

SANPETE COUNTY COMMISSION MEETING

April 15, 2014, 2:00 P.M.

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

Present are: Commission Chair Claudia Jarrett, Commissioners Steve Frischknecht and Scott Bartholomew, County Attorney Brody Keisel, and County Clerk Sandy Neill.

Meeting is called to order by Commission Chair Claudia Jarrett.

CLAIMS

Deputy Auditor Suzaun Richardson is present. Motion is made by Commissioner Frischknecht to approve payment of claims #333290 through #333386. The motion is seconded by Commissioner Bartholomew, and the motion passes.

APPROVAL OF A RESOLUTION TO MANAGE WILD HORSE POPULATIONS ON BLM LANDS ON THE WEST DESERT AT APPROPRIATE MANAGEMENT LEVELS (AML) AS DIRECTED IN THE WILD HORSE AND BURRO ACT OF 1971 (ACT)

Motion is made by Commissioner Bartholomew to approve the resolution to manage wild horse populations on BLM lands on the West Desert. The motion is seconded by Commissioner Frischknecht, and the motion passes. Commissioner Bartholomew expresses his appreciation to Commissioner Jarrett for a great job done putting together the resolution. The resolution is attached to these minutes.

SHERIFF BRIAN NIELSON: APPROVAL TO HIRE DERICK TAYSON AS A PART TIME PATROL DEPUTY; APPROVAL OF STEP INCREASES FOR JARED HILL, LISA ROBERTS, KEITH NUNLEY, AND MATTHEW GATES; APPROVAL TO EXPEND 2014 LEPC HAZARDOUS MATERIALS PLANNING GRANT

Sheriff Brian Nielson is present. Motion is made by Commissioner Frischknecht to approve hiring Derick Taysom as a part time patrol deputy at \$13.79 per hour. The motion is seconded by Commissioner Bartholomew, and the motion passes. Motion is made by Commissioner Frischknecht to approve the following step raises: Jared Hill to \$22.65 per hour effective April 1, 2014; Lisa Roberts to \$16.29 per hour effective April 2, 2014; Keith Nunley to \$18.42 per hour effective April 19, 2014; Matthew Gates as a controller to \$14.28 per hour effective upon completion of the transitional agreement that has him working as an officer. The motion is seconded by Commissioner Bartholomew, and the motion passes. Motion is made by Commissioner Bartholomew to approve the expenditure of the \$3200.00 Grant for the LEPC Hazardous Material Planning Grant. The motion is seconded by Commissioner Frischknecht, and the motion passes.

PUBLIC HEARING TO CONSIDER AND ADOPT A PROPOSED AMENDMENT TO THE DEFINITIONAL SECTION OF THE 2001 SANPETE COUNTY LAND USE ORDINANCE

Scott Olsen is present. The amendment includes 2 separate definitions for recreational vehicles and recreational park trailers, which are each built under separate codes. Motion is made by Commissioner Bartholomew to amend the Sanpete County Land Use Ordinance by clearly defining recreational vehicles and recreational park trailers. The motion is seconded by Commissioner Frischknecht, and the motion passes.

REQUEST FOR A PUBLIC HEARING TO AMEND THE LAND USE CLASSIFICATION FOR CEMETERIES, CHAPTER 14, AND APPENDIX C FEE SCHEDULE

Scott Olsen reviews proposed changes to the Land Use Ordinance. Motion is made by Commissioner Frischknecht to set a public hearing to amend the Land Use Classification for cemeteries, to amend Chapter 14, and the appendix C fee schedule. The motion is seconded by Commissioner Bartholomew, and the motion passes.

REQUEST FOR A PUBLIC HEARING FOR APPROVAL OF A PLAT AMENDMENT OF THE FREEDOM RANCH SUBDIVISION FOR A LOT LINE ADJUSTMENT FOR TYNDALL CABIN LLC AND 6041 PROPERTY LLC

Motion is made by Commissioner Frischknecht to approve a public hearing for approval of a plat amendment of the Freedom Ranch Subdivision for a lot line adjustment for Tyndall Cabin LLC and 6041 Property LLC. The motion is seconded by Commissioner Bartholomew, and the motion passes.

