

SANPETE COUNTY COMMISSION MEETING

November 7th, 2023, 1:00 PM

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

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

Meeting is called to order by Commission Chair Scott Bartholomew.

OPENING PRAYER OR REMARKS AND PLEDGE OF ALLEGIANCE

Prayer is offered by Tom Seely. Pledge of allegiance is recited by all.

APPROVAL OF CLAIMS; APPROVAL OF FINANCES; APPROVAL TO PAY TYLER- EAGLE SOFTWARE MAINTENANCE; ADOPTION OF NEW PUBLIC SAFETY COMP / PAY PERIOD POLICY.

Auditor Stacey Lyon is present. Motion is made by Commissioner Hatch to approve payment of claims # 357188 through # 357249. The motion is seconded by Commissioner Bartholomew, and the motion passes. Vote by voice is taken: Commissioner Hatch votes yes, and Commissioner Bartholomew votes yes. The vote is unanimous. Motion to approve the finances is made by Commissioner Hatch. The motion is seconded by Commissioner Bartholomew, and the motion passes. Motion is made by Commissioner Hatch to approve the payment of \$38,619.51 to Tyler Technologies for tax roll software. The motion is seconded by Commissioner Bartholomew, and the motion passes. Concerns are discussed with Amy Willden, County Treasurer regarding the continued frustrations with the tax roll software. Commissioner Bartholomew will talk to the County Attorney regarding the issues and if there are other options. Ms. Willden has concerns that the original install of the software had flaws that continue to cause problems. Customer support struggles to address simple issues. Ms. Lyon explains that public safety has operated on a 171 hour / 28 day pay schedule that can not be accommodated with the new time keeping program. Ms. Lyon has discussed this with the Sheriff and others that it will affect and they have agreed that changing to an 86 hour / 14 day cycle would accommodate the time keeping program and the department. Motion is made by Commissioner Hatch to approve the adoption of the new Public Safety Comp / Pay Period Policy as written. The motion is seconded by Commissioner Bartholomew, and the motion passes.

AMY WILLDEN: APPROVAL TO PAY THE DATA CENTER FOR TAX NOTICES.

Treasurer Amy Willden is present. Ms. Willden explains that a deposit of had been paid and the balance to print and mail the tax notices needs to be paid. The total cost to mail the tax notices was \$15,090. Motion is made by Commissioner Hatch to approve to pay the Data Center in the amount of \$6,101.30; the total cost amounted to \$15,090.00 which the previous has already been paid to print and mail tax notices. The motion is seconded by Commissioner Bartholomew, and the motion passes.

DOUG KIRKHAM REPRESENTING SIX COUNTY: PRESENTING SENIOR NUTRITION PROGRAM BUDGET STATUS FOR THE THREE SENIOR CENTERS IN SANPETE COUNTY.

Doug Kirkham is present. Amie Sorensen and Sharon Bullard representing Six County Nutrition are also present. Mr. Kirkham presents a chart to the Commissioners to refer to throughout his presentation. The expected cost this year for the nutrition program in Sanpete is estimated to be \$508,000. In 2023, Sanpete County served 53,314 meals; approximately 34 % of the Six County Area. Sanpete County will receive 34 % of the federal dollars to help fund the nutrition program. The estimated amount of donations this year is \$94,000; based on the first quarter report. The one time money of the fund balance will run out this year. After this year, the nutrition program will feel much financial stress. Mr. Kirkham explains that out of the other counties, Sanpete is better financially. But next year will be a different story. Sheriff Buchanan was unable to get a quote of costs from the company that supplies meals to the jail. Commissioner Bartholomew would like a report on the cost breakdown for the meals in Sanpete County based on locations and type of services; in person and delivery. Discussion ensues regarding ways to minimize some costs. The Manti Senior Citizen Center would make the most sense to centralize meal distribution. The program will be short \$40,000-\$80,000 next year. Sevier County is close to \$80,000 in the hole financially before the new year even starts.

