

## **SANPETE COUNTY COMMISSION MEETING**

**September 7<sup>th</sup>, 2023, 1:00 PM**

Sanpete County Courthouse, 160 North Main, Suite 101, Manti, Utah

Present are: Commission Chair Scott Bartholomew, Commissioners Reed D. Hatch, and Scott Collard. County Attorney Kevin Daniels and County Clerk Linda Christiansen.

Meeting is called to order by Commission Chair Scott Bartholomew.

### **OPENING PRAYER OR REMARKS AND PLEDGE OF ALLEGIANCE**

Prayer is offered by Steven Jenson. Pledge of allegiance is recited by all.

### **AMY WILLDEN: APPROVAL TO PAY INVOICE TO THE DATA CENTER FOR MAILING OF THE TAX NOTICES.**

Amy Willden is present. Ms. Willden explains that the Data Center likes a pre payment in advance. The cost is based on last years mailing of tax notices and the final bill will be adjusted once notices are mailed with either a credit or balance due. Motion is made by Commissioner Hatch to approve the payment of \$8,928.00 to The Data Center for mailing of tax notices. The motion is seconded by Commissioner Collard, and the motion passes. Roll call vote: Commissioner Hatch yes, Commissioner Collard yes and Commissioner Bartholomew yes.

### **KEVIN CHRISTENSEN: APPROVAL TO PURCHASE ARENA GROOMER FOR THE FAIRGROUNDS FROM FAIRGROUNDS RENTAL REVENUE.**

Kevin Christensen is present. Mr. Christensen explains that the revenue from rentals of the fairgrounds is just over \$10,000 which is enough to cover the cost of a groomer for the arena. Motion is made by Commissioner Collard to approve the purchase of an Arena Groomer for the Fairgrounds in the amount of \$8,000.00 from Fairgrounds Rental Revenue. The motion is seconded by Commissioner Hatch, and the motion passes.

### **REVIEW AND CONSIDERATION FOR APPOINTMENT OF TWO POSITIONS ON THE FEDERAL MINERAL LEASE SPECIAL SERVICE DISTRICT #3 BOARD.**

Commissioner Bartholomew explains that the Commission has received one application from Brian Nielson. No one else has applied to this date. There are no objections to accepting Brian Nielson's application by the Commission. Motion is made by Commissioner Hatch to approve Brian Nielson of Gunnison to the Special Service District #3 Federal Mineral Lease Board. The motion is seconded by Commissioner Collard, and the motion passes. It is suggested by the County Attorney to reopen the acceptance of applications to fill the second position on the board that is still vacant.

### **STACEY LYON: CLAIMS; APPROVAL OF FINANCES; APPROVAL TO PAY KIMBALL & ROBERTS COUNTY AUDIT; APPROVAL TO PAY CASELLE SOFTWARE SYSTEM; APPROVAL AND SIGNATURE ON INDIGENT DEFENSE SERVICES AGREEMENT FOR FY 2024; APPROVAL AND SIGNATURE ON MEMORANDUM OF AGREEMENT FOR THE PROVISION OF INDIGENT DEFENSE SERVICES WITH SEVIER COUNTY; APPROVAL TO PAY TRES RIOS - JUNIOR LIVESTOCK BUCKLE BILL; APPROVAL TO PAY MID UTAH RADIO FOR FAIR ADVERTISING; APPROVAL TO HIRE WAYNE LARSEN AS PART TIME GIS SPECIALIST; APPROVAL TO PAY CBR FOR RADIOS.**

