

SANPETE COUNTY COMMISSION MEETING

December 5th, 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 Clerk Linda Christiansen, Deputy Clerk Shanya Peterson and County Attorney Kevin Daniels is excused for the majority of the meeting.

Meeting is called to order by Commission Chair Scott Bartholomew.

OPENING PRAYER OR REMARKS AND PLEDGE OF ALLEGIANCE

Prayer is offered by Scott Collard. Pledge of allegiance is recited by all.

CLAIMS AND APPROVAL OF FINANCES

Auditor Stacey Lyon is excused for the beginning of the meeting. Agenda items are postponed until she arrives. General election canvass is addressed first. Ms. Lyon is present. There are no concerns voiced regarding the claims. Motion is made by Commissioner Hatch to approve payment of claims # 357391 through #357504. The motion is seconded by Commissioner Collard, and the motion passes. Vote by voice is taken: Commissioner Collard votes aye, Commissioner Bartholomew votes aye, and Commissioner Hatch votes yes. The vote is unanimous. Motion to approve the finances is made by Commissioner Hatch. The motion is seconded by Commissioner Collard, and the motion passes.

APPROVAL OF RESOLUTION ADOPTING FINAL TAX RATES AND BUDGETS REPORT 800C.

Stacey Lyon explains that this will finalize the process on the property tax increase. Approval is needed for the additional tax dollars. Commissioner Bartholomew gives an explanation of the tax increase. Commissioner Bartholomew explains that the County has been paying Central Utah Conservancy District over a million dollars a year and the County has withdrawn from the district. Some of the money that would have been paid to the CUWCD will be transferred into the Sanpete County Water Conservancy District to bring them up to maximum tax levy of .0004; to bring them up close to a million. That money can be used for Sanpete water projects instead of our County money going to the Wasatch front. The remaining money will go to Sanpete County funds to help with additional costs. An assessing and collecting tax rate increase will make up the remaining money involved in the increase of tax dollars. The total amount of the budget increase is \$1,230,072.01; the tax payer will only see approximately 3% increase due to the transfer of monies previously paid to CUWCD. The Commissioners feel this is a win, win for everyone and the money stays in the County with very little impact on the taxpayer. Motion is made by Commissioner Collard to adopt the Resolution Adopting the Final Tax Rates and Budgets for the calendar year 2024 in the total amount of \$1,230,072.01. The motion is seconded by Commissioner Hatch, and the motion passes.

APPROVAL OF 2024 COUNTY HOLIDAY SCHEDULE.

Stacey Lyon explains the changes to the County Holiday schedule. In lieu of Juneteenth, half a day will be taken on July 3rd and half a day will be taken on the day before Thanksgiving. Motion is made by Commissioner Hatch to approve the 2024 County Holiday Schedule as

presented. The motion is seconded by Commissioner Collard, and the motion passes.

CANVASS OF 2023 MUNICIPAL GENERAL ELECTION HELD ON NOVEMBER 21ST 2023.

Linda Christiansen presents the Canvass of the 2023 Municipal General Election. Ms. Christiansen explains that because this election was for the municipalities it is not the responsibility of the County Clerk to Canvass. The responsibility lies on the municipal recorders but the ballots are processed by the County, therefore a report is presented and signed for documentation. Every city in Sanpete County had an election with the exception of Fountain Green, Spring City and Wales. Ms. Christiansen presents the report that will be presented to every City, as well as, the Lieutenant Governor. Ms. Christiansen reports that overall there was a 44% overall turnout in the election. The report presented includes the canvass statistics, votes cast results by precinct, election affidavit signed by Ms. Christiansen, election results summary and the audit certification report. Ms. Christiansen explains that each city will present the same statistics and sign a canvass report for their city. An audit was completed with Commissioner Hatch observing as a Board of Canvassers and the audit was clean. Commissioner Bartholomew asks if any of the ballots that came in postmarked with the correct date after election day had any affect on the results. Ms. Christiansen states that it did not. Ms. Christiansen explains the process of signature verification and the importance of it for identification of the voter. The ballots that are returned unsigned or the signatures don't match can not be counted. Every ballot that had these issues were contacted by phone, mail or email; some of the ballots were cured and processed but 91 were not. Ms. Christiansen explains the importance of signing your ballot the way it is on your drivers license. The canvass is signed by the Commissioners. Commissioner Bartholomew addresses the new hire in the Clerk's office. Ms. Christiansen introduces Shanya Peterson as the new Deputy Clerk; she lives in Manti and graduated from North Sanpete High.