DISCUSSION AND APPROVAL OF AN AGRICULTURAL PROTECTION AREA ON APPROXIMATELY 7,229.43 ACRES LOCATED EAST OF MT PLEASANT AND OWNED BY TEM PROPERTIES LLC AND STEWARDSHIP RANCHES, LLC

Tom Mower and Helena Carter are present. The legal description that has been used for this parcel of land was just an estimate, and is not correct. A corrected legal description will be made before this is recorded. The County did not receive any concerns from the notice that has been posted and sent to surrounding property owners. Motion is made by Commissioner Frischknecht to approve the 7,229.43 acre agricultural protection area. The motion is seconded by Commissioner Bartholomew, and the motion passes.

DISCUSSION AND APPROVAL OF AN AGRICULTURAL PROTECTION AREA ON APPROXIMATELY 200 ACRES LOCATED EAST OF MT PLEASANT AND OWNED BY STEWARDSHIP RANCHES, LLC

Motion is made by Commissioner Bartholomew to approve this 200 acre agricultural protection area owned by Stewardship Ranches, LLC. The motion is seconded by Commissioner Frischknecht, and the motion passes.

LARRY AND DIXIE EARL: FINAL APPROVAL OF A 1-LOT MINOR SUBDIVISION LOCATED ON S-26651 AND S-2661X1

Larry Earl is present. Motion is made by Commissioner Bartholomew to approve the 1-lot minor subdivision on S 26651 and S 2661x1 for Larry and Dixie Earl. The motion is seconded by Commissioner Frischknecht, and the motion passes.

DISCUSSION OF PLACING IRRIGATION PIPE IN EXISTING CULVERTS

Steve Keller is present. There have been situations where irrigation pipes were placed in existing culverts without the County being aware. Flooding has occurred. Other lines have been run without right of way agreements. The County needs to keep track of all of the lines and pipes that are installed in the County right of ways. There is a concern that a lot of damage can happen if our culverts are filled with irrigation pipes, and then cause flooding damage that the culverts were put in to prevent. Discussion is held about how to approach the problem of unidentified lines running under the County roads. Discussion is held about calling Blue Stakes before any digging work is done. This discussion will continue on another day.

APPROVAL OF LEASE AND MAINTENANCE SERVICE AGREEMENT WITH MANTI TELECOMMUNICATIONS

Motion is made by Commissioner Frischknecht to approve a lease and maintenance agreement with Manti Telecommunications to install and maintain a new phone system for the County. The motion is seconded by Commissioner Bartholomew, and the motion passes.

APPROVAL OF LETTER OF SUPPORT FOR MILITARY TRAINING WITHIN SANPETE COUNTY IN AUGUST OF 2014

Motion is made by Commissioner Bartholomew to approve sending a letter of support for military training within Sanpete County in August 2014. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL OF A LETTER FROM THE COMMISSION TO THE BLM REGARDING THE GATEWAY SOUTH DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

A letter has been prepared that approves the BLM's 3rd route choice. Motion is made by Commissioner Bartholomew to approve a letter to the BLM regarding the Gateway South Draft Environmental Impact Statement (DEIS). The motion is seconded by Commissioner Frischknecht, and the motion passes.

BRIAN WHIPPLE WITH CENTRAL UTAH COUNSELING CENTER (CUCC): DISCUSSION OF INDEPENDENT AUDIT AND MEDICAID MATCH

Brian Whipple and Farrel Marx are present. Mr. Marx reviews the audit. There may be a corrective action required due to the increased percentage that the CUCC needs to add to the state retirement. Mr. Whipple addresses the medicaid match. Medicaid charges have grown. The state is spending a lot more on medicaid. Mental health receives very few funds to help meet medicaid match. The County's required match will increase this year. Inpatient costs have increased in the last few years. Staff members are working at getting the patients out earlier. The fee from the hospital is \$1200 per day for mental health care. We are being required to pay for youth in youth homes who receive treatment, even if they come to the youth home from outside of Sanpete County. The division is working on having medicaid change the procedure so that the youth are being considered residents from where they come from, not residents from the youth homes they are in. 40% of our youth charges are from youth home residents who are originally from out of the county.