KEVIN CHRISTENSEN: APPROVAL TO PAY FOR A NEW PAVILION AT THE FAIRPARK; APPROVAL TO PAY FOR CHUTES AT THE FAIRPARK; APPROVAL TO PAY FOR PARKING LOT CONSTRUCTION IN DRY CANYON AND MAIN CANYON.

Kevin Christensen is present. Estimates are reviewed by the Commissioners and Mr. Christensen. Mr. Christensen suggests that a meeting be scheduled with those involved with the Fair to decide on the location and colors. Motion is made by Commissioner Hatch to approve the payment of \$46,980.00 to Big T Recreation for a new Pavilion at the Fairpark out of the restricted ARPA funds. The motion is seconded by Commissioner Bartholomew, and the motion passes. Commissioner Hatch explains that the mini bulls is an event that is popular. The chutes would need to be upgraded in order to accommodate the event. Motion is made by Commissioner Hatch to approve the payment of \$59,567.82 to Priefert for bucking chutes at the Fairpark out of the restricted ARPA funds. The price includes delivery but not the install. The motion is seconded by Commissioner Bartholomew, and the motion passes. Commissioner Hatch would like Kevin Christensen to reach out to the Fairboard regarding the details of the pavilion. Mr. Christensen explains that the Road Department did an excellent job on construction of two parking lots. Motion is made by Commissioner Hatch to approve the transferring of money to the Road Department in the amount of \$60,922.00 for parking lot construction in Dry Canyon and Main Canyon from a grant and tourism in Kevin Christensen's budget. The motion is seconded by Commissioner Bartholomew, and the motion passes.

ASPEN GROVE ASSETS: APPLICATION FOR RIGHT OF WAY EXCAVATION LICENSE FOR 15150 N. PINE CREEK ROAD OUTSIDE OF MT. PLEASANT CITY.

Jeffrey Kunz and Tom Seely are present. Tom Seely has approved the request to run a steel pipe through an existing 24" culvert. Motion is made by Commissioner Hatch to approve Right of Way Excavation License for 15150 N. Pine Creek Road outside of Mt. Pleasant City. The motion is seconded by Commissioner Bartholomew, and the motion passes.

TOM SEELY: DISCUSSION AND POTENTIAL APPROVAL ON ROTOMILL FOR POLICIES AND PROCEDURES.

Road Supervisor Tom Seely is present. Tom Seely explains that the County uses Rotomill to build roads. Rotomill is considered an adequate hard surfaced road material in most areas. The Zoning Ordinance does not address using this material. A county resident has requested to use Rotomill because it is a cheaper option to build a road. Mr. Seely names a few roads that have Rotomill in the County. Steven Jenson, Zoning Administrator states that the ordinance only allows 4" of asphalt for a hard surfaced road. Mr. Seely suggests that if Rotomill is approved to use; 6" should be required. Mr. Jenson will discuss the idea with the Planning and Zoning Board in December as well as consulting with an engineer for approval. Discussion ensues regarding the county requirements of asphalt for subdivisions.

SHERIFF JARED BUCHANAN: APPROVAL TO MOVE CHASE CHRISTENSEN FROM FULL TIME PATROL DEPUTY TO PART TIME JAIL DEPUTY; APPROVAL TO APPLY FOR, SIGN AND EXPEND 2023 STATE HOMELAND SECURITY PLANNING GRANT.

Sheriff Jared Buchanan is present. Sheriff Buchanan explains that Mr. Christensen requested a change. Motion is made by Commissioner Hatch to approve moving Chase Christensen from full time Patrol Deputy to part time Jail Deputy at Grade 23, Step 1 at an hourly rate of \$25.84 an hour, effective November 6, 2023. The motion is seconded by Commissioner Bartholomew, and the motion passes. Sheriff Buchanan explains that the grant has already been signed and needs to be ratified. Motion is made by Commissioner Hatch to ratify approval to apply for, sign and expend 2023 State Homeland Security Planning grant in the amount of \$83,098.75. The motion is seconded by Commissioner Bartholomew, and the motion passes.

