

SANPETE COUNTY COMMISSION MEETING

April 16, 2024, 2:00 PM

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

Present are: Commissioners Reed D. Hatch, and Scott R. Collard. County Clerk Linda Christiansen and Deputy Attorney Wes Mangum. Commission Chair Scott Bartholomew is excused.

Meeting is called to order by Commission Vice Chair Reed Hatch.

OPENING PRAYER OR REMARKS AND PLEDGE OF ALLEGIANCE

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

CLAIMS AND APPROVAL OF FINANCES

Auditor Stacey Lyon is present. No questions or concerns are voiced by the Commissioners. Motion is made by Commissioner Collard to approve payment of claims #358396 through #358499. The motion is seconded by Commissioner Hatch. Vote by voice is taken: Commissioner Collard votes aye and Commissioner Hatch votes yes. The vote is unanimous and the motion passes. Motion to approve the finances is made by Commissioner Collard. The motion is seconded by Commissioner Hatch, and the motion passes.

KEVIN CHRISTENSEN: APPLICATION FOR RIGHT OF WAY EXCAVATION LICENSE ON EPHRAIM CANYON ROAD, SKYLINE VILLA ESTATES SUBDIVISION AREA.

Kevin Christensen is present. Tom Seely has approved. Mr. Christensen explains a buried power line will be installed by Ephraim City approximately 750 feet along the Ephraim Canyon road in the barrow pit with no cuts in the road. Motion is made by Commissioner Collard to approve the right of way excavation license on the Ephraim Canyon Road, Skyline Villa Estates. The motion is seconded by Commissioner Hatch, and the motion passes. No bond is needed.

KEVIN CHRISTENSEN: APPROVAL OF MAPLE CANYON PARKING LOT EXPANSION AND PURCHASE OF ROAD BASE.

Kevin Christensen is present. Mr. Christensen has been working with the Forest Service to expand parking up Maple Canyon. The parking lot expansion is at the base of the campground area. Mr. Christensen's budget will pay for the road base and the Forest Service will spread the road base and build the parking lot. This will enable more parking and a turn around. Motion is made by Commissioner Collard to approve of the Maple Canyon parking lot expansion in the amount of \$4,450.00 out of the travel budget and some grant money. The motion is seconded by Commissioner Hatch, and the motion passes.

TOM SEELY: APPROVAL TO ADVERTISE AND INTERVIEW FOR ROAD DEPARTMENT POSITION.

Tom Seely is present. Mr. Seely needs approval to advertise for a position in the road department that will replace an employee that has retired. The job is currently being advertised but interviewing has not begun. The job will close next Thursday, April 25th. Motion is made by Commissioner Collard to approve to advertise and interview for road department position. The motion is seconded by Commissioner Hatch, and the motion passes.

KEITH LARSEN: APPROVAL OF GRADE CHANGE FOR JULIE JOHNSON.

Keith Larsen is present. Mr. Larsen reports that Julie Johnson has been granted her appraisal license which would move her from an Appraiser I trainee to a licensed appraiser, an Appraiser II with the accompanying pay. Motion is made by Commissioner Collard to approve of a grade change for Julie Johnson from \$25.01 to \$27.65, Grade 10. Now that she has her license which will make her an Appraiser II, effective April 15th. The motion is seconded by Commissioner Hatch, and the motion passes.

SARGENT JAYSON ALBEE: APPROVAL OF SEARCH AND RESCUE PURCHASE OF PAGERS; RATIFY APPROVED INVOICE AMOUNT TO BE PAID TO CURTIS TOOLS FOR THERMAL IMAGER FOR GVFD.

Sargent Jayson Albee is present. Motion is made by Commissioner Collard to approve to purchase pagers in the amount of \$2,125.00 out of the Search and Rescue operations budget. The motion is seconded by Commissioner Hatch, and the motion passes. Sargent Albee explains that the Curtis Tools invoice had been previously approved for the amount of \$9,164.65; the amount that needs to be approved to pay is \$9,191.15. Motion is made by Commissioner Collard to approve the bill to be paid to Curtis Tools for thermal imaging in the amount of \$9,191.15. The motion is seconded by Commissioner Hatch, and the motion passes.