Auditor Stacey Lyon is present. Motion to approve the finances is made by Commissioner Hatch. The motion is seconded by Commissioner Collard, and the motion passes. Commissioner Hatch verifies that the issues with the Tyler software continues. Motion is made by Commissioner Hatch to approve payment of claims #356530 through #356781. The motion is seconded by Commissioner Collard, and the motion passes. Commissioner Bartholomew explains that the Commissioners received a letter requesting a donation for the Moroni Senior Citizens program. Ms. Lyon explains that in the past the County has given donations to six Senior Citizen programs; Spring City, Fairview, Ephraim, Gunnison, Moroni and Manti. Commissioner Hatch explains that there is a budget line that the six programs receive approximately \$1,700 each. The issue is that Manti, Moroni and Gunnison need \$175,000.00 to fund the programs. Commissioner Hatch would like to further discuss the donation. Stacey Lyon states 3-4 of the programs have already been paid. Stacy Lyon suggests the discussion should take place in the budget meetings. It is reported that the County received a clean audit. Motion is made by Commissioner Collard to approve the payment of \$27,630.00 to Kimball and Roberts for the County Audit. The motion is seconded by Commissioner Hatch, and the motion passes. Ms. Lyon explains that Caselle is the old accounting software used by the County. There is approximately a quarter of data still on the old system that needs to be transferred to the new system and it is extremely time consuming. The Auditor's office is working hard to get fixed assets on a spreadsheet amongst their daily duties. Approval is requested to pay Caselle until August of 2024 to complete the transfer. Motion is made by Commissioner Hatch to approve the payment of \$8,402.00 to Caselle Software System. The motion is seconded by Commissioner Collard, and the motion passes. Johanna Williams, Managing Defender for Sevier and Wayne is present. Ms. Williams explains that the Indigent Defense Services for Sanpete County were previously handled in conjunction with Utah County Public Defenders office which was relinquished the end of June, without notice. Sevier and Sanpete are in the same District and use the same judges. Previously the providers were paid in advance. The way Sevier and Wayne handle this is on a monthly payment plan. Ms. Williams presents the agreement; which is the same agreement the County utilized with Utah County and the amount has not changed. Kevin Daniels reviewed the contract and it is good to sign. Ms. Williams explains that her pay is not funneled through Sanpete County and is fully funded by the IDC with the understanding that her position can be eliminated. Currently her wage is split with Wayne and Sevier because that is how it has been in the past but that may change in the next fiscal year. The counties are not expected to pay that bill. Motion is made by Commissioner Collard to approve and sign the Indigent Defense Services Agreement for FY 2024. The motion is seconded by Commissioner Hatch, and the motion passes. Ms. Williams states that now that the County is working with her, the IDC requires a minimum of three entities working together. Which would be Sanpete, Sevier and Wayne in this case. This requires a Memorandum of Understanding that the Counties are managed by one consistent Managing Defender. The memorandum was updated last year; it is a three year agreement and is funded yearly. Motion is made by Commissioner Collard to approve and sign the Memorandum of Agreement for the Provision of Indigent Defense Services with Sevier County. The motion is seconded by Commissioner Hatch, and the motion passes. Ms. Lyon explains that Stacy Carlisle had a conflict and could make it to the meeting so she presented the invoices from the Fair for her. Motion is made by Commissioner Hatch to approve the payment of \$4,995.00 to Tres Rios Silver for the Junior Livestock Buckle bill out of the Fair budget. The motion is seconded by Commissioner Collard, and the motion passes. Motion is made by Commissioner Hatch to approve the payment of \$5,500.00 to Mid Utah Radio

for Fair advertising out of the Fair budget. The motion is seconded by Commissioner Collard, and the motion passes. Commissioner Hatch addresses the need of a GIS specialist. The former IT Director, Wayne Larsen would be interested in working part-time but does not want it to involve IT. Commissioner Hatch has researched the cost of GIS work to be done and it varies in cost greatly. The Assessor and Zoning office have a need for GIS work to be done. Ms. Lyon states that the amount of pay and time for Wayne Larsen would be limited by Utah Retirement Systems. It is determined that a discussion with Mr. Larsen needs to take place in order to agree on salary, scope of work and time. Motion is made by Commissioner Hatch to hire Wayne Larsen as a part-time GIS Specialist and will discuss salary and scope of work at a later time. The motion is seconded by Commissioner Collard, and the motion passes. Tom Peterson, Fire Warden explains that the proposal for the road department radios to assist in wild land fire communication needs to be paid. Motion is made by Commissioner Hatch to approve the payment of \$4,907.74 to CBR LC out of Tom's project budget. The motion is seconded by Commissioner Collard, and the motion passes.