APPROVAL OF MINUTES

Motion is made by Commissioner Bartholomew to approve the minutes from April 1, 2014 with minor corrections. The motion is seconded by Commissioner Frischknecht, and the motion passes.

EXECUTIVE SESSION

No executive session was needed.

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

The meeting is adjourned at 4:35 P.M.

ATTEST: *Sandy Neill*
Sandy Neill
Sanpete County Clerk

APPROVED: *Claudia Jarrett*
Claudia Jarrett
Commission Chair

SANPETE COUNTY RESOLUTION 4-15-14

A RESOLUTION TO MANAGE WILD HORSE POPULATION ON BLM LANDS
ON THE WEST DESERT AT APPROPRIATE LEVELS (AML)
AS DIRECTED IN THE WILD HORSE AND BURRO ACT OF 1971 (ACT)

WHEREAS, Sanpete County is a county within the State of Utah and;

WHEREAS, wild horses roam free throughout the Bureau of Land Management (BLM) lands of the West Desert and are the responsibility of the BLM as specified in the Wild Horse and Burro Act of 1971 to manage them with AML's, and;

WHEREAS, the BLM has developed plans to manage wild horses to meet the provisions of the Act ". . . in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area." [16 U.C.S. § 1332 (Supp. V 1981)] and;

WHEREAS, many ranchers in Sanpete County winter graze their sheep on the West Desert, and;

WHEREAS, the current populations of wild horses on the BLM West Desert Lands are considered to be "excess," and;

WHEREAS, the BLM has provided letters to permitted users stating that no wild horse gathers will take place in the foreseeable future, and to reduce livestock Animal Use Months (AUM) to off-set the perceived ecological damages that will be caused by the exploding populations of wild horses with no intent to manage wild horse populations with the AML's, and;

WHEREAS, continued reduction in AUMs and increasing over grazing by wild horses on the West Desert is significantly impacting the livelihoods of our Sanpete permitted ranchers, and;

WHEREAS, the rangeland and existing ecosystem cannot sustain the wild horse population as it exists now, nor can it sustain future un-checked and un-managed growth of wild horse populations.

NOW THEREFORE BE IT RESOLVED, that the Sanpete County opposes the BLM's current decision to do nothing with the wild horse population on the West Desert, requiring the permitted grazing users to reduce AUM's, and knowingly allow the ecosystem to be destroyed by unchecked horse numbers, and views this decision as contrary to the Act and the existing planning documents, and;

BE IT FURTHER RESOLVED, the Sanpete County demands the Secretary of Interior, Congress, and other appropriate high ranking Bureau of Land Management persons, to allocate appropriate funding for the removal, and destruction of those wild horses that are above the AML in each Herd Management Area; and

BE IT FURTHER RESOLVED, that Sanpete County demands the Secretary of Interior, Congress, and other appropriate high ranking Bureau of Land Management persons, to approve

and allocate appropriate funding for the fertility treatment methods to reduce future unsustainable growth of wild horses.

PASSED AND ADOPTED by the Board of County Commissioners of Sanpete County, Utah this 15th day of March, 2014.

SANPETE COUNTY BOARD OF COUNTY COMMISSIONERS



Claudia Jarrett
Steve Frischknecht
Scott Bartholomew

ATTEST:

Sandy Neill
Sandy Neill, Sanpete County Clerk

VOTING:

Claudia Jarrett ✓
Steve Frischknecht ✓
Scott Bartholomew ✓

RESOLUTION NO. 4-15-2014. 2

The Board of Commissioners of Sanpete County, State of Utah, as the county legislative body of Sanpete County, Utah, hereinafter referred to as the "County Commission," recite the basis for adopting this resolution:

A. A proposal was filed by two separate landowners that a total of 7429.43 acres of land in agriculture production located in Sanpete County be established and created as an agriculture protection area. The final acreage as determined by Sanpete County parcel records equals 6972.24 acres which were inclusive of the map and description provided as public notice of this action. This resolution also includes parcel #26989 – a 200 ac parcel that the County Commission approved as part of the same Agricultural Protection Area described herein.