SHERIFF JARED BUCHANAN: SWEARING IN OF PATROL DEPUTY TANNER HUTCHENS; APPROVAL TO HIRE AS A PATROL DEPUTY LANDON KING; APPROVAL FOR STIPENDS FOR CAR WASH AND CELL PHONE FOR PATROL DEPUTY KING; APPROVAL TO EXPEND EMS FY2024 INCREASED FUNDING OF \$648; APPROVAL OF GRADE INCREASE FOR PATROL DEPUTY JUSTICE GREEN.

Sheriff Jared Buchanan is present. Patrol Deputy Tanner Hutchens is present to be sworn in but they move to other agenda items in order to wait for his family members to be present. Landon King will graduate from the academy next Thursday. Motion is made by Commissioner Collard to approve hiring full time Patrol Deputy Landon King at a Grade 7, Step 1, at \$27.11 per hour, effective April 29, 2024. The motion is seconded by Commissioner Hatch, and the motion passes. Motion is made by Commissioner Collard to approve stipends in the amount of \$10 for car wash and \$38 for cell phone for Patrol Officer King. The motion is seconded by Commissioner Hatch, and the motion passes. Sheriff Buchanan explains that this is the last grade increase for an employee at the Sheriff's office for the year. Commissioner Hatch wants to make sure that this grade increase is the same as the others that have been done and the Sheriff did not realize that the wage he is proposing was slightly lower compared to the others previously approved. Discussion ensues comparing the different wages on the pay scale charts. Motion is made by Commissioner Collard to approve a Grade increase for Patrol Deputy Justice Green from a Grade 7 to a Grade 9, \$33.50 per hour, effective April 14, 2024. The motion is seconded by Commissioner Hatch, and the motion passes. Motion is made by Commissioner Collard to approve of EMS Grant increase in the amount of \$648.00 to a total of \$2,893.00 (which was an increase from the original amount of \$ 2,245.00). The motion is seconded by Commissioner Hatch, and the motion passes. Sheriff Buchanan swears in Deputy Tanner Hutchens and he takes the Oath of Office.

MICHAEL LARSON REPRESENTING SANPETE CONSERVATION DISTRICT: PRESENT NOMINEES FOR THE BOARD OF SUPERVISORS; APPROVAL OF NOMINEES FOR APPOINTMENT.

Michael Larson is present. Mr. Larson explains there are three openings on the Sanpete

Conservation District Board of Supervisors. Three incumbents that are currently on the Board would like to retain their positions on the Board and there were no additional applicants. The three individuals are Bruce Christensen (Gunnison), Scott Mower (Fairview) and Thomas Blackham (Moroni). The District tries to keep the supervisor positions scattered throughout the County. Motion is made by Commissioner Collard to approve the nominees for the Sanpete Conservation District; Bruce Christensen, Scott Mower and Thomas Blackham. The motion is seconded by Commissioner Hatch, and the motion passes.

ROY FOX REPRESENTING SKYLINE MOUNTAIN SPECIAL SERVICE DISTRICT: APPOINT BOARD MEMBER TO THE “AT LARGE AREA” BOARD POSITION.

Roy Fox, Craig Godwin and Becca Mark are present. Ms. Mark explains the recommendations of the Board were sent to the County Clerk for the Commissioners to review. The recommendation of the majority of the Board members is to reappoint Craig Godwin. In the past, the Board was lucky to receive one application. This time they received three by the deadline and one after the deadline. Ms. Mark explains the reason that the majority have nominated Mr. Godwin is because of his experience previously on the Board, his respectful manner of representation and his involvement in upcoming projects. Due to the oversight that Mr. Godwin should have been reappointed in 2021; the Board would like to see him at least complete the term that would end at the close of 2025. Todd Bird would be the second choice of the Board but due to his lot location in the district of “the valley”, the Board members felt that did not give fair overall representation with two other members from the valley area. Three of the four Board members recommended Craig Godwin. The fourth Board member recommended Todd Bird; that Board member was Trent Anderson and he requests to address the Commission. Mr. Anderson refers to the little manual for special service districts and that generally a Board member would be a registered voter in that specific district. Mr. Anderson states that none of the current Board members fit that criteria and he is trying to follow the direction of the manual. Mr. Anderson states that none of the Board members live in the District and Ms. Marc clarifies that none of them live in the District full time. Commissioner Hatch agrees that they could potentially reappoint Mr. Godwin to finish the term he had believed to be current due to a misunderstanding with the previous County Clerk. Commissioner Collard would like to see a change because none of the Commissioners requests have been made; arguing and refusal to get along between the two boards continues. Motion is made by Commissioner Collard to retain Craig Godwin until 2025; the term will end January 1st, 2026, and at that time, Mr. Godwin will no longer be eligible to serve and the process will start over to replace him. Commissioner Collard has not seen any progress with the two Boards working together. The motion is seconded by Commissioner Hatch, and the motion passes. Ms. Mark states the Board is working on the by-laws and a resolution. Newly appointed Board member Ferris Taylor explains the handbook does give exceptions for large districts that are seasonally occupied homes. Commissioner Collard clarifies that none of the Board members are full time residents which is an exception to the rule and he feels the Board consists of many exceptions to the rules; not just one.