**TAYLOR MOOSMAN REPRESENTING FORESTRY FIRE AND STATE LANDS: APPROVAL FOR SANPETE COUNTY TO ASSIST FORESTRY FIRE AND STATE LANDS IN THE CONTRACTING FOR THE GRANT IN PINE MOUNTAIN.**

Taylor Moosman and Thomas Peterson from Forestry Fire and State Lands are present. Ms. Moosman reports the Forestry Fire and State Lands received a grant in the amount of 4.7 million dollars for community wildfire risk reduction efforts for the Central area of the State; including Sanpete County. They are present today to request assistance from the County to achieve their efforts. Ms. Moosman presents a contract to the Commission, including maps. The purpose is explained by Ms. Moosman. Some of the points made are: support with conducting lot assessments on private land, providing support with education and out reach, risk reduction and fuels mitigation in the Pine Mountain area. The hope is to apply for additional funds going forward and be able to implement additional projects because the need is great in that area. The amount that Sanpete would receive is \$150,000 annually. They are asking for the County to help implement the contract by paying the cost and billing the State for reimbursement. Thomas Peterson explains that the contract allows Mr. Peterson to do some of the contracting and then bill the grant. In the past it has been done through an Interlocal Agreement but this a federal grant and this way it is contracted properly. Discussion ensues regarding escape routes with some of the subdivisions in that area. Commissioner Hatch questions whether the \$150,000 allotted each year is set or if it can be spent over or under that amount. It is clarified by Ms. Moosman and Mr. Peterson that the \$750,000 is for five years and it can carry over to a year that might have bigger projects. Motion is made by Commissioner Hatch to approve the State of Utah Forestry Fire and State Lands contract for five years in the amount of \$750,000 which will be billed to Sanpete County as projects are done, the County will pay and then bill the State for reimbursement. The motion is seconded by Commissioner Collard, and the motion passes.

\*Recording is stopped to go into Public Hearing\*

**PUBLIC HEARING FOR RANDY LUSTY WHOM HAS FILED A PETITION TO AMEND THE PLAT OF THE AMENDED MOUNTAIN VIEW RANCHES SUBDIVISION. THE AFFECTED PROPERTIES ARE LOCATED EAST OF SPRING CITY. THE AMENDED MOUNTAIN VIEW RANCHES SUBDIVISION IS RECORDED AS AN APPROVED SUBDIVISION. THE AMENDED LOT WILL BE: LOT 1 @ 6.13 ACRES, LOT 2 @ 4.89 ACRES, LOT 3 @ 4.90 ACRES, LOT 4 @ 5.75 ACRES, LOT 5 @ 5.62 ACRES, LOT 6 @ 4.79 ACRES, LOT 7 @ 4.78, AND LOT 8 @ 5.99 ACRES. PARCEL #S-60651, S-60652, S-60653, S-60654, S-60655, S-60656, S-60657, S- 60658. THIS WILL DO AWAY WITH S-60659.**

Commissioner Bartholomew reads the Public Hearing agenda item with affected property acreage and serial numbers. Commissioner Bartholomew addresses the individuals in attendance and informs them that it is a public hearing if anyone has a comment to make. Commissioner Hatch states the amendment is to incorporate the road into the lots. Steven Jenson explains that when the subdivision was originally created the road was listed as a separate parcel. Now the properties will extend into the center of the road, therefore eliminating the separate parcel of the road. This will reduce issues of taxes not being paid on the road. No public comment is made.

\*Public Hearing recording separate from regular Commission Meeting recordings\*

Motion is made by Commissioner Hatch to approve the Mountain View Ranches Amended II Subdivision. The motion is seconded by Commissioner Collard, and the motion passes. Commissioner Bartholomew states for the record that the parcels affected are listed in the public hearing, as well as, in the agenda item listing. The amendment was due to incorporating the street into the lots.

**TOM SEELY: APPROVAL TO PAY PREMIER STRIPPING; RATIFY APPROVAL TO PURCHASE GRADER.**

Tom Seely, Road Supervisor is present. Mr. Seely states that chipping is done from the north end of the County to Ephraim and the road department is done chipping for the year. It was discussed previously to go with a center stripe and the total for this invoice is \$32,538.05. Motion is made by Commissioner Collard to approve the payment of \$32,538.05 to Premier Stripping. The motion is seconded by Commissioner Hatch, and the motion passes. Mr. Seely explains that the grader to be discussed is on a two year lease; moving forward the leases will be four year leases.

Motion is made by Commissioner Hatch to approve the payment of \$105,000.00 for the 2023 grader. The motion is seconded by Commissioner Collard, and the motion passes.