KEVIN CHRISTENSEN: APPROVAL TO PAY THE ROAD DEPARTMENT FOR THE EPHRAIM CANYON PARKING LOT CONSTRUCTION.

Kevin Christensen is present. Mr. Christensen explains that there are parking problems up Ephraim Canyon in the winter time. It was determined last year that parking areas needed to be expanded to accommodate the parking issues. The County owned some Skyline Villa property that was used for the parking lot. The County Road Department needs to be reimbursed for the cost to build the new parking lot. Mr. Christensen has money in two accounts to cover the transfer of money. Motion is made by Commissioner Collard approve to transfer \$47,055.00 from travel budget and grant to the Road Department for the building of the parking lot up Ephraim Canyon. The motion is seconded by Commissioner Hatch, and the motion passes.

APPROVAL OF BID AND POSSIBLE PURCHASE OF PANELS AT THE FAIRPARK.

Commissioner Bartholomew addresses the agenda item and explains that there is earmarked money available. Commissioner Bartholomew has bids from Hermansen's and IFA; the bids are for 16' and 12' panels. Commissioner Bartholomew contacted the Fair Board Chairman, Mike Bennett to verify which size would be needed. Mr. Bennett replied whichever is cheapest. Commissioner Bartholomew explains that when the amounts with the lengths are calculated; the 12' panels are cheaper. Motion is made by Commissioner Hatch to approve the bid from IFA in the amount of \$6,155.73 for twenty seven, 12' panels at the Fairpark. The

motion is seconded by Commissioner Collard, and the motion passes.

TOM SEELY & GARRICK WILLDEN: APPROVAL TO REMOVE CATTLE GUARD UP SIX MILE.

Tom Seely is sick and unable to attend the meeting. Garrick Willden and Paul Frischknecht are present. The cattle guard to be discussed is on the Six Mile Road, just after turning off of the Palisade Road. Garrick Willden explains that he is the Engineer for the Special Service District 1, which is the board that services all of the County Roads. Special mineral lease funds that the board receives and the money is spent on County roads. The Board tries to complete projects throughout the year to improve the roads and the Six Mile road is being worked on now. Mr. Willden explains that the cattle guard is not connected to any fences and while assessing the road the cattle guard is seen as a maintenance issue that should be addressed. If the cattle guard is not serving a purpose; the district would like to take it out to remove the maintenance. Mr. Willden explains that Paul Frischknecht owns the livestock permit. Mr. Frischknecht explains that there are fences connected to the cattle guard; but the fences are old and need maintenance. Mr. Frischknecht argues the reasoning of why the cattle guard was installed in the first place; it served a purpose to stop cattle. Mr. Willden agrees that there are fences but they are not connected. Commissioner Bartholomew questions whether or not this will affect Mr. Frischknecht's operation of moving livestock; Mr. Frischknecht replies that if the cattle guard is taken out there is nothing to stop them. Discussion ensues regarding whether or not the fences hold the livestock out currently because of a hole on the one side and the fences needing repair. Commissioner Bartholomew questions to whom the responsibility lies to maintain the fences. The property owners are not necessarily concerned about containing livestock if they don't own the livestock. Commissioner Collard has concern about removing the cattle guard. The widening of the road should not be an issue if the cattle guard remains. Mr. Frischknecht would like it to stay; Mr. Willden does not have a problem with that. The issue was brought up to make things simpler and reduce maintenance. Motion is made by Commissioner Collard to deny the removal of the cattle guard. The motion is seconded by Commissioner Hatch, and the motion passes.

SCOTT OLSEN: APPROVAL AND POTENTIAL ADOPTION OF UPDATED BUILDING PERMIT FEE SCHEDULE.