MISS SANPETE COUNTY TEEN, KAYLEE CURTIS: DISCUSSION AND POTENTIAL APPROVAL TO PUT UP TEEN ROYALTY PHOTOS WITH MISS SANPETE IN THE COURTHOUSE.

Miss Sanpete County Teen, Kaylee Curtis is present. Ms. Curtis would like to pay for the past ten years of Miss Sanpete County Teen photos to be put up in the Courthouse. Discussion ensues regarding where to install the photos between the Commissioners and County Clerk, Linda Christiansen. Commissioner Hatch does not have a problem with it if they can decide on where to put them. Ms. Christiansen suggests getting a bulk of matching frames (without glass) for future years that can be held in the Clerk's office. Motion is made by Commissioner Hatch to approve Kaylee Curtis to put up teen royalty photos with Miss Sanpete in the Courthouse; how that is to be done is yet to be determined. Ms. Curtis will coordinate with Linda Christiansen, County Clerk. The motion is seconded by Commissioner Bartholomew, and the motion passes.

BRENDA BARTHOLOMEW REPRESENTING GUNNISON VALLEY HOSPITAL: REVIEW COMMUNITY REPORT.

Brenda Bartholomew and Jodi McKinlay is present. Ms. Bartholomew presents the Commissioners with a community report booklet. Ms. Bartholomew explains that they are the only facility in Central Utah with a urologist. Dr. Wade Anderson and Bryce Barton are now in the new clinic. The hospital is more involved with the Prison this year and they have two rooms that are for inmate care. The hospital received the Guardian of Excellence award based on recommendations of patients. As well as the Human Experience Award, Women's Choice Awards with five star ratings. Gunnison Valley Hospital employs 247 employees. Commissioner

Bartholomew commends Gunnison Hospital for the new buildings and services being added to the County that contributes to the community.

TOM & JERRI FUHRIMAN: DISCUSSION AND POTENTIAL APPROVAL OF MINOR SUBDIVISION.

Tom and Jerri Fuhriman are present. Commissioner Bartholomew addresses Mr. Fuhriman and whether or not they were able to locate emails regarding his subdivision approval as per the last discussion with the County. Mr. Fuhriman forwarded the emails to County Attorney Kevin Daniels. Mr. Daniels addresses emails that had content regarding status of the application. The point Mr. Daniels makes is to whether or not an inclination of approval of the Subdivision by the Zoning office was given. Mr. Daniels explains the term justifiable reliance and whether or not a reasonable individual could conclude the matters communicated for an approval. Mr. Daniels believes that either a variance or a conditional use in order to give approval would be justified by the information Mr. Daniels was given. In order to get a more accurate understanding of interpretation would need to be discussed with Steven Jenson, Zoning Administrator. Mr. Jenson states that he never indicated approval of the subdivision; only acceptance of the application. Commissioner Hatch states that the Zoning Administrator can not know if approval will be given; his job is to accept the application. Approval is given by Planning and Zoning as well as the County Commissioners. Discussion ensues regarding whether or not the Fuhriman's were aware of the minor vs major subdivision application stipulations. Commissioner Hatch explains a discussion regarding roads in Axtell; Sevier County takes into consideration the road material that the new road is accessing from. It does not make sense to require patches of asphalt. Mr. Daniels reminds the Commissioners to specify a reason for this specific case if an exception is made. Steven Jenson agrees that the application was submitted way before the new ordinance was adopted. The road width is not an issue; the type of material used is the concern. Whether or not the subdivision is a major or a minor determines the material type. Commissioner Hatch agrees that the application was clearly submitted prior to new regulations and can be reviewed as a minor subdivision. Steven Jenson agrees to this decision and Kevin Daniels states that legally the decision is justified. The Fuhriman's will have to go back to Planning and Zoning for approval. Any future subdivision involving the property will have to meet the current ordinance going forward. The next Planning and Zoning meeting will be on January 10th, 2024. Motion is made by Commissioner Hatch in regards to the Tom and Jerri Fuhriman subdivision will be submitted as a minor subdivision due to the fact that the application was submitted prior to the adoption of the new ordinance. The motion is seconded by Commissioner Bartholomew, and the motion passes.