**APPROVAL OF RIGHT-OF-WAY EXCAVATION LICENSE FOR DOMINION ENERGY FOR REPAIR ON AN ISOLATION VALVE LOCATED AT 23790 N 10410 EAST, FAIRVIEW.**

Tom Seely has approved and no asphalt will be disturbed. Motion is made by Commissioner Collard to approve the Right-of-Way Excavation license for Dominion Energy at 23790 N 10410 East, Fairview. The motion is seconded by Commissioner Hatch, and the motion passes.

**APPROVAL OF RIGHT-OF-WAY EXCAVATION LICENSE FOR HOMETOWN EXCAVATION FOR A WATERLINE TO A NEW HOME LOCATED AT 9670 E 25430 NORTH, FAIRVIEW.**

Tom Seely has approved. Commissioner Hatch states that the application has an address in Fairview but it is not in city limits. It is agreed upon by the Commissioners that is in the Fairview area. Commissioner Hatch questions whether a bond is in place and the County Clerk refers to

the packet given to Commissioner Bartholomew which may address the bond. Motion is made by Commissioner Hatch to approve the Right-of-Way excavation license for Hometown Excavation for a waterline to a new home located at 9670 E 25430 North, Fairview. The motion is seconded by Commissioner Collard, and the motion passes.

**SHERIFF JARED BUCHANAN: APPROVAL TO MOVE FULL TIME SUBSTANCE USE INTERN ELLEE POLLOCK TO PART TIME UNDER THE RCORP GRANT; APPROVAL TO PAY AMAZON FOR TWO LAPTOPS; APPROVAL TO PAY PREMIER VEHICLE FOR SRO VEHICLE EQUIPMENT; APPROVAL TO PAY CELLEBRITE FOR YEARLY SUBSCRIPTION; APPROVAL TO PAY TITAN ENTERPRISES OF EPHRAIM FOR OPEN WATER DIVE CERTIFICATIONS; APPROVAL TO APPLY FOR, SIGN AND EXPEND 2023 EMPG GRANT WITH A 50% MATCH; APPROVAL TO ENTER INTO CONTRACT OR PAY LENSLOCK FOR BODY CAMERAS; APPROVAL TO APPLY FOR, SIGN AND EXPEND JAG GRANT.**

Sheriff Jared Buchanan is present. Sheriff Buchanan explains that Ellee Pollock has been full-time under a grant that ends on the 15<sup>th</sup> of September but can extend her as part-time until the end of the year under that grant. Ms. Pollock helps the community health specialists and in transferring probation file data. Ms. Pollock is currently working on her certification to become a community health therapist and may be moving out of the area at some time. Motion is made by Commissioner Hatch to approve to switch Ellee Pollock from full-time on the 15<sup>th</sup> of September 2023 to part-time until December 31<sup>st</sup>, 2023 in the amount of \$8,307.05 under the RCORP Grant (Budget# 10-4960-452). The motion is seconded by Commissioner Collard, and the motion passes. Sheriff Buchanan explains that two laptops are needed for the jail; one for scheduling and one for training. The funding will come from beer tax. Motion is made by Commissioner Collard to approve the payment of \$2,999.98 to Amazon for two laptops. The motion is seconded by Commissioner Hatch, and the motion passes. The Sheriff's office is installing gun locks in the SRO vehicles because they are not always at the schools. The funding for this will also come from beer tax. Motion is made by Commissioner Collard to approve the payment of \$2,268.94 to Premier Vehicle for SRO vehicle equipment. The motion is seconded by Commissioner Hatch, and the motion passes. Cellebrite yearly subscription is due and is used with cell phones for the detectives. Motion is made by Commissioner Hatch to approve the payment of \$6,100.00 (\$4,300 out of operations and \$1,800 out of programming) for yearly subscription to Cellebrite. The motion is seconded by Commissioner Collard, and the motion passes. Sheriff Buchanan explains that this year was a wetter year and the Search and Rescue did have a drowning this year. Some certifications were lapsed. Search and Rescue members re-certified in dive training. Motion is made by Commissioner Collard to approve the payment of \$2,700.00 to Titan Enterprises of Ephraim for open water certifications out of the Search and Rescue Budget. The motion is seconded by Commissioner Hatch, and the motion passes. Motion is made by Commissioner Hatch to apply for, sign and expend the 2023 EMPG Grant of \$35,700.00 with a 50 % match of Sargent Albee's salary and Bev's contract. The motion is seconded by Commissioner Collard, and the motion passes. Sheriff Buchanan states that after the last meeting he went looking for funds available to pay for body cameras. Sheriff Buchanan believes that he has the money in the budget but wants to sit down with the County Auditor to verify the numbers. The JAG Grant will have \$4,000.00 to go towards the cost of the body cameras; not the vehicle cameras at this point. Commissioner Hatch emphasizes that the County Auditor needs to be involved with verifying whether there are funds available this year. It is agreed upon by the Sheriff and Commissioners that he will come back after meeting with Ms. Lyon, the County Auditor. Sheriff Buchanan explains