Scott Olsen, Building Official is present. Mr. Olsen explains that ICC creates the building codes and regulates building inspection code processes. ICC provides building permit data that is updated every six months. The building department has not raised their permit fees for three years. In 2020, the building department switched to an online portal for permits and the permit fee calculations were input at that time. Sanpete County is unique because the city, county and subdivision properties are calculated at different rates. Mr. Olsen explains the formula that calculates a building permit fee. Linda Christiansen explains that the chart used today originated from the UBC code which is no longer the code that the State of Utah uses. Mr. Olsen is proposing that the dollar amounts displayed on the chart will stay the same but the valuation of the structure will change due to the permit data that ICC provides. The majority of the jurisdictions use the ICC chart. The values that Sanpete County has been using to calculate cost of construction is much lower than the actual value. The building permit fee collected include inspections. Mr. Olsen shows examples of an 1800 square foot home permit at the current rate and one at the proposed rate; the new fee would increase approximately a thousand

dollars and the value increases one hundred sixty thousand. Sanpete County is way below actual cost of construction; an 1800 square foot home can not be built for the values used by the County. A home in a recreational subdivision will be double the cost of a home in city limits but the value is the same. The County determined many years ago that based on travel time; unincorporated properties have a county factor of 1.5 times more than the city limits and recreational / subdivisions are 2 times more. Commissioner Hatch questions the factor when a home is directly across the street from a city. Ms. Christiansen explains that it is hard to be fair across the board because the location of the Courthouse is in Manti; residents outside of Manti shouldn't get a discount because they are closer for travel than Fountain Green county residents. It had to be a decision across the board for simplicity. Commissioner Hatch notes that the Building Permit Fee Calculator chart needs to be updated with the current zoning ordinance definition of subdivision classification and number of lots. Mr. Olsen is proposing that the County adopt the new building permit fee schedule and make it retroactive to update every six months with ICC. Motion is made by Commissioner Collard to adopt the Building Permit fee schedule presented by Scott Olsen with an average of 2.27 percent increase which will automatically adjust every six months based on ICC. The motion is seconded by Commissioner Hatch, and the motion passes.

PAUL A. HOLPER: REQUEST REFUND OF SECONDARY TAXES ON PARCEL # 1356X1 (ACCOUNT #R023452).

Paul Holper is present. Mr. Holper explains that he moved into his home in May of 2023; his sister paid for the home but he is contracted with her to buy it. Due to the title work having his sister's name on the deed; it is being taxed as her second home. County Assessor, Keith Larsen is not in the office today so the Clerk calls the Assessor's office for someone to come to the meeting. Mandy Rees, Deputy Assessor did verify that because the sister is listed it would appear that she owns two homes but if he lives there it can be classified as his primary residence. Zac Bench, Deputy Assessor verifies that Mr. Holper moved into the house in May and the Assessor sent him a primary residential exemption but he did not return the form until October 30th, which is after the deadline for Board of Equalization. The County Assessor, Keith Larsen told Mr. Holper to get on the agenda so that he could present his case to the commissioners. Mr. Bench calculates the amount of the adjustment which is approximately \$1072.41, according to his calculation. Motion is made by Commissioner Hatch to adjust parcel #1356x1 to the primary tax rate which amounts to approximately \$1,100. The motion is seconded by Commissioner Collard, and the motion passes. Mr. Bench states that 2024 has already been adjusted and he will talk to Amy Willden, Treasurer on how to handle this years taxes.

DISCUSSION REGARDING ABANDONMENT OF ROADS: 240, 248, 249, 465, 468, 1105, 1104.

Kevin Christensen has the map of the area where the roads to be discussed are located. Commissioner Bartholomew apologizes that this matter was dropped from the original meeting that it was discussed in January 2022. John Young, Chad Olson and Morgan Black come before the Commissioners. John Young feels that the map shows that the State owns more than they actually do and Commissioner Hatch agrees. John Young points out the fence lines on the screen where the map of the area is displayed. Commissioner Hatch drove the roads that are being discussed. Commissioner Hatch states there are at least three roads that allow access to