APPROVAL TO GIVE REFUND OF TAXES OVERPAYMENT TO REDMOND MINERALS OVER A FIVE YEAR PERIOD.

Morgan Jensen is present representing Redmond Minerals. Keith Larsen, County Assessor is present as well. Mr. Jensen explains that Redmond Minerals overpaid a large amount of taxes. Mr. Jensen can not recall the exact amount but it is over \$200,000. Keith Larsen states that he felt there was a discrepancy in the amount paid but did not want to base it in the previous years. Mr. Jensen excuses himself to get the exact documentation to present to the Commissioners. Mr. Jensen returns with the amount of \$246,000 overpayment. Mr. Larsen believes that the fact of the matter is what is right is right and this needs to be corrected. Redmond Minerals has agreed that five years time to refund the amount overpaid is fair; approximately \$50,000 a year. Commissioner

Bartholomew reads a statement from Amy Willden regarding the process to issue the refund. Ms. Willden states, once the approval is given with an exact amount, the refund will be treated similar to a garnishment. It will pull from all of the entities; not just Sanpete. Mr. Larsen states that is the way that it should be due to the fact that the money has already been distributed to the other entities. Mr. Larsen reminds the Commissioners that this is not a reduction of taxes, it is a goodwill on an overpayment as a tax credit. County Treasurer Amy Willden verifies the process and time line for the adjustment. Motion is made by Commissioner Hatch to approve a goodwill adjustment as a tax credit, due to Redmond Minerals overpayment of 2022 taxes over a five year period in the amount of \$246,858.12; which is \$49,371.63 per year and will start in the year 2024. The motion is seconded by Commissioner Bartholomew, and the motion passes.

APPROVAL TO PAY SANPETE COUNTY CHAMBER OF COMMERCE.

Commissioner Bartholomew addresses the agenda item. Commissioner Bartholomew had reviewed the minutes of the last meeting with the Chamber of Commerce and they had requested \$15,000.00 to help them get started. Motion is made by Commissioner Hatch to approve to pay Sanpete Chamber of Commerce; as a one time payment, in the amount of \$15,000.00, out of rural economic development fund. The motion is seconded by Commissioner Bartholomew, and the motion passes.

APPROVAL OF NEW BOARD MEMBERS TO THE INDIAN RIDGE WATER CONSERVANCY DISTRICT.

Commissioner Hatch addresses the agenda item. A letter was sent from the Indian Ridge Water Conservancy District to the County Commissioners explaining that new board members had been voted in at their meeting. Motion is made by Commissioner Hatch to approve three new Board members to the Indian Ridge Water Conservancy Board; Kelvin Moss and Jenny Gabbitas were elected on October 21, 2023 to replace Steven Malan and Chelynda Bench. The Board also elected Suzanne Carter to replace Glen Haynie effective January 1, 2024. The motion is seconded by Commissioner Bartholomew, and the motion passes.

APPROVAL AND ADOPTION OF FEDERAL MINERAL LEASE SPECIAL SERVICE DISTRICT (SSD3) RESOLUTION.

Commissioner Hatch addresses the agenda item and states that there needs to be an operating agreement between SSD1 and the Federal Mineral Lease Special Service District in conjunction with the Resolution that explains that SSD3 only keeps the money out of the Skyline Mine and SSD1 gets any additional funds. After the last Federal Mineral Lease SSD meeting, Board member Brian Nielsen had expressed concern that the Resolution does not talk about distribution of funds. County Attorney Kevin Daniels stated an operating agreement would address distribution. . Commissioner Hatch explains that Stacey Lyon had contacted the State that disperses the money to the SSD and asked how to only keep the money out of the Skyline Mine. The answer is that they couldn't; it would have to be a specific dollar amount. An operating agreement needs to be written. Commissioner Bartholomew questions whether or not the Resolution states that the money will make the jail payment. It can be used in the Correctional Facility costs; but not a jail payment solely. Bi-laws and operating agreement will be more specific with details concerning disbursement. Motion is made by Commissioner Hatch to approve and adopt the Federal Mineral Lease Special Service District Resolution #11-7-2023. The motion is seconded by Commissioner Bartholomew, and the motion passes. Vote by voice; Commissioner

Hatch, yes and Commissioner Bartholomew, yes.