that if the body cameras are not approved, the JAG Grant, which is the next agenda item will need to be re-written by next Friday. The JAG Grant was written specifically for the LensLock body camera purchase. Commissioner Bartholomew suggests that the Sheriff go talk to the Auditor today before a motion is made on the remaining agenda items. Sheriff Buchanan returns during the Skyline Property Owners Association agenda item after talking to the County Auditor. Sheriff Buchanan explains that it is going to take some time for the Auditor to get the information regarding funds back to him. Sheriff Buchanan explains that this year is free and the payment to LensLock is not due until next year. The grant needs to be approved before next Friday and can still be used for the amount due to LensLock; pay \$4,000 with the grant and pay the balance owed by May 12<sup>th</sup>, 2024. The body cameras purchased three years ago are junk. Once the Sheriff gets a chance to review the ledger he may be able to find whether or not money allocated previously for body cameras is still available or if the money was spent. The Sheriff would like to use the JAG Grant to pay towards the body cameras and use next years budget to pay the remaining \$15,381.00. The number of cameras would be as follows: 14 for patrol, 5 for detectives and SRO and 3 for Admin with two spares. Commissioner Hatch wonders how to proceed in the case that the Sheriff can find the money this year; rather than wait to pay. Motion is made by Commissioner Collard to approve the payment of \$4,000 this year out of the JAG Grant to LensLock for body cameras. The additional amount of \$15,381.00 to be paid in May of 2024. The motion is seconded by Commissioner Hatch, and the motion passes. Motion is made by Commissioner Collard to approve to apply for, sign and expend the JAG Grant in the amount of \$4,000.00. The motion is seconded by Commissioner Hatch, and the motion passes.

**REPRESENTING CYCLE SANPETE: CHRIS ANDERSON, SPRING CITY MAYOR; JILL COLBY, FOUNDER OF CYCLE SANPETE; MIKE WEST, LEHI PLANNING DIVISION MANAGER. ADDRESS COMMISSION REGARDING FEASIBILITY GRANT AWARD RECEIVED TO STUDY CONNECTING OUR COMMUNITIES ALONG UDOT CORRIDORS AND UPDATING ACTIVE TRANSPORTATION PLANS THROUGHOUT TOWN.**

(The County Clerk received an email from Jane Colby stating that she meant to get on the Mayor's and Commissioners meeting agenda; not this one.)

**STANFORD JENSEN REPRESENTING GUNNISON IRRIGATION COMPANY: REQUEST FOR COUNTY COMMISSION TO RECOMMEND GUNNISON IRRIGATION COMPANY TO RECEIVE MONEY FROM THE CUWCD FOR THEIR WATER OPTIMIZATION PROJECT.**

Stanford Jensen (and son) and Zachary Jensen are present. Stanford Jensen explains that Gunnison Irrigation company is working towards modernization on their canal system. They will install flume gates and meters. The Gunnison Irrigation Company has already received a grant from the State. They are hoping to match the funds with the Central Utah Water Conservancy District funds. The hope is to utilize every drop of water that goes into the Gunnison Valley water system. Kevin Daniels asks if they are shovel ready and they plan on pouring cement in October, so the response is yes. The biggest hurdle with the State has been with SHPO. Garrick Willden is finalizing the drawings. Commissioner Bartholomew asks Stanford how much they are requesting. Stanford Jensen responds that the project could easily cost 2 million but they are asking for \$500,000. The State grant is in the amount of \$500,000. Commissioner Bartholomew states that after the CUWCD meeting he had a discussion with the Chair of the Board and he basically agreed to do this project. Stanford Jensen also reached out to CUWCD and he was told that he would be