B. Notice of the proposal was published pursuant to U.C.A. Section 17-41-304 and all proposals for modification and objections were received by the County Commission.

C. The County Commission referred the proposal and all proposed modifications and objections to the Sanpete County Agricultural Protection Area Advisory Board and the Sanpete County Planning Commission. The County Commission received and reviewed reports from each of these bodies.

D. The County Commission conducted two public hearings, one at the commencement of the consideration process and one following receipt of the Sanpete County Agricultural Protection Area Advisory and Sanpete County Planning Commission reports, pursuant to notice as required by U.C.A. Section 17-41-304 and received public comment from all persons who appeared at the public hearings and spoke in favor or against the proposal, or proposed modifications to the proposal of the aforementioned bodies.

E. The County Commission considered all the reports, comments and information provided to it and considered whether the proposed land within the proposed agriculture protection area is currently being used for agriculture production, whether the land is zoned for agriculture use, whether the land is viable for agriculture production, the extent and nature of existing or proposed farm improvements and anticipated trends in agricultural and technological conditions that might affect the proposed agriculture protection area.

NOW THEREFORE LET IT BE RESOLVED by the Board of Commissioners of Sanpete County, Utah:

Section 1. Agriculture Protection Area Created. The following land, referenced by "Exhibit A", is hereby created and established as an agriculture protection area pursuant to Utah Code Annotated Title 17, Chapter 41, subject to the agreement and stipulation that this established Agriculture Protection Area not prevent, impede or interfere in any manner with the Narrows Project, whatsoever and in any manner, presently known or unknown ;

Section 2. Notice of Creation of Agriculture Protection Area. The Sanpete County Clerk shall file an executed copy of this resolution with the Sanpete County Recorder within ten (10) days from the adoption of this resolution in order to give constructive notice of the existence of this agriculture protection area as provided in Utah Code Annotated Section 17-41-304(4). The Sanpete County Clerk shall also provide a copy of this resolution to the Sanpete County Planning Commission within ten (10) days from the date hereof. The Sanpete County Clerk is further ordered to send a copy of this resolution, with the stamp of the County Recorder of deeds, to the Utah Commissioner of Agriculture within ten (10) days after recordation of this resolution.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

Commission members voting for:

Laudia Jarratt
Steve Frischknecht
Scott Bradshaw

Commission members voting against:

DATED: April 15, 2014.

Laudia Jarratt
Chair - Board of Commissioners

Attest: *Sandy Neill*
Sanpete County Clerk



EXHIBIT "A"

For recording purposes, the following separate parcels together equal the 6972.24 acres petitioned to be recognized as an Agricultural Protection Area within Sanpete County, Utah:

PARCEL 1 – 22523x4

S1/2 SE1/4, S 1/2 NW1/4 SE1/4, SE1/4 SE1/4 SW1/4 SEC 34-14-5E, SE1/4 NE1/4 SW1/4, NE1/4 SE1/4 SW1/4 SEC 34-14-5E LESS LOT 66 CONT 10.04 AC CONT 119.96 AC

PARCEL 2 – 26895x18

N1/2 SE1/4 NW1/4 NW1/4 SEC 3-15-5E CONT 6.32 AC

PARCEL 3 – 26898x6

NE1/4 SW1/4 SE1/4 SEC 4-15-5E CONT 10 AC

PARCEL 4 – 26897x3

S1/2 SE1/4 SE1/4 SEC 4-15-5E CONT 20 AC

PARCEL 5 – 26895x5

W1/2 NE1/4 SW1/4 SEC 3-15-5E LESS 5 AC OF LOT 115 CONT 15 AC

PARCEL 6 – 26893x

SW1/4 SW1/4, SE1/4, S1/2 NE1/4 SEC 3-15-5E CONT 280 AC

PARCEL 7 – 26895

LOTS 1,2,3, SE1/4 NW 1/4 SEC 3-15-5E CONT 191.54 AC

PARCEL 8 – 26894

SE1/4 SW1/4 SEC 3-15-5E CONT 40 AC

PARCEL 9 – 26893

E1/2 NE1/4 SW1/4 SEC 3-15-5E CONT 20 AC

PARCEL 10 – 26892

LOTS 1-2-3-4, S1/2 NE1/4; N1/2 SE1/4 SEC 2-15-5E CONT 359.64

PARCEL 11 – 26306

BEG SE COR NE1/4, SEC 12-15-4E W 9.58 C, N57°W 12.50 C, N86°45'W 6.80 C, N4°E 13.20 C, S88°E 6 C, N 20 C, E 20 C, S 40 C TO BEG CONT 84.17 AC