JONATHAN AND KAREN SALUONE: APPROVE REQUEST TO PURCHASE PARCEL# 22350 WHICH IS .60 ACRES, OWNED BY SANPETE COUNTY, THAT IS ADJACENT TO THEIR PROPERTY (PARCEL #22333).

Jonathan & Karen Saluone are present. Mr. Saluone explains that he recently purchased property

adjacent to County owned land and he is currently in a property line dispute with one of the other property owners. Mr. Saluone has hired a land surveyor to determine the property lines even though fences have been up for many years. They found the County owns a strip of land adjacent to their property which is actually the irrigation ditch. Mr. Saluone contacted the president of the irrigation company and he stated the irrigation company has an easement of twenty five feet on each side. Wes Mangum, Deputy Attorney consulted with the County Attorney and the sale of the property needs to go through the proper process before it can be approved. The potential sale of the property needs to be advertised and appraised for fair market value. The cost of the property is determined by the previous owed tax, appraisal and administrative fees in the amount of \$400.00. Commissioner Collard requests that Mr. Mangum find out how long it will need to be advertised and get the process started. Keith Larsen suggests the irrigation ditch easement is solidified prior to the sale. Commissioner Collard recommends tabling the agenda item until the process has been completed.

DALLIN CARTER: APPROVAL OF A 1 LOT SMALL (CARTER FAMILY) SUBDIVISION NORTHEAST OF STERLING LOCATED IN THE AGRICULTURE ZONE. THE LOT IS 5.00 ACRES, PARCEL # S-7187.

Steven Jenson presents the agenda item. Mr. Jenson explains the parcel was a grandfathered lot that now has one home built on it. The proposed one lot subdivision will be a five acre lot split off of the original parcel. The owners want to add an additional lot to the subdivision but they need more acreage. The Planning Commission recommended this for approval in the meeting last week. The Planning Commission noted that there were some easements not listed on the Mylar; the easements have been added. A shared well document has been signed and notarized. The Sanpete County Road supervisor has approved the access from the County road. The police fire and ambulance waiver has been signed and notarized, as well as the owner affidavit. A septic permit has been issued. The Utah Division of Water Rights shows one acre foot of water for domestic use coming out of the existing well. Commissioner Hatch verifies that additional water will need to be obtained if another lot is added due to the well only has two acre feet of water for two homes. A letter of feasibility has been submitted by Rocky Mountain Power. A copy of the current title search has been submitted with no issues. One thing that was mentioned in the Planning meeting is there is a loan on the existing home. Once approval of the subdivision is complete, new loans will be acquired for each lot. When the owner applies for a building permit the zoning office will verify that the loans have been adjusted. Application fees and taxes are paid and up to date. Commissioner Hatch makes it known that the applicant is his niece and he has not benefitted by this in any way. Wes Mangum, Deputy Attorney does not see an issue with Commissioner Hatch's relationship in making a motion. Motion is made by Commissioner Collard to approve the 1 lot small subdivision (Carter Family) northeast of Sterling located in the Agricultural Zone. The lot is 5.00 acres, parcel # S-7187. The motion is seconded by Commissioner Hatch, and the motion passes.

ZACHARY & LINDSAY JARMAN: DISCUSSION REGARDING REQUIREMENTS NEEDED TO RECORD A SUBDIVISION AND ROAD STANDARDS. REQUESTING APPROVAL OF A SMALL SUBDIVISION IMPROVEMENT AGREEMENT.

Zachary Jarman joins the meeting via ZOOM. Mr. Jarman explains his two concerns as to why he is before the Commission today. The first concern is the requirement of a road needing to be 24 feet wide; he would like a variance on the width of the road because it seems like an overkill. Mr.