working with Rick Malloy at CUWCD. The agreement that the CUWCD would give us two years to spend the five million dollars is by word and not in writing. The CUWCD board still needs to vote on whether they agree to it or not. Commissioner Bartholomew feels there is a really good chance Sanpete will get the money. Stanford Jensen explains there is a simpler project regarding the high flows in the spring. The irrigation company does not have the capacity in the pipes to utilize the high flows going into Nine Mile. The irrigation company would like to add an additional pipeline. Nine mile is huge for the Gunnison valley in the production of crops. Commissioner Hatch asks how far that project is out to begin. Stanford Jensen responds that this project is less complicated because the land that it affects is privately owned and the owner is ok with it. Stanford Jensen believes it can begin this winter as well, as long as they can get funding. Discussion on pipe sizes ensues. Stanford Jensen affirms that the CUWCD wants a letter of approval from the County. Stanford Jensen states that CUWCD also wants a project description, a list of benefits, estimated cost, the project time line and where they are in the process. Commissioner Hatch doesn't see a problem approving the second project as well but wants to make sure other projects don't come in for approval. Stanford Jensen will keep the Commissioners up to date on how the application to CUWCD goes.

**TODD MILLER AND TRAVIS MILLER: REQUEST TO PURCHASE PORTION OF PROPERTY S-1626X.**

Todd Miller and Travis Miller are present. Todd Miller owns the Auto Body shop and Travis Miller owns the bakery next to the Children's Justice Center (formerly the Health Department). Their property was surveyed and it was discovered that they did not own as much property as they had previously thought. The Miller's would like to purchase property from the County to access the back of their buildings; south of the body shop and behind the bakery. The Commissioners were able to see where the survey markers were placed to understand the part of the property that they are describing. The Commissioners agree that the property needs to be adjusted. Commissioner Collard has concern on selling the property and losing access to the CJC. Todd Miller states that the right-of-way is east of the driveway on the south side; they had originally thought the driveway was the right of way. The County owns the south driveway. The Millers would like to buy 10 feet to the west of the drive-in and put the right-of way where it already is. They would like to have three owners listed in order to allow all parties to access; the County, Bakery and Auto Body shop. Commissioner Hatch explains they could give an easement or sell. Discussion of property adjustments ensue while reviewing the map. Commissioner Collard wants to consult with LuAnn Greenwell, CJC Director before making a decision. Todd Miller states that he would like to buy 30-40 feet of the 60 feet the County owns from the north property line. Commissioner Bartholomew suggests that the Miller's meet with Ms. Greenwell before making a decision. The Commissioners don't want this to affect their business and want to come to an agreement with all parties involved. Commissioner Collard will give Todd Miller's contact information to Ms. Greenwell.

**STAN TORGENSEN, VICE PRESIDENT OF SKYLINE PROPERTY OWNERS ASSOCIATION: REQUEST FORMAL SUPPORT FROM THE COMMISSIONERS FOR SPOA BOARD TO REPAIR AND MAINTAIN THE EAST/WEST EGRESS ROAD WITHIN THE ASSOCIATION.**

Stan Torgersen and Allen Day are present. Stan Torgersen and Allen Day are property owners, as well as, Board Members for the Skyline Property Owners Association. Stan Torgersen explains that they have a big issue; there is one way in and one way out for 200 property owners.