PARCEL 12 – 26902x4

BEG CTRLINE CO RD WHICH PT IS S 401.74 FT FROM CTR SEC 5-15-5E S 918.26 FT, W 1320 FT, N TO CTRLINE RD 977.59 FT, S88°45'05"E ALONG CTRLINE OF RD 441.51 FT, S87°45'18"E ALONG CTRLINE OF RD 771.42 FT. S79°44'08"E ALONG CTRLINE OF RD 109.52 FT TO BEG CONT 29.02 AC

PARCEL 13 – 26902x5

BEG CTRLINE CO RD WHICH PT IS 401.74 FT S CTR SEC 5-15-5E S79°44'08" ALONG CTRLINE OF RD 173.15 FT, S69°05'41"E ALONG CTRLINE OF RD 694.97 FT, S72°05'16"E ALONG CTRLINE OF RD 55.06 FT, S22°43'15" W 674.90 FT, W 611.31 FT, N 918.26 FT TO BEG CONT 13.93 AC

PARCEL 14 – 26898x2

BEG SW COR SEC 4-15-5E; S 89°59'37"E 1318.25 FT ALONG S SEC LINE SEC 4 TO 1/16 COR, S 89°59'37"E 439.75 FT, N03°05'37"W 1193.84 FT TO CENTERLINE PLEASANT CREEK, N 56°51'39"W 7.73 FT, N 47°20'39"W 70.17 FT, N 71°36'57"W 117.37 FT, N 84°44'58"W 52.98 FT, S 72°32'35"W 100.72 FT, N 63°34'22"W 58.99 FT TO 1/16 LINE, N 00°11'18"E 36.87 FT 1/16 LINE TO 1/16 COR, S 89°59'38"W 1296.59 FT ALONG 1/16 LINE TO W SEC LINE SEC 4, S 01°07'47"W 1318.62 FT ALONG SEC LINE TO BEG CONT 51.26 AC

PARCEL 15 – 26901x

BEG SE COR SEC 5-15-5E; N 01°07'47"E 1650 FT ALONG SEC LINE, N 89°36'18"W 789.46 FT, S 06°36'17"E 500.64 FT, S 15°53'43"W 418.30 FT, N 89°34'34"W 125.33 FT TO CNTRLINE CREEK, S 25°32'14"W 75.44 FT ALONG CREEK, NEXT 18 COURSES ALONG CREEK: S 56°45'39"W 30.42 FT, S 03°42'42"W 41.08 FT, S 45°19'37"E 66.79 FT, S 11°38'22"W 53.31 FT, S 58°14'09"W 45.27 FT, S 50°17'28"W 49.90 FT, S 01°40'47"W 66.15 FT, S 58°26'35"E 53.23 FT, S 19°19'09"W 52.43 FT, S 29°16'34"E 77.66 FT, S 57°04'40" ~~4696~~ FT, S 21°37'14"E 54.97 FT, S 41°35'28"W 75.12 FT, S 12°57'41"W 45.58 FT, S 88°11'52"E 32.69 FT, S 55°25'48"E 30.85 FT, S 29°14'31"W 21.15 FT, S 13°02'12"W 32.95 FT, S 14°25'34"E 12.47 FT ALONG CREEK S SEC LINE SEC 5, S 89°36'41"E 932.92 FT ALONG SEC LINE TO BEG CONT 32.719 AC