Jarman is proposing a road width between 12-14 feet wide. If the Commission denies the variance, Mr. Jarman is requesting an improvement agreement is signed to give him time to install the road after construction of the home to prevent damage of the road by heavy equipment and construction vehicles. Commissioner Hatch explains that he has spoken to the County Attorney and the building department regarding this agenda item. They are all in agreement that a contract could be approved if the document is recordable and it states the road would be completed before a final of the home is signed off. A \$50,000 bond will be required and the road will need to meet the minimum standard of twenty-four feet. Mr. Jarman explains that the previous developer had four lots approved but they are only wanting one lot in the subdivision. Commissioner Hatch states the subdivision could be amended but at this point it is a four lot subdivision which requires a twenty-four foot road to access the other lots. Steven Jenson is not sure whether or not one lot compared to four would make a difference on the twenty four foot requirement. Both commissioners believe the “driveway” to one lot should not have to meet the standard when road frontage has met the requirements. Commissioner Hatch reminds him that if he wants to sell a lot in the future he won’t be able to if he only has one lot approved. Mr. Jarman verifies that he will need to apply for the one lot subdivision with the Zoning Department. Mr. Jenson believes the bond will need to be in place because it does not meet the minimum standards. Commissioner Hatch still does not understand why a twenty-four foot road needs to be built if the owners only have one lot off of an approved County road (Parley’s lane). The Commissioners continue discussing the interpretation of the ordinance that Mr. Jenson is giving, regarding the driveway. No motion is made. The Commissioners and Mr. Jenson will review the ordinance regarding the road requirements and get back to Mr. Jarman on how he can proceed.

MANMOHAN SINGH GREWAL: REQUESTING APPROVAL OF INTEREST AND PENALTY FEES BE WAIVED ON PROPERTY TAXES THAT ARE DELINQUENT.

Manmohan Singh Grewal joins the meeting via ZOOM. Mr. Grewal explains that he had appeared before the Commission a couple of years ago requesting relief of tax interest and penalties due to extenuating circumstances. On April 5, 2022, the Commission gave approval to waive the interest and penalties with the understanding that the back taxes of three years were paid in full. The taxes due in November of 2022 needed to be paid as well. The agreement that Mr. Grewal made with the County has not been upheld and his property is now on the tax sale for 2024. Mr. Grewal states he could not find out the amount owed from the treasurer and he didn’t want to pay the interest and penalty fees based on the approval of the waiver at the 2022 commission meeting. Commissioner Hatch has concerns that the previous agreement was not held up on Mr. Grewal’s end. Mr. Grewal is willing to pay the principal amounts today if they will waive the other fees. Amy Willden, County Treasurer is present. Ms. Willden verifies the property that is in default has a secondary home on it. Ms. Willden also explains that her office was never contacted by Mr. Grewal to give an amount owed because it is very easy to look that information up and it breaks the fees up individually. Mr. Grewal could have requested payment coupons to break up the total amount due over a period of time if he would have reached out over the last few years. Commissioner Hatch can not verify that it was made clear to the Commissioners that the home was secondary in 2022. The commission is not allowed to grant a tax break on a secondary home. Commissioner Hatch does not know how they can make an exception when the first agreement was not honored, the home is secondary and everyone else has a responsibility to pay their taxes. Mr. Grewal argues that his home is the primary but he has not contacted the other county to change the status of that home.

Commissioner Hatch verifies that Sanpete can not give a primary home exemption if another county already has. Mr. Grewal agrees that he has not filed the proper paperwork to change the status, therefore the home in Sanpete is secondary. Commissioner Collard expresses the discomfort he has in making a motion of denial but he explains they have a job to do in following the rules with consistency. Motion is made by Commissioner Collard to deny the request and the home will go onto the tax sale unless Mr. Grewal makes whole in all of the tax payments; penalties and fees included. The motion is seconded by Commissioner Hatch, and the motion passes. Commissioner Hatch advises Mr. Grewal to contact the Treasurer to make arrangements to pay or the property will be listed on the tax sale.

RUSSELL K. BARTON: REQUEST APPROVAL TO ABANDON SECTION 251 & 1106 OF CHRISTENSEN ROAD AS CLASS D PUBLIC ACCESS.

Kevin Christensen arrives to display the maps on the T.V. for the public hearing. The Commissioners examine the maps displayed to get an understanding of the area and the location of the roads that are being proposed for abandonment. In order to avoid road abandonment, the Commissioners discuss alternative solutions. Ephraim City has submitted a letter of opposition regarding the road vacation. Discussion ensues regarding the possibilities of rerouting the road around the gravel pit. Bryan Kimball from Ephraim City is present. The Commissioners present some of the solutions they have discussed regarding the roads. Commissioner Collard does not want to abandon roads and close another public access. Motion is made by Commissioner Collard to pause the meeting until the scheduled time of the public hearing. The motion is seconded by Commissioner Hatch, and the motion passes.