Commissioner Hatch states the west side property owners don't want the east side property owners to come through them and they have a big fire problem. Mr. Torgersen acknowledges that the Commissioner must be aware of the issues that they are facing. The plat did show a road but the road slid off. A packet is provided to the Commission showing maps of the area and roads. Thomas Peterson, Fire Warden states that they have assisted the community to see what could be done with a road. Allen Day acknowledges that he has spoken with the Fire Warden. There is much contention between the west and east side property owners to the point of violence has been threatened. They would like to move forward in developing the road that has caused the fighting but they have concern of more violence and would like the Sheriff's presence to keep the peace. The fight between property owners has been going on since at least 1995; according to association meeting minutes. The reason for Mr. Torgersen and Mr. Day's visit is to request support from the Commissioners in an effort to exercise their right as Board members to push the road through for the benefit of all property owners even though some are strongly against it. The road would be in the exact location that it was originally. The Commissioners ask the County Recorder to get a copy of the recorded plat to verify dedication of the road. It is stated by Allen Day that Jeff Thompson attended a County Commission meeting on July 25th, 2012; and he noted that the County Recorder confirmed to the County Attorney that the Gooseberry Canyon subdivision has never recorded any road closings. It was voted on by property owners to close at that time but nothing had ever been changed with the County documents. Mr. Day explains that the associations by-laws state that they must maintain roads and they can't be closed. Mr. Torgersen also reads from the restrictive covenants and it states; the existing access roads throughout the association boundaries, as described above and identified in the by-laws, shall be thereafter maintained. Thomas Peterson, Fire Warden states that the roads are not the only issues; the Gooseberry Homeowners Association is the only community in the county that will not allow the County to put a lock box on their gate which is why the county can not promise access to fight a fire. They are also the only community that would not sign their community wild fire protection plan because they are afraid of liability. Commissioner Collard explains that if they are here to protect the property owners in order to find a resolution on the road; they also need to address the issues the Fire Warden brought up as well. Mr. Day explains that the gate locks have been changed and he was under the impression that the county had a key. The Building Department has a key but the Fire does not. Wes Mangum, Deputy Attorney is filling in for Kevin Daniels and returns to the meeting. The Commissioners give him a briefing of the discussion to receive legal counsel on the situation. The road does show on the recorded map but it is not in the exact location of the actual road. Mr. Mangum has concern on whether the Sheriff wants to be involved in something that is potentially a civil matter. Mr. Day explains to him that they do not want to build something new; they just want to follow their by-laws by maintaining the existing road. Mr. Day also explains to Mr. Mangum the issue that 12% of the property owners are against the other 88% of property owners. Mr. Mangum asks the gentlemen if they have consulted their legal counsel; they have. Sheriff Buchanan returns to the meeting and the Commissioners ask him if he feels his department would be willing to be present during the road repair construction. The Sheriff had received a letter explaining the situation. The Sheriff feels it is more of a civil dispute because there is no criminal charge and he also suggests consulting with legal counsel. Commissioner Collard states that he feels that if the County does not support this and something happens there will be terrible consequences; as well as lawsuits. Commissioner Bartholomew asks Mr. Mangum to draft a simple letter in conjunction with The County Attorney and County Clerk in support of the access for safety reasons. Mr. Mangum



explains that the County does not have a legal right to do so but for the safety of the community we have an interest. Mr. Day begins to question other instances that the Sheriff's department would be involved regarding roads but the scenarios he is giving are County roads; the road within the Subdivision is a private road. It is explained to Mr. Day that once a subdivision is approved the responsibility lies on the subdivision; not the County. Again, Mr. Torgersen asks the Sheriff if the scenario is to occur that they start pushing the road and someone tries to stop them from accessing their property, would the Sheriff stop them from proceeding? The Sheriff responds that he would state that it is a civil issue and not to proceed until there is a court judgement. A letter of support for the safety of property owners will be drafted by the Attorney's office.