PARCEL 16 – 26906

SE1/4 SW1/4, SW1/4 SE1/4 SEC 5-15-5E CONT 80 AC

PARCEL 17 – 26901

BEG 14.25 C W SE COR SEC 5-15-5E W 5.75 C, N 750 FT, E 379.50 FT TO COAL FORK CREEK, SE'LY ALONG CREEK TO BEG CONT 6.53 AC

PARCEL 18 – 26925x1

E1/2 E1/2 SEC 9-15-5E CONT 160 AC

PARCEL 19 – 26919

BEG 10 RDS S CTR SEC 6-15-5E W 80 RDS,S 70 RDS,E 80 RDS,N 70 RDS TO BEG CONT 35 AC

PARCEL 20 – 26921

LOTS 1-2-3,E1/2 NW1/4,W1/2 NE1/4, SE1/4 NE1/4,E1/2 SW1/4,SE1/4 SEC 7-15-5E CONT 565.91 AC

PARCEL 21 – 26915

LOT 7 SEC 6-15-5E CONT 45.78

PARCEL 22 – 26923

S1/2 NW1/4,NE1/4,S1/2, SEC 8-15-5E CONT 560 AC

PARCEL 23 – 26925

W1/2; W1/2 E1/2 SEC 9-15-5E CONT 480.00 AC

PARCEL 24 - 26989

SW1/4,SW1/4 SE1/4 SEC 35-15-5E CONT 200 AC

PARCEL 25 – 26958

W1/2 NE1/4,SEC 29-15-5E CONT 80 AC

PARCEL 26 – 26945

NE1/4,E1/2 NW1/4 SEC 27-15-5E CONT 240 AC

PARCEL 27 – 26939

UND 1/2 INT IN S1/2 NE1/4,NE1/4 SE1/4 SEC 22-15-53 CONT 60 AC

PARCEL 28 – 26938

S1/2;NE1/4; E1/2NW1/4; SW1/4NW1/4 SEC 21-15-5E CONT 600 AC

PARCEL 29 – 26936

NE1/4 NE1/4 SEC 19-15-5E CONT 40 AC

PARCEL 30 – 26933

S1/2SE1/4, NW1/4 SE1/4,SW1/4 NE1/4 SEC 18-15-5E CONT 160 AC

PARCEL 31 – 26930

LOTS 1-2-3,NE1/4 SW1/4,NE1/4 NW1/4,N1/2 NE1/4,SE1/4 NE1/4,NE1/4 SE1/4 SEC 18-15-5E
CONT 373.91 AC

PARCEL 32 – 26929

N1/2 SEC 17-15-5E CONT 320 AC

PARCEL 33 – 26928

W1/2 NW1/4 SEC 16-15-5E CONT 80.00 AC

PARCEL 34 – 26927

ALL SEC 15-15-5E CONT 640 AC BK323 PG 560 R-O-W TO MT PLEASANT CITY

PARCEL 35 – 26312

BEG SW COR SE1/4 NW1/4 SEC 12-15-4E E 10 C,S 3.10 C,N71°W 10.57 C,N TO BEG
CONT 1.55 AC (6002.24

PARCEL 36 – 26305

NE1/4 NW1/4, NW1/4 NE1/4,SW1/4 NW1/4, SW1/4 SE1/4 NW14 SEC 12-15-4E CONT 130 AC

PARCEL 37 – 26941

W1/2,N1/2 NE1/4,W1/2 SE1/4,SE1/4 SE1/4 SEC 22-15-5E CONT 520 AC BK 323 PG560 FOR R-O-W
TO MT PLEASANT CITY

PARCEL 38 – 25991

S1/2 SE1/4,SE1/4 SW1/4 SEC 1-15-4E CONT 120 AC

PARCEL 39 – 26935x1

NW1/4 NE1/4; SE1/4 NE1/4 SEC 19-15-5E; CONT 80 AC

PARCEL 40 – 26936x1

SE1/4 NW1/4,SW1/4 NE1/4 SEC 19-15-5E; CONT 80.00

PARCEL 41 – 26937x2

S1/2 SE1/4 SE1/4 20-15-5E CONT 20 AC 08/07/2001

PARCEL 42 – 26937x1

S1/2 SW1/4 SE1/4 SEC 20-15-5E CONT 20 AC 08/07/2001