LINDA CHRISTIANSEN: APPROVAL OF GRADE ADJUSTMENT ON PAY SCALE FOR A DEPUTY CLERK; APPROVAL TO PAY ES&S INVOICE; DISCUSSION OF PARTY AFFILIATION DEADLINE CHANGES AND POTENTIAL APPROVAL OF MAILINGS OR NOTIFICATION OPTIONS.

Linda Christiansen presents the agenda items. Ms. Christiansen explains that she had forgotten to address the Deputy Clerk 1 position in the last meeting. The job description did not change; the current Grade is 14 and will be changed to Grade 16 to be more in line with the other offices in the building. Motion is made by Commissioner Hatch to approve the Grade adjustment for a Deputy Clerk 1 to a Grade 16, Step 1 on pay scale in the Clerk's office. The motion is seconded by Commissioner Bartholomew, and the motion passes. ES&S is the software and maintenance company that produces the ballot faces and maintains all of the election equipment. The invoice presented is for the costs relative to the 2023 General Municipal Election. Motion is made by Commissioner Hatch to approve the payment of \$2,753.31 to ES&S (Elections System Software) for election software and ballot services out of the election budget. The motion is seconded by Commissioner Bartholomew, and the motion passes. Ms. Christiansen explains that she had addressed the Commissioners with the next item previously. Ms. Christiansen feels that it is important to inform the voters of an early deadline regarding party affiliation. The majority of the counties in the State are sending a mailing notification of the deadline to their registered voters. Two companies that Sanpete works with gave a cost estimate to send a postcard to each voter. The mailing needs to be sent in the next month. The deadline is January 9th, 2024. Commissioner Hatch voices concern over whether or not money in the budget is available. Ms. Christiansen explains that the cities will be reimbursing the County for election costs and the HAVA funds that the County received for security upgrades in the Clerk's office may be used, if that is allowed. Motion is made by Commissioner Hatch to pay K & H Printing in the amount of \$4,110.00, unless there are issues with completing the design of the mailing option for voter affiliation postcards, then the Data Center is approved in the amount of \$4,656.00. The motion is seconded by Commissioner Bartholomew, and the motion passes.

APPROVAL OF MINUTES

Motion is made by Commissioner Hatch to approve the minutes from October 17th, 2023. The motion is seconded by Commissioner Bartholomew, and the motion passes.

Motion is made by Commissioner Hatch to go into closed session for pending or reasonably imminent litigation of the character and professional competence of an employee. The motion is seconded by Commissioner Bartholomew, and the motion passes. Vote by voice is taken: Commissioner Hatch votes yes, and Commissioner Bartholomew votes, yes. Commissioner Collard is excused from the meeting.

CLOSED SESSION

Motion is made by Commissioner Hatch to go out of closed session. The motion is seconded by Commissioner Bartholomew, and the motion passes.

*Not listed on the agenda: Discussion ensues with the Commissioners and Department Heads; Auditor, Assessor, Attorney and Treasurer regarding the issues with the tax roll software (Tyler)

and whether there is a breach of contract. Ms. Willden has concerns that the original install of the system did not load properly. Mr. Daniels suggests submitting a breach of contract to get it fixed or else the County leaves. It needs to be discussed on whether the County is willing to leave or not. Morgan Jensen interjects that they are having similar issues at Redmond Minerals with a different company.*

Motion is made by Commissioner Hatch to address the Pine Creek Road, Road Study that was part of the Master Plan. The motion is seconded by Commissioner Bartholomew, and the motion passes.

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

The meeting is adjourned at 3:46 P.M.

ATTEST: 

Linda Christiansen
Sanpete County Clerk

APPROVED: 

Scott Bartholomew
Commission Chair