**MIKE MEGUERDITCHIAN: CLARIFICATION ON ZONING REQUIREMENTS.**

Mike Meguerditchian is present. Mike Meguerditchian is a property owner in the unincorporated area in the county next to Oaker Hills. Mr. Meguerditchian has previously discussed issues with Tim Wilson, Zoning Enforcement officer. He would like the Commissioners to have mercy on his situation that has zoning violations. His building permit application can not be approved due to the violations. Tim Wilson explains that Mr. Meguerditchian has multiple camp trailers parked on his property of approximately 150 acres. The trailers are owned by numerous different people that have been there for over 6 months which indicates an unapproved campground, according to the County Ordinance. Once the trailers are removed, the permit can be issued. Mr. Meguerditchian explains the trailers are for sheep herding and crop growing. Commissioner Bartholomew asks if he is renting the trailers. He states he is not; he is selling the lots as agricultural lots. Mr. Wilson explains that he can not sell lots smaller than the allowed lot size in the zone. Mr. Meguerditchian is selling 2.5 acre lots for agricultural splits. He states he has sold lots to people with the trailers but Mr. Wilson states that the property is still in his name. Mr. Meguerditchian explains that all of the lots have sold under contract; no title change has occurred. Mr. Meguerditchian says that he did not know that he was not allowed to sell the property the way that he did. Commissioner Bartholomew tells him the best solution is to give the buyers their money back and then have them move their trailers. Commissioner Bartholomew asks if Mr. Meguerditchian sold water with the property; his response is no. The property is not buildable without water. Mr. Meguerditchian realizes that he messed up and laws change. According to Mr. Wilson the laws have not changed much except the ordinance does now say you can not sell or subdivide land smaller than the zone that it is in, as of June 6<sup>th</sup>, 2023. Commissioner Hatch explains that the forty acre zone has been that acreage size requirement since at least 2002. Mr. Meguerditchian requests mercy to release the permit regardless of zoning violations. Commissioner Hatch explains a sheep camp is allowed for agriculture use but more than that is not. Commissioner Collard explains that until the trailers are removed the permit can not be issued. Wes Mangum also states that it will set a bad precedence that they can not support. Mr. Meguerditchian says that he will have the people take their stuff back.

**KEVIN DANIELS: APPROVAL TO PAY INVOICE TO DENTONS DURHAM JONES PINEGAR FOR THE QUACKENBUSH MATTER.**

Wes Mangum is present and is unaware of the invoice requesting payment by the County Attorney's office. Commissioner Hatch expresses concern for the expert witness budget being low due to this matter and there is a big trial coming up on the calender. Commissioner Bartholomew asks Mr. Mangum if the County is done with this matter; Mr. Daniels keeps indicating that the

County is done with payments for the Quackenbush matter. Mr. Mangum does not have an answer. Motion is made by Commissioner Hatch to approve the payment of \$3,202.50 to Dentons Durham Jones Pinegar for the Quackenbush matter. The motion is seconded by Commissioner Collard, and the motion passes. Commissioner Hatch suggests that money may have to be moved from the salary budget line in order to pay remaining costs this year, due to the amount spent out of the expert witness budget line.

**LINDA CHRISTIANSEN: RATIFY APPROVAL TO HIRE WAYNE LARSEN, CHRISTY LARSEN, CLAUDIA JARRETT AND EILEEN HOWE FOR TEMPORARY PART TIME ELECTION STAFF.**

Linda Christiansen is present. Ms. Christiansen explains that in the last Commission meeting the Commissioners approved a new part-time election staff position. The individuals selected to fill the positions have passed drug screening and assisted in the Municipal Primary Election this past week. Motion is made by Commissioner Hatch to ratify the hiring of Wayne Larsen, Christy Larsen, Claudia Jarrett and Eileen Howe for temporary part time election staff in the Clerk's office; Grade 14, Step 1 at \$18.45 an per hour. The motion is seconded by Commissioner Collard, and the motion passes. Commissioner Bartholomew stated for the record that he received a phone call from the former Commissioner Claudia Jarrett to let him know that the new laws passed for the elections has placed great stress on the Clerk's office since her service as Commissioner. Former Commissioner Jarrett was impressed with how the County Clerk, Linda handled the election processes as well as taught the employees how to do it properly. She was amazed at the time and labor this small election took and can only imagine how much the Presidential will take. Commissioner Collard also states that the Lieutenant Governor's office came on election day and used pictures of our signage and procedures for a video about election day processing.

**APPROVAL OF MINUTES**


Commissioner Bartholomew clarifies that Miss Sanpete is from Snow College attending Weber State. Miss Sanpete first attendant is from Santaquin attending Snow College. Clarification regarding camera footage shown in meeting belonged to Utah highway patrol and Derby money removed from the wire class did not add up correctly. Motion is made by Commissioner Hatch to approve the minutes from August 15<sup>th</sup>, 2023 with minor corrections. The motion is seconded by Commissioner Collard, and the motion passes.

**CLOSED SESSION**

No closed session was needed.

Motion is made by Commissioner Hatch to adjourn. The motion is seconded by Commissioner Collard, and the motion passes.

The meeting is adjourned at 3:37 P.M.

ATTEST:   
Linda Christiansen  
Sanpete County Clerk

APPROVED:   
Scott Bartholomew  
Commission Chair