state ground from the road to the north. Mr. Young states that the road that Commissioner Hatch referred to (through Shingle Mill); is the access to state lands. John Young points out the stretch of road that he would like closed. Commissioner Hatch states there is no reason to have the road to the south open. Some people in the audience disagree but it is stated there is access to the public lands on other roads. Discussion ensues amongst the audience members as to whether the road should be open or not. It is mentioned by Commissioner Hatch that last week someone stated there are two locked gates; John Young states there is one and locates it on the map. Mr. Young says that he locks it during the wet months because of the damage it causes when people drive on it. There is another gate that is wire locked to the west but it is not locked with a padlock. Kevin Christensen had sent some pictures of a natural arch to the Commissioners that is on public lands, north of the roads being discussed. Commissioner Bartholomew wants to know how to get to the arch if he wanted to see it. Mr. Young states that there is not a road to it; it is accessible on foot. Mr. Young feels that it would be vandalized if people could drive to it. Commissioner Bartholomew explains that the Commissioners have an obligation to make sure that there is public access to state ground. Mark Farmer, Representing the Division of Wildlife Resources addresses the Commission and states they are happy with the way it has been (for 30 plus years) with using the road to the north through Shingle Mill. Mr. Farmer believes that if people use the road to the south it will have a negative impact on the deer wintering which the property is designated for. Richard Stevens gives an explanation of the ways that the some of the roads were utilized years ago for access. Mr. Stevens states that he received permission to access the roads; from previous owners and Gordon Young. Commissioner Bartholomew asks the question as to whether there is a livestock trail easement through one of the roads. It is stated by Davis Hayes that there is not. Mr. Hayes states that Paul Frischknecht is the only individual that has an animal easement in that canyon. There is also a landslide that has not been restored. Commissioner Hatch believes the discussion is regarding the roads; not livestock rights. Commissioner Collard states that if there is a stock trail there it needs to be maintained. Ky Oberg owns the stock permit and the trail that he would use is overgrown so he uses Ephraim Canyon, according to John Young. Mr. Hayes is not aware of any livestock owner ever being denied access. Commissioner Hatch verifies with the Division of Wildlife representative that they do not want access to the south; Mr. Farmer states they do not want more roads and there is good access on the north. They would like to keep it the way it has been for 30 plus years. Mr. Young presents a statement from Steve Keller, the previous Road Supervisor stating the County has never placed any material on the road nor has county equipment been used to maintain it which is contrary to a statement made in the last meeting. Commissioner Bartholomew states that both sides have addressed the commission and a public hearing needs to be scheduled to make a decision for each segment of road. Kevin Daniels states that road abandonment notices need to be noticed 14 days prior to the hearing which would put it on the first meeting in 2024 which is January 2nd. Commissioner Hatch asked Sargent Lyons his thoughts regarding the road and he stated there is no reason for the road to be open. The official process needs to take place; some roads will possibly closed but the determination will be decided in the next meeting. Kelly Jacobson states that none of the property owners in that area want the road open. Commissioner Collard still has concerns if that was the only access to public lands he would not agree to closing. Ed Schoppe addresses the Commissioners regarding the history of the area being discussed as he remembers it. Mr. Schoppe refers to the rights of hunters to access public land. Mr.

Schoppe believes that the Division of Wildlife Resources should maintain the road to solve the problem. Mr. Schoppe and Mr. Young disagree on the solution. The public hearing will be scheduled for January 2nd towards the end of the meeting. Kelly Jacobson comments that a certified letter used to notify property owners of meetings. The Commissioners and the County Clerk explain that all notices are on the State Public Notice website.

LINDA CHRISTIANSEN: APPROVAL TO PAY INVOICE TO K & H PRINT FOR 2024 ELECTION BALLOT ENVELOPES.

Linda Christiansen is present. Ms. Christiansen explains that the printing company that prints ballots and envelopes for the County's elections contacted her regarding the presidential year and that if she bought her envelopes for the entire year it would save the county quite a bit of money. Ms. Christiansen had to make the decision this year in order to get the price locked in; so she went ahead and ordered the envelopes for the 2024 election. The invoice is for inner and outer envelopes only and should cover all three elections; in March, June and November. Motion is made by Commissioner Hatch to approve the payment of \$8,824.94 to K & H Print for 2024 Election Ballot Envelopes out of the elections budget. The motion is seconded by Commissioner Collard, and the motion passes.

APPROVAL OF MINUTES

Motion is made by Commissioner Hatch to approve the minutes from November 7th, 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 2:46 P.M.

ATTEST: 

Linda Christiansen
Sanpete County Clerk

APPROVED: 

Scott Bartholomew
Commission Chair