The regular meeting agenda is complete; the recording is paused in order to wait for the public hearing to be addressed at the scheduled time of 3:30 pm.

3:30 PM PUBLIC HEARING TO CONSIDER AND POTENTIALLY RECOMMEND FOR APPROVAL TO VACATE/ABANDON CLASS D ROADS: 1106 & 251 WITHIN SANPETE COUNTY. THE ROADS TO BE CONSIDERED FOR VACATION RESULT FROM VARIED REQUESTS FOR ROAD REVIEW. THE ROADS LISTED DO NOT REPRESENT EVERY POSSIBLE ROAD POTENTIALLY QUALIFIED FOR VACATION.

Commissioner Hatch opens the public hearing for public comment and requested that people keep their comments to two minutes. Gene Wheeler would like to petition for approval of Class D road 251 abandonment. Mr. Wheeler is a property owner in the witches knoll area and a lot of people trespass on the knoll. Judy Wheeler states the road was never public until 2018 and she wonders why all of a sudden it was opened up. Ben Barton is a joint landowner of parcel # 6524. In 2004, the property that he owns was granted a conditional use permit for a gravel pit for mining purposes. In conjunction with his gravel pit operation they must follow federal mine and safety guidelines. Mr. Barton states that Russell Barton, his co-owner of the property, built the road for their use. It was a four-wheeler trail prior to that. Mr. Barton has serious concerns regarding public safety of cars turning off of Highway 89 onto road 1106 because there is no turning lane. He also has concerns about individuals trespassing on the gravel pit property and the potential of injury. Commissioner Hatch proposes the possibility of rerouting the road to Mr. Barton in order to avoid abandonment. Mr. Barton points out the areas that are being mined on the screen. Brian Kimball representing Ephraim City addresses the Commission. Mr. Kimball was sent to petition the

request; for the future development of Ephraim City limits. The city wants to address the potential of road establishment for development down the road. The opinion of the city is not necessarily that the road needs to be in the exact location but considering long term growth and access instead of a dead end road. The city submitted a letter of opposition. Russell Barton clarified there was only a field when he purchased the property in the area being discussed. Mr. Barton built the road in approximately 2004; and he provided every ounce of material. Commissioner Hatch questions whether or not it could be verified that the road was used for ten years. Commissioner Collard voices his opinion regarding closing roads; he does not agree with it because once you do it is gone. Unless it can be proven that the road has never been traveled by the public, Commissioner Collard will never vote to vacate. Scott Peterson lived on the road being discussed from 1986-1996; the road has been open but closed gates have been along the road in a few locations. Commissioner Collard verifies that the County can not vacate a road that would land lock property. Dale Strickland owns property on the road as well and states the owners all have easements which would not land lock anyone. Mr. Strickland questions who is liable for an injury caused by someone falling in the gravel pit if the road was deemed a public access. Mr. Strickland encourages the Commissioners to drive the road so they can see how dangerous and narrow the road is. Discussion ensues regarding safety issues and who is liable for injury or even fatalities if the public trespasses onto the gravel pit property. Ben Black states he leased the property in 1996. Mr. Black says that the road did not exist except for a trail that property owners used. Mr. Black believes the road should be vacated. Brian Nielsen has concern in regards to paving of Willow Creek road and connecting it to 300 east but at the time of discussion that idea was dismissed. Mr. Nielsen does not agree with closing the road. Motion is made by Commissioner Collard to close the public hearing. The motion is seconded by Commissioner Hatch, and the motion passes. Commissioner Hatch understands the safety concerns regarding the gravel pit. The Deputy Attorney Wes Mangum will consult with the County Attorney regarding the concerns and the agenda item is tabled until the item is readdressed at a later time.

APPROVAL OF MINUTES

Motion is made by Commissioner Collard to approve the minutes from April 2nd, 2024 with no corrections. The motion is seconded by Commissioner Hatch, and the motion passes.

CLOSED SESSION

No closed session was needed.

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

The meeting is adjourned at 4:07 P.M.

ATTEST:


Linda Christiansen
Sanpete County Clerk

APPROVED:


Scott Bartholomew
Commission Chair