located south of Ephraim. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**CONSIDERATION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF UP \$340,000 SANPETE COUNTY, UTAH SPECIAL ASSESSMENT BONDS, SERIES 2009 (SPECIAL ASSESSMENT AREA NO. 1 (INDIANOLA VALLEY FIRE STATION SAA)) AND RELATED MATTERS**

This matter is tabled until the next Commission meeting on June 16, 2009.

**PAUL SPIERING WITH WOLVERINE: DISCUSSION OF MINERAL LEASE**

Paul Spiering is present. Motion is made by Commissioner Cox to approve a 5 year mineral/gas lease with Wolverine at \$500.00 per acre for 6.47 acres identified by tax id #876000303. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**COUNTY CLERK SANDY NEILL: APPROVAL OF DISTRICT COURT FY 2010 CONTRACT**

Due to budget cuts, the courts have not included a cost of living increase for employees in the new contract. Motion is made by Commissioner Frischknecht to approve the signature of the chair on the District Court 2010 Contract in the amount of \$238,020.00. The motion is seconded by Commissioner Cox, and the motion passes.

**ESTABLISH AND IMPLEMENT PROCEDURES FOR THE APPROVAL OF THE WRITTEN MINUTES OF MEETINGS**

The open meeting act has been amended. Unapproved minutes are now public record as soon as they have been prepared in a form awaiting only formal approval by the public body. The Commission will continue to approve minutes in open Commission meetings. If unapproved minutes have been prepared for formal approval, copies will be available to the public that will be marked as unapproved.

**APPROVAL OF MINUTES**

Motion is made by Commissioner Cox to approve the minutes from May 19, 2009 with minor corrections. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**RESOLUTION AMENDING THE APPOINTMENT PROCEDURE OF THE ADMINISTRATIVE CONTROL BOARD OF SANPETE COUNTY SPECIAL SERVICE DISTRICT NO. 1**

Motion is made by Commissioner Frischknecht to adopt resolution #06-02-09, A Resolution Amending the Appointment Procedure of the Administrative Control Board of Sanpete Special Service District #1. The motion is seconded by Commissioner Cox, and the motion passes. This will ensure that appointments are staggered. (See attached resolution)

Motion is made by Commissioner Cox to amend the agenda and hold an executive session earlier than scheduled to discuss personnel. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Cox to go into executive session. The motion is seconded by Commissioner Frischknecht, and the motion passes.

**EXECUTIVE SESSION**

Ken Bench is present. Motion is made by Commissioner Cox to go out of executive session. The motion is seconded by Commissioner Frischknecht, and the motion passes. No action is necessary due to this executive session.

**MIKE BARDON WITH CAMP UTIBACA: PROPERTY TAX EXEMPT STATUS ON S 6540X**

Mike Bardon is present. He explains that the Camp Utibaca property has been on tax exempt status for numerous years. He was late getting his application in this year. He is asking the Commission to continue his tax exempt status for this year. Motion is made by Commissioner Frischknecht to approve the late application for tax exempt status, and return the property to the tax exempt status. The motion is seconded by Commissioner Cox, and the motion passes. The records are reviewed. Ken Bench is now present. Mr. Bench has not removed this property from the tax exempt list. The tax rolls are legally closed and can't be changed until August. Mr. Bardon will turn in an application today to place in the file. Commissioner Cox withdraws the motion because the property was not removed from the tax exempt list.

**SHERIFF KEVIN HOLMAN: APPROVAL TO HIRE ROSS C BAILEY AS A FULL-TIME EMPLOYEE AT THE JAIL**

Sheriff Kevin Holman is present. Motion is made by Commissioner Frischknecht to approve the hiring of Ross C Bailey as a full-time employee of the jail at a rate of \$15.81 per hour to begin June 3, 2009. The motion is seconded by Commissioner Cox, and the motion passes.

The search at the landfill should be completed tomorrow. The area that was determined to most likely contain the contents of the dumpster in question has been searched.

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

**EXECUTIVE SESSION**

Motion is made by Commissioner Cox to go out of executive session. The motion is seconded by Commissioner Frischknecht, and the motion passes. The following action is taken. Motion is made by Commissioner Cox to authorize the County Attorney to resolve the issue with the Quality for Animal Life in a manner that is in the best interest of the county. The motion is seconded by Commissioner Frischknecht, and the motion passes.

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

The meeting is adjourned at 4:57 P.M.

ATTEST:   
Sandy Neill  
Sanpete County Clerk

APPROVED:   
Claudia Jarrett  
Commission Chair

RESOLUTION AMENDING THE APPOINTMENT PROCEDURE OF THE ADMINISTRATIVE CONTROL BOARD  
OF SANPETE COUNTY SPECIAL SERVICE DISTRICT No. 1.

A Regular meeting of the County Commission of Sanpete County, Utah was held on

June 2, 2009 at the hour of 10:00 (a.m./~~p.m.~~) at the office of the County Commission

In Mant, Utah, at which meeting there were present the following members who constituted a quorum:

COMMISSIONERS: Claudia Jarrett  
Steve Frischknecht  
Spencer J. Cox

ALSO PRESENT: Ross C. Blackham, Sanpete County Attorney  
Sandy Neill, Sanpete County Clerk

After the meeting had been duly called to order, and after other matters not pertinent to this Resolution had been discussed, the County Clerk presented to the County Commission a Certificate of Compliance with Open Meeting Law with respect to this June 2<sup>nd</sup>, 2009 meeting, a copy of which is attached hereto as Exhibit "A".

The County Attorney then stated that the Sanpete County Special District No. 1 had been created by the County Commissioners by Resolution on December 27, 1988. Provisions were made for the appointment of the Administrative Control Board by the Commissioners in Section 7 of the Resolution. The term of each Board member was left unclear and whether terms were staggered or not. The practice over the years was to appointed both 2 and 4 year terms but which were not staggered leaving the term of all 5 members to expire at the same time. All terms are presently expired.

The Commissioners desire to consider a Resolution amending and clarifying the procedure for the appointment of Board Members of this Special Service District. The following resolution was then moved for adoption by Commissioner Frischknecht.

RESOLUTION NO. 06-02-09

A RESOLUTION AMENDING THE APPOINTMENT PROCEDURE OF THE ADMINISTRATIVE CONTROL BOARD  
OF SANPETE SPECIAL SERVICE DISTRICT NO. 1

BE IT RESOLVED by Board of Commissioners of Sanpete County, Utah:

1. The membership of the Administrative Control Board of the District shall consist of five (5) members, each of whom shall be appointed by the Board of Commissioners and shall serve four (4) years terms as provided for herein. The Board of County Commissioners shall appoint new members to serve a two year term and the remaining members to serve four year terms, the determination of who shall serve in each category is to be made by lot. Said terms shall commence on January 1 2010. The new Board members appointed shall serve an additional term commencing on the date of appointment and continuing until regular commencement of the above specified terms.

2. The Board of County Commissioners shall appoint one of its members to serve on the Administrative Control Board of the District.

3. Except as amended and clarified in this Resolution the terms and provisions of the Resolution creating said District are in full force and effect.

COMMISSIONER Cox seconded the motion to adopt the foregoing Resolution. The Resolution was thereupon put to a vote and unanimously adopted on the following recorded vote:

Those voting AYE:

Jarrett  
Frischknecht  
Cox

Those voting NAY:

PASSED AND APPROVED this 2<sup>nd</sup> day of June, 2009.

Claudia Jarrett  
Claudia Jarrett, Chair

ATTEST:

Sandy Neill  
Sandy Neill, County Clerk

(seal)

